Dictated by RCR 1930

CRIMES

--AND--

THE ADMINISTRATION OF JUSTICE IN BRITISH COLUMBIA

- OF WHICH -

I HAVE HAD PERSONAL KNOWLEDGE FROM 1873.

Within the past few years a very noticeable and praiseworthy effort has been made on the part of the literary inclined among us, to secure correct records of the happenings and doings of the early settlers.

None the least of these are the crimes, and the manner in which Justice was administered in this Province. In this short talk, therefore, I will only deal with the crimes of which I have had a personal knowledge, and a correct history of their occurrences.

The first of which I can recall, is a murder committed in the City of Victoria in 1873. The Principals in this murder case were Foreman who was murdered by Schooley, his son-in-law.

Schooly got on one of his periodicals, and before he got out of it, he shot and killed his father-in-law, in the fall of 1873.

The Supreme Court of British Columbia was then composed of three Judges, Sir Matthew Bailey Begbie, as Chief Justice, with whom was associated Messrs. Justice Gray and Justice Crease.

At this trial the three Judges sat on the Bench, Judge Gray presiding. Schooley was tried and found guilty. In passing sentence, Judge Gray, commenting on the crime of murder, said, amongst other things, that he wished it known through the length and breadth of the Province, that any men who is known to carry the life of another in his pocket, and use it,

will be hanged as sure as there is a GOD in heaven.

Sir Matthew Bailey Begbie, whose name was synonomous with British justice, administered without fear or favor, his name being a terror to evil doers.

It was told of him that he once disregarded the verdict of a Jury in a murder trial which took place in the Cariboo Mining Camp, and without a new trial, sentenced the accused to be hanged. And he was hanged.

I knew him well and served as juror in many of his Courts. I recall a very striking incident, which will illustrate the character of the man as well as anything else.

A case in which a man was charged with the murder of another by striking him from behind with a sling-shot after dark, and from which the man died.

Judge Begbie presided at the trial. The evidence against the accused was conclusive, and the charge to the Jury was strictly in accordance with the evidence, and they were directed to bring in a verdict of guilty. Contrary to all expectations the verdict was one of "not guilty."

Judge Begbie ordered the man in the dock to stand up. Turning to the Jury, he said "Line up, so that the man in the dock can have a good look at you."

Addressing himself to the man in the dock, he said: "Look at them, they have said that you are not guilty of killing the man whom you struck with that sling-shot. I want you to have a good look at them, so that you will known them, and make no mistake. Sling-shot every one of them. They deserve it. Go."

Another instance, while I was a resident of the town of Lytton and a Juror on a case, a man was charged with stealing blankets from freight wagons while they were in camp. A verdict of guilty was returned. In addressing the prisoner,

he said: "The Jury was out just fifteen minutes and they have said that you are guilty. A less contentious lot of Jurors would never have left the box. I knew that you stole those blankets, just as though I saw you taking them from the wagons."

McLEAN BROTHERS.

I will now turn my attention to the murders committed in this section of the Province, particularly that of the McLean Brothers and Alexander Hare in the brutal murder of Mr. John Ussher, which occurred in this vicinity on the 6th day of December, 1879.

There were four brothers of the McLean family by his last wife, and two by a previous woman. The principal actors in this tragedy were three of the four sons of the last wife, Allan, Charles and Archie. Hector, the other brother, and next to Allan in age, was not with them at the time of the murder.

I became acquainted with Hector, the second brother, (who was considered THE bad man of the brothers), in 1876. He, in company with the late Johnny O'Brien, drove a bunch of beef cattle across the mountains in the Cassiar country, in that year. The cattle were the property of Victor Guilliume.

Being then the full fledged proprietor of a famous way-side house, I bought a beef from the owner, Mr. Victor Guilliume, who was with that party, paying the sum of $125.00 for the critter, on the condition that they butchered the animal for me, which they did, during which time Hector was pointed out to me as being a bad man with the gun.

