

## RETURN

To an Address of the Legislative Assembly for copies of all telegrams, correspondence, and other papers relative to directions given or attempts made for the arrest of Emia, a Chilcotin Indian.

By Command.

JNO. ROBSON,

*Provincial Secretary's Office,  
31st January, 1885.*

*Provincial Secretary.*

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*Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 4th August, 1883.*

The Attorney-General begs to report, for the information of His Honour the Lieutenant-Governor in Council,—

That, at the conclusion of the last Clinton Assizes, and after the sentence to death of Twentyman and Jaky, two Indians convicted of the murder of two Chinese, he separately examined the condemned men, in the presence of the Deputy Sheriff and Government Agent, in relation to statements alleged to have been made by Jaky concerning the murder of the Poole family in April, 1879; and, after informing the Indians separately that they were not expected or obliged to make any statement, and that anything they stated would not prevent the execution of the penalty, they severally made the statements, a copy of which is annexed.

The Attorney-General begs further to report, that from information received from B. F. English—one of the Chilcotin settlers—and from others, that there is reason to suspect that Emia—one of the Indians mentioned by Jaky—was concerned in the killing of a Chinaman several years ago, and that evidence is forthcoming to that effect.

The Attorney-General considers that Jaky's statement is worthy of such consideration that steps should be taken to procure the arrest of the Indians he inculpates. This cannot probably be accomplished during the summer, owing to their nomadic habits, though possibly it may soon be effected if the Chief—Anahem—will assist.

The Attorney-General recommends that he be authorized to conclude with Mr. English an arrangement by which, in the event of his lodging the two Indians in gaol at Clinton at any time during the present year, Mr. English to receive such sum as may be agreed upon between the Attorney-General and Mr. English, not to exceed however the sum of \$500.

Of course, proper informations would be sworn out, and warrants for the arrest of the Indians issued to Mr. English, who would be sworn in as Special Constable for the purpose.

The Committee of Council advise the approval of the recommendation.

Certified,

(Signed)

T. ELWYN,

*Deputy Clerk, Executive Council.*

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*The Attorney-General to the Government Agent, Clinton.*

VICTORIA, 4th August, 1883.

SIR,—In accordance with the authority given to me by the Executive, I have concluded with Mr. B. F. English an arrangement by which, in the event of his delivering at any time during the present year at the Clinton gaol, free of expense to the Government, the two Stone Indians—Charley *alias* San-ney-ya, and Emia—he is to receive the sum of \$500.

You will recollect that these are the two Indians whom Jaky, in his written statement made to me at Clinton, implicated in connection with the Poole tragedy on the Pemberton Meadows.

From English's statement, it would further appear that he has good reason to believe that this same Emia killed a Chinaman some years ago, and that evidence to that effect is forth-

coming. Mr. English will leave Victoria this day-week, and by him I will forward the informations to be sworn out by Livingstone, and the warrants.

Mr. English must be sworn in, before you, a Special Constable. He does not expect to effect the capture during the summer months without the assistance of Anahem, which he will endeavour to get, but undertakes any way to use every effort, and is sanguine of being successful in any event as the winter weather approaches.

No information should be given to the general public, less the intention of the Government should be communicated,

I have, &c.,  
(Signed) ALEX. E. B. DAVIE,  
*Attorney-General.*

*The Attorney-General to the Government Agent, Clinton.*

NEW WESTMINSTER,  
August 4th, 1883.

SIR,—On my way up to-day from Victoria I find that Mr. English is on board, and I now supplement the communication to you of this date, from my department, with the following remarks:—

English suggests that the Indian informant, who with Emia is alleged to have participated in the killing of the Chinaman some ten years ago, should be arrested as well. I agree with the suggestion, because, if the story concerning the killing of the Chinaman be true, the informant Jim, *alias* Quital, will be requisite as Queen's evidence.

Hence, informations and warrants (enclosed) will be as follows:—

1. Information by Livingstone against Charley, *alias* San-ney-ya, and Emia for the murder of Thomas Poole, and warrant for their arrest.
2. Information by English against Emia, and Jim, *alias* Quital, for the murder of the Chinaman, and warrant to him for their arrest.
3. Form of oath for English to take as Special Constable.

The informations and English's Special Constable's oath will be sworn before you as J. P., and will be retained by you.

The warrants will be signed and sealed by you as J.P., and delivered to English.

There should be no difficulty in Livingstone laying the information, as he was present when Jaky made the statement inculcating San-ney-ya and Emia in the Poole case. If he hesitates, there are no doubt others sufficiently cognizant with what Jaky has said to subscribe to it.

