

Documents on Canadian Arctic Sovereignty and Security

ARCTIC SHOW TRIAL

The Trial of Alikomiak and Tatamigana, 1923

Introduced by Ken Coates and William R. Morrison

Documents Compiled by P. Whitney Lackenbauer
and Kristopher Kinsinger



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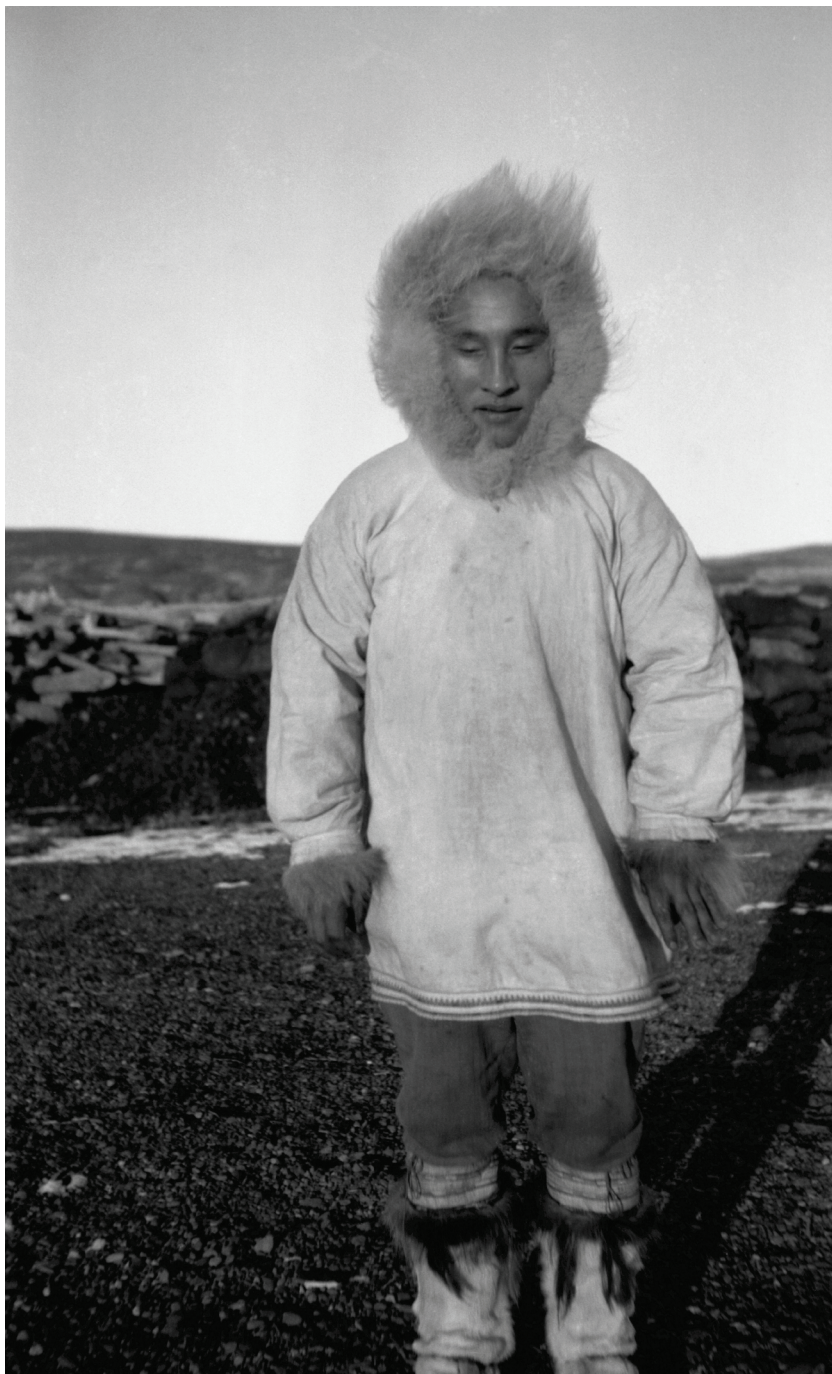
Foreword