The ones implicated in the murder of Ussher and the herder, Kelly, were Allan, Charles and Archie McLean, who were associated with Alex Hare, the son of a French man who was resident at the time on the Cherry Creek Ranch, having some time previously bought out the original locator, Mr. John McAulay. Mr. Hare later sold the ranch to Mr. W.J. Roper and went back to France.

Young Hare was frequently in trouble, with his father, who was then married to a bumptious young woman, and was eventually driven off the place. In every case he found a friend in Mr. Ussher, the Government Agent.

In those days, the official in charge of the district did duty as Government Agent, Mining Recorder, Gold Commissioner and Constable, all these offices being represented by the one man, Mr. John Ussher, who was married to a sister of Mr. James McIntosh. He was also a partner in the stock and ranch carried on by Mr. Michael Sullivan on the North Thompson River.

I do not know much about the early history of the father of the McLean brothers, aside from the fact that he was once in the employ of the Hudson's Bay Company, and that he was known to have had numerous skirmishes with the Indians, in all of which he came out on top, so much so, that the Indians in the Chilcoten district believed that he had a charmed life, and could not be killed by any rifle shot, as they had shot at him several times without effect. It is said that he wore a coat of armor.

However, one day, as he entered on board a canoe on the Chilcoten River, an Indian tried him again with a shot from his rifle. This time, no doubt, he was caught without his armor, and was killed.

The mother of these boys, whom I knew well, and who died in this City in 1894, was a woman of fine physique, standing over six feet and built in proportion, a really fine specimen of womenhood.

The McLean brothers were noted desperadoes and outlaws, and as such were dreaded the country round.

As the Government Agent, Mr. Ussher had befriended them, the McLean Bros. and young Hare, on numerous occasions, when they got in trouble, he felt that he could approach them at any time, under any circumstances.

On this memorable occasion, in addition to numerous other outrages and thefts, they had stolen a horse from Mr. William Palmer, of the Nicola Valley, the father of our respected settler, Mr. W.A. Palmer of Heffley Creek.

Mr. Palmer, deeming it neither prudent nor safe to approach them, roaming as they were in the hills, and having discovered their rendezvous, came to Kamloops and reported the case to the Government Agent.

By this time, the robberies and outrages of these young men had reached such a point, that, it was decided by the officials that it was time to put a stop to it, and capture and punish them.

Hearing that the OUTLAWS had said that they would never be taken alive, Mr. John Ussher fortified himself with a duly executed warrant, and enlisted the services of John McLeod, a man named Shumway and Mr. Palmer, the four started out on horseback.

Not expecting any serious resistance, they were poorly armed, and from the friendly relations between them and Mr. Ussher, the party was satisfied that as soon as they saw Mr. Ussher, they would give themselves up. On reaching the locality however, they very soon found out to the contrary.

The outlaws were overtaken, dismounted near a cluster of trees in the vicinity of Long Lake, about midway between the Lake and present residence of Mr. W. Jackson.

They immediately took up their position behind the trees as the party approached.

Ussher and McLeod rode forward to within a short distance of the OUTLAWS, when Allen fired, hitting McLeod in the cheek.

Ussher then sprang from his horse, and called out to them to cease firing.

Alex Hare then rushed at Ussher with a knife in one hand and a pistol in the other. A struggle ensued between Ussher and Hare. Ussher fell, and immediately Allen McLean called his accomplice to kill Ussher. Archie then stepped forward, and fired, killing Ussher while he lay on the ground.

Hare next saw some movement of the body, and immediately plunged his knife into the body two or three times, meanwhile McLeod receiving another shot into his knee. Ussher being dead and the party realizing their inability to cope with the outlaws, sneaked away the best they could and returned to Kamloops where a posse was organized, and the body of Ussher was brought in.

The OUTLAWS then left the locality of the crime, and came down into the Nicola Valley, reaching Ritchie McDonald's place at Napier Lake. They called. Mr. McDonald happened to be out at the time, but they found Mr. T.J. Trapp on the premises. (Mr. Trapp has since been, and is still a resident of New Westminster). They ordered him to hand out all the ammunition in the house as well as provisions, to which they helped themselves freely.