English wishes to be supplied for his mission with Henry rifle (Government) in your custody. Let him have it, with a sufficient supply of ammunition, taking his receipt for and undertaking to return the rifle.

I again impress the necessity of secrecy, for if the Indians became aware of English's errand, except in his own manner, it will be fraught with difficulty.

You will be good enough to forward to my office a copy of this letter, for filing, as I am away from the letter press.

I have shewn this and the other letter to Mr. English. The agreement with him includes Quital, as well as San-ney-ya and Emia.

I have, &c.,  
(Signed) ALEX. E. B. DAVIE.

P. S.—If the informations or warrants require alteration you will amend them.

*The Government Agent at Clinton to the Attorney-General.*

GOVERNMENT OFFICE, CLINTON,  
August 7th, 1883.

SIR,—I have the honour to acknowledge the receipt of your first and second dispatches of date August 4th, received per B. F. English to-night, and to inform you that the whole of the arrangements and instructions therein contained have been carried out by me to the letter; and, in the matter of secrecy, everything has been done in the office here, Livingstone and myself being the only parties here who know anything at all of the business in hand.

I have supplied English with the Winchester repeating rifle and forty rounds of cartridges, and have taken his receipt for same. I have also supplied him with two sets of wrist-irons, and have to request that you will direct two sets to be sent to this office to replace the others, until they are returned.

I enclose herewith your second dispatch as requested, and have taken a copy of same.

I have, &c.,  
(Signed) F. SOUES,  
Government Agent.

*The Deputy Attorney-General to the Government Agent, Clinton.*

ATTORNEY-GENERAL'S OFFICE, VICTORIA,  
18th August, 1883.

SIR,—I have the honour to acknowledge the receipt of your letter of the 7th instant, with its enclosure.

I have, &c.,  
(Signed) P. Æ. IRVING,  
Deputy Attorney-General.

[TELEGRAM.]

SODA CREEK, 18th August, 1883.

*To Attorney-General, Victoria.*

One man is dead. Brother to Timia, Indian Chief, says we are right. Shall I get the one, you know who. Wire reply.

(Signed) B. F. ENGLISH.

[TELEGRAM.]

ATTORNEY-GENERAL'S OFFICE, VICTORIA,  
21st August, 1883.

*B. F. English, Soda Creek.*

Yes; most certainly, and look out for stolen articles and witnesses.

(Signed) ALEX. E. B. DAVIE.

[TELEGRAM.]

SODA CREEK, 14th September, 1883.

*The Attorney-General, Victoria.*

Chief Anahem won't let no less than three Indians go with me to make arrest, and they want fifty dollars each. Shall I give it on Government expense. I know about where he is. Anahem knows we are right. Answer quick. Am ready to go.

(Signed) B. F. ENGLISH.

[TELEGRAM.]

ATTORNEY-GENERAL'S OFFICE, VICTORIA,  
17th September, 1883.

*B. F. English, Soda Creek.*

Am disappointed you should ask more than five hundred dollars. Government, however, authorizes \$150 more. Look out for stolen property.

(Signed) ALEX. E. B. DAVIE.

*Mr. B. F. English to the Attorney-General.*

SODA CREEK, 7th October, 1883.

SIR,—I extremely regret to inform you of my failure to capture Tamio. Having ascertained his whereabouts, I at once started in company with three of Tusee's Indians. Crossing the Chilcotin about fifty miles from its mouth, I here enlisted the services of two Stones, who knew the exact position of his camp, in a very inaccessible and mountainous part of the country, between the head-waters of Chilcotin and Bridge Rivers. When nearing his camp, with every precaution we travelled during the night, in order to arrive early in the morning, which we did, and surrounding his camp, took its occupants completely by surprise, but to find he had

left before daylight on his round setting traps. Finding out he would return during the day, I posted my men in position to effect his capture on return, at the same time keeping guard at camp that no warning would be given him. Unfortunately he crossed our tracks, as no Tamio returned. Had we arrived a day sooner or later, there is no doubt we would have captured him with ease. I learned from the Indians he is always on the alert, well armed, and his dogs staked around camp whenever he is in it; and, that if brought to bay, will fight to the bitter end. Knowing my uselessness scouring the country at this time of year, I returned. Although I failed to effect his arrest, I am nevertheless well satisfied with my trip, having gained sufficient information to banish from my mind *all doubt* as to the murderer of Poole. I believe several articles are yet in his possession, such as blankets, a saddle, sheath knives, and hand-saw; the two latter articles Tamio having told Quolth were given him by Hunter Jack. I must remind you this Quolth was Tamio's assistant in the China murder some years ago. The former informed me Tamio told him the whole particulars of the Poole murder shortly after it was committed, and is willing to give every assistance to effect Tamio's capture, thinking his services will exonerate him from the consequences of the China affair. In fact, all the Indians are anxious to have him arrested, and openly acknowledge that Tamio and his brother were two of the Poole murderers.