Alikomiak and Tatamigana were the first Inuit tried and executed for murder under Canadian law. The case was the third in a series of killings of outsiders by Inuit in the western Arctic which had begun in 1912; the first two had resulted in more lenient treatment. The trial of these two men, which took place in the summer of 1923, was in the nature of a show trial, designed by the federal government to show the Inuit that the authorities would no longer tolerate such acts of violence. It was also meant to be a demonstration to the world of Canada's sovereign rights in the Arctic, rights which had an uncertain foundation in international law. The conviction and execution of Alikomiak and Tatamigana caused controversy at the time; sentiment for clemency was based on claims (made then and subsequently) that Inuit were simple and primitive, and did not understand the principle of execution for murder.

The sentencing of Alikomiak and Tatamigana was entirely in keeping with Inuit custom. Furthermore, alternatives to execution suggested by those with better knowledge of the North were in some ways even harsher than capital punishment. Extracts from the capital case file and the transcripts of the trial make these points clear.

The purpose of this collection is to bring together and make publicly accessible primary documents related to this landmark trial. Our hope is that teachers, students and scholars will use this material to discuss and debate the legal aspects of the case, the media coverage of it, and the interactions between the legal cultures of Inuit and the Canadian state. Whitney Lackenbauer collected the primary material contained in the document section, oversaw the selection of documents and transcription, and completed the editing and layout of the publication. Our special thanks to Kristopher Kinsinger, now a law student at Osgoode, who identified and transcribed relevant documents during the summer of 2016 under Lackenbauer's supervision, and to Suzanne Lalonde, Professor of Law at the Université de Montréal, for her assistance in deciphering and transcribing Lucien Dubuc's handwritten letter (doc. 38).

Ken Coates, William Morrison, and Whitney Lackenbauer
March 2017



Alikomiak. *Glenbow Archives NB-40-376.*

Introduction

“To Make These Tribes Understand”: The Trial of Alikomiak and Tatamigana

Ken S. Coates and William R. Morrison¹

In July 1923, two Inuit men, Alikomiak and Tatamigana, were tried for murder at Herschel Island, a small island just off the north coast of the Yukon Territory, in the Beaufort Sea. This uninhabited island is now the Yukon's first territorial park, but at the beginning of the century it had a lively existence as the centre of the whaling industry in the western Arctic. It had the best natural harbour for hundreds of kilometres along the Arctic coast, and because of the distance from home port in San Francisco and other west-coast cities, the ships came for voyages of two or three years, wintering at Herschel Island. Around 1895, at the industry's height, about 1000 people were resident on the island in winter, including the crews of about a dozen ships, a number of Inuit, and a missionary and his family.²

After repeated appeals to the federal government from W.C. Bompas, Anglican Bishop of the Yukon, who complained that the Inuit were being debauched by liquor and sexually exploited by the whalers, a two-man detachment, consisting of Sergeant F.J. Fitzgerald and a constable of the Royal North-West Mounted Police, was established on the island in the summer of 1903. Sergeant Fitzgerald, a veteran of Yukon service, spent the rest of his career at Herschel Island; he became famous as leader of the “lost patrol,” in the winter of 1910–11, when he and his three companions became lost and starved to death in an attempt to set a speed record on the Fort McPherson-Dawson patrol.³

The whaling industry was on its last legs by 1910, and by 1914 no more whalers came north to hunt the bowhead whale. The Mounted Police detachment on Herschel Island was kept open, however, since its purpose in the first place was not

¹ This introduction originally appeared in *Arctic* 51/3 (September 1998): 220-30. Reproduced with permission.

² J.R. Bockstoe, *Steam Whaling in the Western Arctic* (New Bedford: Old Dartmouth Historical Society, 1977).

³ W.R. Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925* (Vancouver: University of British Columbia Press, 1985), 133.

really to watch over whalers or protect the Inuit. The post was there to show the flag—to proclaim the sovereignty of the Canadian government over the western Arctic. Because significant areas of the Arctic had been explored by non-Canadians, particularly Scandinavians, Canadian sovereignty had to be based on occupation and administration rather than on claims arising from discovery. It was for this reason that other detachments were built in the central and eastern Arctic after World War I, extending the nominal authority of Ottawa over regions as remote as the Bache Peninsula, in central eastern Ellesmere Island, which at 79°N latitude was the most northerly police post in the history of the police, and the most northerly post office in the world at that time. Although mail delivery was only once a year, and there were only two police and an Inuit family as residents, the existence of the place was an important manifestation of sovereignty.