Proceeding from there, coming over the hill, and down the slope at the base of the other rise in the open space south of the ravine, they saw the old man Kelly who was herding sheep for Mr. Fraser, the then proprietor of the Stump-lake Ranch. Alex Hare deliberately shot and killed the shepherd. After riddling the body with bullets, they stripped it, and divided what was found on his person, among them.

Proceeding down the Valley until they came to Quilchena Creek, here they entrenched themselves in a stable owned by Chief Johnny Chillihitza of the Douglas Lake Band. From this point of vantage, they kept the posse at bay for several days.

In the meantime, Mr. John T. Edwards, who was a J.P. at the time, organized a large body of men from the surrounding district, all well armed, and started out after the outlaws.

Hector, the other brother, was put under arrest to prevent supplies being furnished through him to his brothers surreptitiously.

The seige was kept up, the party being reinforced until the stable was completely surrounded. After several days, communication was effected through Chief Johnny Chillihitsa with the bandits and the officials in charge. This was kept up for some days, and at the expiration of twelve days, they, seeing that further resistance was useless, decided to surrender.

Coming outside of the stable, they each fired off into the air, all their ammunition, and throwing down their guns, came out with their hands up to meet the party, and gave themselves up to the guards. They were then manacled and brought to Kamloops.

When asked why they shot the sheep herder, Kelly, Alex Hare said it was just to see how he would jump.

They were subsequently taken to New Westminster where they were tried, convicted, and sentenced to be hanged on the 16th of March 1880, and on which date they were executed.

Archie, the youngest brother, who was then only 16 years of age, was the only one of the four who did not show any signs of repentance. Hare, Allen and Charlie repented. Archie, on ascending the gallows said he wished and hoped that all his relatives would be hanged. This is the message he sent back to them. Allen and Charles and Hare took religious consolation, but Archie was obdurate and vicious to the last.

Thus ended the career of four of the most desperate young men that British Columbia was produced. Hector, the remaining full brother, after that, became very quiet and peaceful the rest of his life.

MOLOTT.

During the construction of the Canadian Pacific Railway under the Underdunk Contract, there were a number of hard cases who found their way into this Province.

Among the most notorious was a man named MOLOTT, who ran a joint at Eagle Pass, in which in 1885 he shot and killed a man on the premises, for no other reason than that which he gave himself, to the effect that the man was prowling about his place all day, and not spending any money.

Molott was arrested and brought to Kamloops, and tried at the Spring Assizes of 1885.

In those days, the Assize Court was opened by Commission issued over the signature of the Lieutenant Governor, and read on the opening day by the Sheriff. Molott was defended by Mr. Theodore Davie, afterwards Chief Justice, who discovered some technical error in the commission, appealed against the sentence of death, which had been passed on the accused, and secured a new trial, at the Fall Assizes. He was again convicted, sentenced, and was hanged in the spring of 1886, at the back of the old Log house which did service as gaol and Courthouse at that time.

ANOTHER OFFSPRING OF McLEAN.

Again, in 1885, another offspring of McLean came to the front, this time the son of Donald McLean, the elder of the two sons by the first wife of the original McLean.

In the Spring of 1885, this young man, named Alex. McLean got drunk and ran amock on horseback on the Indian Reserve across the river, shooting indiscriminately, during which he shot and killed one Indian and wounded four others.

Chief Louie mustered his braves, surrounded the bandit, and ordered them to shoot. He was shot off his horse and killed.

It was supposed that a shot from the rifle in the hands of the Chief himself, did the work.

The next day, the Chief and his braves in war paint and feathers, marched over to town and lined up in front of the Pioneer Saloon, in battle array, reviewed by the Chief, and marched back to the Reserve.

The body of Alexander McLean was claimed by his sister, Mrs. Victor Guilluime, and buried on the hill opposite the Vick Ranch, on the south.