There is now but one way to effect his arrest, and that is during the winter, on snow-shoes. Every assistance can be obtained from the Indians, and let two white men accompany them to direct their movements and give them courage, as the Indians all fear him.

I append a note of the money I expended; for my own services I expect nothing, being well satisfied with the information I gleaned, and the knowledge that Tamio is one of the murderers of the Poole family.

In conclusion, I may state, if you decide on the above plan of arrest, I will give all the assistance I can, apart from travelling on snow-shoes; this I would not attempt.

Two good and reliable men will, I think, be obtainable here this winter.

I have, &c.,  
(Signed) B. F. ENGLISH.

EXPENDITURE.

Cash paid Con.....	¢	50 00
"    Dick.....		50 00
"    Billy Tusee .....		50 00
"    Kumtuse, Stone Indian .....		20 00
"    Jim,                   " .....		20 00
"    2 sacks Flour .....		8 00
"    2 boxes Yeast Powder .....		1 00
"    2 lbs. Tea .....		2 00
"    30 lbs. Bacon, @ 30 cts.....		9 00
	¢	<u>210 00</u>

*The Attorney-General to B. F. English, Esq.*

VICTORIA, 14th November, 1883.

SIR,—I beg to acknowledge the receipt of your letter of the 7th ultimo, informing me of your failure to effect the arrest of Emia, and requesting payment of \$210 for disbursements.

I have approved of a voucher for payment to you of that sum. The voucher will be forwarded by next mail to Mr. Soues, the Government Agent at Clinton, from whom you can then draw the money.

I beg to express to you the thanks of my department for your exertions, and much regret that you feel unable to undertake a journey during the winter, which you suggest as the most efficacious method of effecting Emia's arrest.

I have, however, written to Mr. Soues, authorizing him to arrange with some competent person to undertake the expedition, and Mr. Soues will no doubt correspond with you on the subject.

Your agreement with the Government is of course at an end. I have, &c.,

(Signed) ALEX. E. B. DAVIE,  
*Attorney-General.*

*The Attorney-General to the Government Agent, Clinton.*

ATTORNEY-GENERAL'S DEPARTMENT,  
Victoria, 16th Nov., 1883.

SIR,—

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Reg. v. Emia.

Mr. English has forwarded me a letter, a copy of which find enclosed. I have certified a requisition for payment of the \$210 he requests, and it will be forwarded to you from the Treasury by next mail. As he cannot undertake an expedition on snow-shoes, I have written to him terminating his agreement with the Government.

I now authorize you to pay, in full of all demands, to any person to whom you may deliver warrants for the arrest of Emia and Quital, the sum of \$500 upon the safe delivery of Emia and Quital at the gaol at Clinton.

You can issue fresh warrants on the informations already in your possession. (See my letter of August 4th, 1883.)

I trust you will be able to find a competent person who will undertake the work. It will be best perhaps to wait, before sending anyone out, until the Chilcotin Indians have been paid in respect of the Twentyman and Jaky affair, and in your discretion you can correspond with English and Reed. I shall be glad of any suggestions you can offer in the matter.

I have, &c.,

(Signed) ALEX. E. B. DAVIE,  
*Attorney-General.*

*The Government Agent, Clinton, to the Attorney-General.*

GOVERNMENT OFFICE, CLINTON,  
November 23rd, 1883.

SIR,—I have the honour to acknowledge the receipt of your letter of the 16th, with enclosure and instructions in the matter of the payment of the Chilcotin requisitions. Also instructions as to the payment of Mr. B. F. English, and your authority to me authorizing me to pay, in full of all demands, the sum of five hundred dollars for the safe delivery of Emia and Quital at the gaol at Clinton.

Apart from paying the Chilcotin Indians in respect of the Twentyman and Jaky affair, I do not think it would be expedient to send anyone out for the arrest of Emia and Quital at present. The journey must be made on snow-shoes, and to make the travelling easy in that manner will require a good fall of fresh snow, and that allowed to settle for a few days.

I shall correspond with you before taking any active steps in the matter, and meantime will endeavour to have all preliminaries arranged.