A crucial demonstration of sovereignty in the Canadian North was enforcing the criminal law on the indigenous people. In the Arctic, the federal government and the police were at first inclined to take a lenient view of Inuit who broke the law. The official view was, sensibly, that it was unreasonable to expect the Inuit to obey the law before they had been told what it was, and in any case, the police in particular took a benign view of the Inuit in the early contact period, finding them cheerful, helpful, and accepting of authority.⁴

Whatever views the Mounted Police held on the Inuit as individuals, however, their duty lay in enforcing the political will of the federal government, and it was Ottawa's wish that its sovereignty be emphasized in the Arctic through enforcement of the law. Such enforcement was not an easy task, for the distances were huge, and the land only newly discovered by Europeans—as late as 1914, members of the Canadian Arctic Expedition met groups of Inuit in the central Arctic who had never (or only very recently) met a non-Inuit.⁵ A third difficulty was the unusually high rate of violence and murder among the central Arctic Inuit. As Sidney Haring points out, the contact period, roughly 1910 to 1920, saw six Europeans and about forty Inuit murdered among the Copper Inuit, and all this violence took place in a community of 700.⁶

The official attitude at first was to deal leniently with these people, but when the violence continued, the official attitude hardened. Three cases show this change. In

⁴ Morrison, *Showing the Flag*.

⁵ R.G. Condon, *The Northern Copper Inuit* (Toronto: University of Toronto Press, 1996), 49.

⁶ S. Haring, "The Rich Men of the Country: Canadian law in the land of the Copper Inuit, 1914–1930," *Ottawa Law Review* 21 (1989): 1–64.

June 1912, two explorers, H.V. Radford, an American with northern experience, and George Street, a young man from Ottawa, were killed by Inuit at the southern end of Bathurst Inlet, apparently because Radford, who was notoriously bad-tempered, had threatened and struck an Inuit man who was acting as their guide. The police sent out an expedition to investigate; the group ran into difficulties, and it was not until the winter of 1917–18, when the crime was nearly six years old, that they obtained solid information about it.⁷ The government accepted the fact that the Inuit, in killing these men, were simply following their own law and tradition, and the expedition to find the men responsible was more one of exploration than of punishment. They seem never to have contacted the actual killers, but did reach their families, and explained to them the error of their ways and warned them that Canadian law was now to be obeyed.

Late in 1913, two Oblate priests, Fathers Rouvière and Le Roux, were killed under similar circumstances near Bloody Falls on the Coppermine River (the site was named not for this murder, but for an incident 140 years earlier, when Samuel Hearne's Indian guides had killed a band of Inuit there). Le Roux had threatened one of the Inuit guides, and both men were killed by Sinnisiak and Uluksuk. In this case, the police located the killers fairly quickly; the episode became known in 1914, a patrol was sent out in 1915, the killers were contacted and arrested in 1916, and the