CASIMIR BAPTISTE.

Next came the notorious Casimir. In August, 1886, he shot and killed an Indian by the name of Jerome in the hills, a short distance to the north of Jeffley Creek.

I happened to be going up the River on the afternoon of that day. The road then followed the bottom. On coming up to a point where the new grade opposite Jamieson Creek strikes the flat, I saw Casimir coming down the ravine with his rifle strung alongside horse.

Jerome's wife was camped at the end of the present grade on the bank of the river, to which point Casimir was heading,

Returning down the river four days later, I heard of the killing, and that Casimir was suspected of the deed. All the Indians knew that he was the man who committed the deed, but as Casimir was a relative to the Chief, none would come forward and give evidence against him. Of course, I kept my mouth shut.

Some time later he got drunk in town, and the Provincial Constable chased him over to the Reserve. As soon as he got across the river, he shot and wounded the constable. He then took to the hills, but was soon caught, tried and sent to the Penitentiary for five years, which term he served to the end.

Returning, after serving his full term, he was always considered and dreaded as being a bad and dangerous Indian.

On the afternoon of April 15th, 1899, Casimir, together with a number of his tribesmen, were engaged in sports on the Reserve. In a game of Lacrosse, he got mixed up with another Indian, whom he threatened to shoot. He had been drinking, but not drunk.

This Indian retorted with the slur: "Oh, yes, you can shoot Indians and get away with it, but you can't shoot a white man, you're too much scared." "I scared to shoot a white man eh? I will show you", was what came from Casimir.

Immediately after uttering these words, he went into the Chief's house, with whom he lived, took the Chief's rifle, and came direct to the point at the junction of the two rivers, got into a canoe which he found on the beach, came across and landed in front of Mr. James Power's lot. He came directly up through the lot to Lorne Street. Turning to the left, the first person he saw was Mr. Phil Walker sitting on his verandah, whom he deliberately shot and instantly killed. Continuing eastward, without looking to see what he had done, or whom it was he had shot, he crossed the bridge and took to the hills.

He really did not know who it was he had shot, but he shot the first white man he saw or met.

Mr. Phil Walker was for several years Manager of the Edwards Ranch, as well as lessee of the Kanouff Ranch, and as such had given employment to this Indian, and was a very good friend to him.

Mr. Phil Walker was shot and killed on the evening of the 15th day of April, 1899.

Casimir took to the hills. It was deemed useless to pursue him, as he would have a decided advantage over his pursuers, and thereby lives would be endangered. However, guards were kept over all the approaches to the Reserve, and on the Indians as well, to prevent supplies being taken to him.

In this connection Chief Louie rendered most valuable assistance.

Casimir remained in the hills until Sunday night of the 23rd, when he came out during the night, and entrenched himself in the house of the Chief. His return to the village was soon spread to town, and on Monday the 24th, nearly every available man in the Town of Kamloops found himself on the Indian Reserve. He remained entrenched all that day. No one dared go near the cabin which had a second story, from which vantage point the outlaw had a commanding view over the entire situation.

A strong guard was left in charge that night under the guidance of Mr. Martin Beattie, the Provincial Constable.

On Tuesday, we were all on the ground again, when an attempt was made to dynamite the building. In the meantime the Chief was using every effort to induce the outlaw to surrender. About 11:00 A.M. on Tuesday, just when a man had volunteered to place the dynamite under the cabin, Casimir stuck his head out of the window in the left, with his rifle pointing to the skies. He emptied its barrels, threw the rifle out of the window, came down and out with his hands in the air, and gave himself up.

He was manacled, brought to town, subsequently tried, sentenced to be hanged, and paid the penalty in the middle of July of that year.

FRANK SPENCER---PETE FOSTER.

Another daring murder was committed on the Campbell ranch at Campbell Creek in the month of June 1888, when a man known by the name of Frank Spencer, who was engaged in breaking horses for Mr. Campbell, shot and killed a laborer on the ranch by the name of Pete Foster, in a dispute over some change which Foster claimed was due him after the purchase of a bottle of whiskey which Spencer was commissioned to purchase for Foster.