I have, &c.,

(Signed) F. SOUES.

*The Government Agent, Clinton, to the Attorney-General.*

GOVERNMENT OFFICE, CLINTON,  
December 5th, 1883.

SIR,—I have the honour to enclose, for your information, copies of certain correspondence that has passed between T. P. Reed, Esq., and myself, in the matter of the arrest of Emia and Quital.

I have, &c.,

(Signed) F. SOUES,  
*Government Agent.*

*The Government Agent, Clinton, to T. P. Reed, Esq., J.P., Soda Creek.*

GOVERNMENT OFFICE, CLINTON,  
27th November, 1883.

SIR,—I have the honour to inform you that I am authorized by the Hon. Attorney-General to pay, in full of all demands, to any person to whom I may deliver warrants for the arrest of Emia and Quital, the sum of five hundred dollars upon the safe delivery of the above-named Indians at the gaol at Clinton, and am instructed to correspond with yourself and Mr. English in the matter. I shall feel much obliged if, after consultation with Mr. English, you will give me your views and advice in the matter; and also nominate the person—if you know of any such—to whom the warrants can be entrusted.

As I will have authority shortly to pay the Indians and others engaged in the arrest of Twentyman and Jaky, I think it would not be advisable to move in the other matter until this is done. At the same time, if the arrest of Emia and Quital can be effected without the knowledge of the Chilcotin Indians, I think it would be much the better way. I have, &c.,

(Signed) F. SOUES,  
Government Agent.

*T. P. Reed, Esq., J.P., to the Government Agent, Clinton.*

SODA CREEK, 2nd December, 1883.

SIR,—I beg to acknowledge receipt of your letter of the 27th ultimo, containing the information that the Government had offered to pay \$500 for the arrest and safe delivery at Clinton of the acknowledged murderer of the late Thos. Poole and family.

I may at once state that I am at a loss as to whether the contents of your letter is intended for my serious consideration, or simply an official joke. If the former, there is no necessity for further correspondence with me relative thereto, as it must be apparent to the Hon. Attorney-General that the paltry sum of \$500 will never effect the desired arrest. In fact, it is sufficient evidence to me the Government has no intention of carrying out the long expressed wishes of the settlers in this upper part of the country. I have, &c.,

(Signed) T. P. REED.

*The Government Agent, Clinton, to T. P. Reed, Esq., J.P.,*

GOVERNMENT OFFICE, CLINTON,  
December, 5th, 1883.

SIR,—I have the honour to acknowledge the receipt of your letter of the 2nd inst., and beg to say that I never joke officially. The subject-matter of my letter to you of the 27th ult., was simply a repetition of an official letter to me on the same subject from the Hon. Attorney-General, and I must say that I fail to see anything therein contained calling for a reply in the tone expressed in your letter.

I must remind you that the Hon. Attorney-General, a short time ago, found a party in the person of Mr. English, willing to go out and make the arrest of the reputed murderer of the Poole family "for the paltry sum of \$500."

That Mr. English did not succeed in his undertaking was no fault of his. According to his report a day sooner or later and he would have been successful. I fail to see that more than two determined men are required in the matter. Mr. English reports that the Indians are all anxious to have Emia arrested, and that every assistance can be obtained from them in the matter.

Were the whole tribe of Indians in the Chilcotin and Stone country in arms, determined to screen their countryman, I could easily understand that it would be madness for two brave men to attempt the capture. As it is I fail to see any particular danger or hardship to be incurred for the amount offered.

I have, &c.,  
(Signed) F. SOUES,  
Government Agent.

[TELEGRAM.]

VICTORIA, 31st December, 1883.

*F. Soues, Clinton.*

Concerning arrest of Chilcotins Emia and Quital, Government has authorized in addition to conditional payment of \$500, the further sum of \$300, to be advanced and disbursed by you unconditionally for expenses of parties undertaking warrants of arrest.

(Signed) A. E. B. DAVIE,  
Attorney-General.

*The Government Agent, Clinton, to the Attorney-General.*

GOVERNMENT OFFICE, CLINTON,  
January 2nd, 1884.

SIR,—I have the honour to acknowledge the receipt (to-day) of your telegram of the 31st ult., authorizing me to advance the sum of three hundred dollars, on condition only for expenses

of parties undertaking warrants for arrest of Emia and Quiltal, Chilcotin Indians. This sum of three hundred dollars being in addition to the conditional payment of five hundred dollars, which I already have authority to pay for the delivery of the above named Indians at the gaol here.