It appears that Foster gave Spencer some money to buy a bottle of whiskey, which he did; returning with the liquor,

Foster claimed he was short in the change which was handed him by Spencer.

The dispute which followed resulted in a mix up, Spencer getting somewhat the worst of the fray. Spencer then ran into Mr. Campbell's house, secured a rifle, and as Foster approached him, he fired killing Foster instantly.

Spencer then went in the stable and saddled one of Mr, Campbell's horses and rode completely away, getting across the line unmolested and was never heard from until the Klondyke excitement in 1897, fully nine years after.

During the Klondike gold excitement in 1897, Spencer returned to Vancouver and booked for the North. After securing his ticket for his fare on the steamer to leave that night, he went to a restaurant for his supper. While eating, he was recognized by an ex-C.P.R. section man who knew him well.

Spencer having attended stable for Mr. Ratchford, the then proprietor of the Cosmopolitan Hotel, before he went to break horses for Mr. Louis Campbell, was well known to a number of railway men.

Spencer did not recognize the man, but before he realized anything, this fellow had slipped out and notified the police, Spencer had a tattoo mark on his arm which this man knew. When apprized of his arrest, he flatly denied he was the man wanted, as his name was not Spencer.

He was, however, confronted with the description of the tattoo on his arm, through which his identity was established. He was immediately taken into custody, and subsequently brought back to Kamloops to be tried, where he was convicted and sentenced to be hanged. He was executed at the back of the then new Court House on Victoria Street. At the time of the execution Spencer had been at large fully nine years.

LETTER TO "INLAND SENTINEL".

Editor, Sentinel.

Sir,--I was much interested in Mr. J. F. Smith's recent address on criminal cases of 40 years, but he has got slightly in error regarding the Foster murder. As stated by Mr. Smith, Peter Foster was shot and killed by Frank Spencer at the late Lew Campbell's ranch on May 20, 1887, and the murderer made off on horseback to the other side. But it was early in 1890 that the murderer was captured in Vancouver, the arrest being made by John McLaren, then chief of police at Vancouver and still connected with the local police department.

Spencer came to Vancouver with a band of horses from the other side and put up at the old Regina hotel at the corner of Water and Cordova streets, one of the few buildings that escaped the great fire of June 1886. He was seen through the window by a former resident of Kamloops who at once notified the police. Spencer was arrested while having his supper and although he denied that he was the man wanted, he was taken to Kamloops where his identity was soon established. He was tried at the spring assizes in 1890, found guilty and sentenced to death, the execution taking place on July 21, 1890.

Yours truly,

"OLD-TIMER"

Vancouver, B.C.

GEORGE ST. PAUL.

An Indian of the Kamloops band, in drunken fit combined with jealousy, in the summer of 1895, shot and killed his wife at the foot of Mount St. Paul.

He was immediately arrested by the Indians of the Band and surrendered to the Authorities.

Subsequently tried, and was convicted, the Jury verdict being manslaughter. He was given a life sentence, he died two years after in the Penetentiary of Tuberculossis.

PAQUETTE----LEGERE MURDER.

The Legere murder was another of those abomihable, cold-blooded crimes, for which strong drink was responsible.

Louie Paquette and Alfred Legere were friends. Legere was married to a woman with whom Paquette was also in love. They both lived in the White Creek Valley, a short distance from Notch Hill.

Paquette followed logging in the winter and ranching in the summer. Whenever he was drunk he would always make for his friend's house, and became a source of annoyance to the woman.

On the 26th of April, 1902, Paquette got on one of his periodical sprees, and visited the house of his friend Legere several times during the day, and from his conduct, the wife got very much afraid of him, and told her husband so, but the husband paid no attention to her warnings. Late that evening when they were both sitting in their kitchen, Paquette reappeared.