In connection with the above, I regret to have to report, for your information, that I have so far been unable to move in the matter.

I have, &c.,  
(Signed) F. SOUES,  
*Government Agent.*

*The Government Agent, Clinton, to the Attorney-General.*

GOVERNMENT OFFICE, CLINTON,  
March 11th, 1884.

SIR,—I have the honour to enclose herewith, for your information, letter received from T. P. Reed relative to the Stone Indian Tamio. I regret, exceedingly, that I have so far been unable to act on your instructions, but there is in fact no one here that I could recommend as suitable to attempt the arrest.

I have, &c.,  
(Signed) F. SOUES,  
*Government Agent.*

[ENCLOSURE.]

SODA CREEK, 9th March, 1884.

SIR,—I am desired by Mr. English to inform you that Tamio is still in his mountain retreat, and from what he can ascertain intends to remain there. Mr. English has endeavoured to get someone to arrest him but cannot succeed in doing so, as no one up here appears anxious for so perilous an undertaking. If there is anyone you deem suitable for and willing to undertake the journey, in your neighbourhood, Mr. English desires me to state he will procure the party, if they so wish, three good reliable guides, and furnish every information in his power for guidance.

I am, &c.,  
(Signed) T. P. REED.

[TELEGRAM.]

CLINTON, 19th June, 1884.

*P. Æ. Irving.*

Send me depositions in Poole murder case, and deposition of Jaky, taken by the Attorney-General.

(Signed) F. SOUES.

*The Deputy Attorney-General to the Government Agent, Clinton.*

VICTORIA, 21st June, 1884.

SIR,—In answer to your telegram of 19th, I have the honour to enclose you statements of Jaky and Crow, inculcating Emia with the Poole murder.

I am unable to find the depositions taken at the preliminary examination in this case.

I have, &c.,  
(Signed) P. Æ. IRVING,  
*Deputy Attorney-General.*

*Government Agent, Clinton, to the Deputy Attorney-General.*

GOVERNMENT OFFICE, CLINTON,  
July 1st, 1884.

SIR,—I have the honour to acknowledge the receipt of your letter of the 21st, enclosing statements of Jaky and Crow. I applied for these on the advice of His Honor Mr. Harrison, to be prepared with evidence in the event of a capture by Special Constable Connor.

I will take every care of the statements and return them to your department.

I have, &c.,  
(Signed) F. SOUES,  
*Government Agent.*

[TELEGRAM.]

CLINTON, 21st September, 1884.

*To P. Æ. Irving.*

B. F. English wires me to-day will arrest Poole murderer for one thousand dollars, delivered at Clinton, if you send one constable. An immediate answer absolutely necessary. Please advise.

(Signed) F. SOUES.

*Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 22nd September, 1884.*

The Committee of Council have had under consideration a memorandum from the Deputy Attorney-General, stating that he had this day received from the Government Agent at Clinton, a telegram, of which the following is a copy:—

“B. F. English wires me to-day will arrest Poole murderer for one thousand dollars, delivered at Clinton, if you send one constable. An immediate answer absolutely necessary. Please advise.”

The Committee advise that the following telegram be sent by the Deputy Attorney-General to the Government Agent at Clinton:—

“Government have no constable available, but will pay one thousand dollars for the apprehension and delivery at Clinton of Poole’s murderer. Payment on conviction.”

Certified,  
(Signed) T. ELWYN,  
*Deputy Clerk, Executive Council.*

[TELEGRAM.]

VICTORIA, September 22nd, 1884.

*F. Soues, Clinton.*

Government have no constable available, but will pay one thousand dollars for the apprehension and delivery at Clinton of Poole’s murderer. Payment on conviction.

(Signed) P. Æ. IRVING,  
*Deputy Attorney-General.*

*Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 28th January, 1885.*

On a memorandum from the Honourable the Attorney-General, dated the 27th day of January, A.D. 1885, recommending that the Government Agent at Clinton be authorized to expend a sum not exceeding six hundred dollars towards the arrest of Emia, a Chilcotin Indian, and the delivery of him to the gaol at Clinton.

The Committee advise approval.

Certified,  
(Signed) T. ELWYN,  
*Deputy Clerk, Executive Council.*

[TELEGRAM.]

VICTORIA, 27th January, 1885.

*F. Soues, Clinton.*

Government authorizes the expenditure not exceeding \$600 for purpose arresting Emia, Chilcotin Indian. Consult Meason, Dog Creek, and entrust affair to him. Regard previous instructions as cancelled.

(Signed) A. E. B. DAVIE.