After chatting a while, he asked to be allowed to stay over night. To this the husband consented, as they were always very good friends. However, as there was only one bed in the house, Legere took him into another room, got bedding, and was in the act of making the bed on the floor when Paquette shot him dead. The wife, who was sitting in the kitchen in the dark

heard the shot. Looking in the direction of the room in which they were, she saw her husband roll over, and Paquette fired again. She then ran out into the dark, and hid herself in the bushes nearby. Paquette then made a search all through the building and outhouses, but failed to find her. He then returned to the house where the dead body of Legere lay, where he remained until the next day.

Mrs. Legere remained hidden in the bush for several hours, or until everything was quiet about. She then crept out in the darkness, and made for a neighbour's house, and gave the alarm.

The next day, Paquette was arrested without resistance, brought to Kamloops, where he was tried at the Spring Assizes, convicted and sentenced to be hanged. He was executed in July of that year.

WALTER B. JAMES.

In 1912, a man by the name of Walter B. James, was being brought up from Kelowna in charge of Provincial Constable James Ashton (Aston) on the steamer. He overpowered the Constable in one of the Staterooms of the steamer, got the constable's weapon, with which he shot and killed him. He was, in turn, overpowered by the crew of the steamer, placed under arrest, subsequently tried, convicted and hanged on the 9th August, 1912.

CHARLIE PERRAULT.

Charles Perrault, an Indian of the Bonaparte Band, in a drunken fit, combined with jealousy, while in camp at Hat Creek, shot and killed his wife while she slept in a tent with a number of her relatives.

After the shooting he took to the hills. Here the Chief of the Bonaparte Indians rendered valuable services to

the authorities, and thereby saved valuable lives. He undertook to deliver the outlaw to the authorities in a given number of days, which he did.

Perrault was convicted and hanged on the 9th July, 1915.

PAUL SPINTLUM.

Paul Spintlum, an Indian of the Williams Lake Band, who murdered a prospector, robbed him of his money, and hid the body in the bush was, after a lapse of a few weeks, apprehended.

Convicted of the murder, he was hanged on the 12th day of December, 1913.

ALEX IGNACE.

Alex Ignace, a young Kamloops Indian, in his perfect sober senses, shot and killed his young wife, through jealousy, on the Kamloops Indian Reserve, on the 7th day of January, 1919, about 2 o'clock in the afternoon, while she was in a wagon, in company with a couple of other Indians.

He was apprehended before he could get away into the hills, tried and convicted. He was hanged at New Westminster on the 4th day of July, 1919.

I always looked on this boy with suspicion, and with the belief that he would some day kill someone.

At the very hour of the day on which this murder was committed, I was so expressing myself to an Indian in the office, who was making some remark about him. Just one hour later, word was brought to my office that Alex Ignace had shot and killed his wife, and the body was brought in, in the wagon as she was shot, and delivered to me.

THERE were a number of other executions which were

carried out in the Provincial Gaol here, but which are not local occurrences, but which might be recorded here as indicating the swiftness with which justice was and is meted out in this Province.

Amongst them, I might mention:-

JAMES A. DOLE, convicted at Grand Forks, executed July 18, 1907.

SAM LOCK, a Chinese cook in Hobson's Mining Camp in the Cariboo who killed a fellow countryman. Executed August 5, 1907.

FRANCIS CIDDO, murdered one Walker. Executed July 31st, 1908.

BASIL AND ERNEST LOUIE, brought here from the Okanagan Valley, Executed July 20th, 1910.

TAKAHASKI, for murder committed in the Kootenay. Executed July 31st, 1914.

GEORGE ONOOKI, another Kootenay criminal. Executed July 31st, 1914.

CHARLES ROY, also from Kootenay. Executed August 13, 1915.

Gentleman, I will not intrude on your nerve any longer with this gruesome tale. My object in the first place was only to correct the numerous incorrect accounts which have, from time to time, been given of the McLean escapade of the early days.

Yours truly,

JOHN F. SMITH.