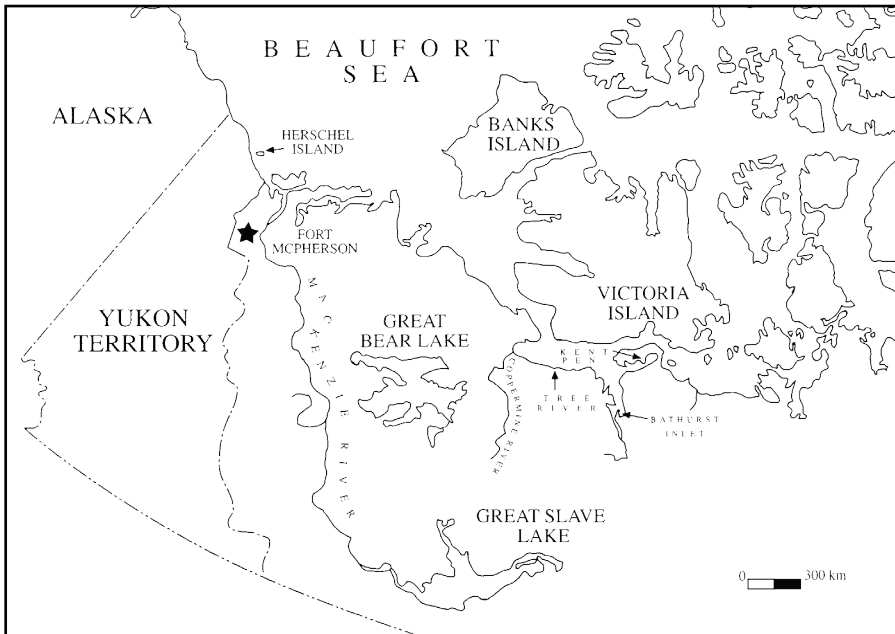


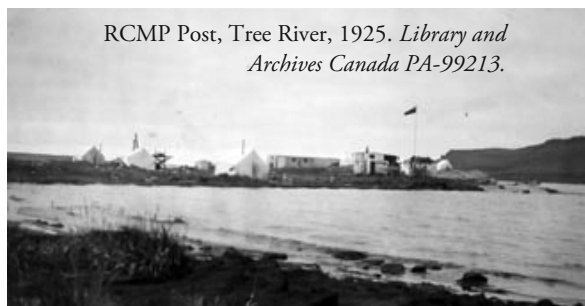
Figure 1: Map of the Coppermine-Coronation Gulf Region.

men were brought south for trial in 1917. To the astonishment and chagrin of the Mounted Police and the Oblate order, there was public feeling that priests who disturbed the primitive innocence of Inuit had got what they deserved, and Sinnisiak and Uluksuk, on trial in Edmonton in the summer of 1917 for the murder of Father Rouvière, were acquitted. Only when they were subsequently tried in Calgary for the murder of Father Le Roux was a conviction obtained.⁸

Sinnisiak and Uluksuk were convicted of murder, but in keeping with the government's policy of educating the Inuit to obey the law, they received a light punishment. They were sentenced to life imprisonment at the police detachment at Fort Resolution, Northwest Territories, and were not confined, but were employed in doing odd jobs around the post. When the Tree River detachment was established in 1919, they were employed as dog team drivers. They were released and permitted to return to their band after two years, by which time they had acquired a certain arrogance and enough surplus goods from the police to make them rich men in their communities. As several contemporaries remarked, this episode showed bad judgement on the part of the authorities, who left an impression with the Inuit that crime was taken lightly by the government, or even rewarded (Morrison, 1985:159).

When the third set of murders occurred, therefore, the authorities were no longer in a forgiving mood, especially since one of the victims was a Mounted Policeman. The detachment at Tree River had recently been set up as a demonstration of sovereignty and the government's determination to enforce the law in the Coppermine-Coronation Gulf region (Figure 1). The post showed the clear desire to "prevent murders of whites and to stabilize commercial and government activity in the Arctic,"⁹ which was what sovereignty was chiefly concerned with in that era. The Tree River post was manned by two members of the RCMP—Constable D.H. Woolams and Corporal W.A. Doak, who was in command. The three other white men there were employees of the Hudson's Bay Company, which had a post at Tree River.

In December 1921, Corporal Doak, accompanied by Inuit employees of the police, made a patrol to Kent Peninsula to investigate a number of killings of



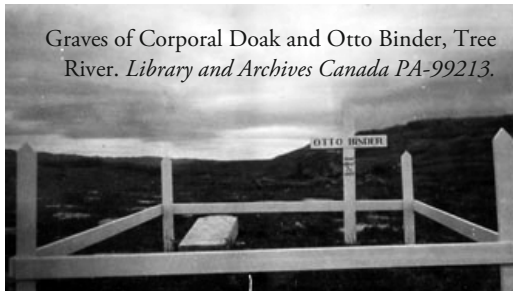
RCMP Post, Tree River, 1925. *Library and Archives Canada PA-99213.*

⁸ R.G. Moyles, *British law and Arctic men* (Saskatoon: Western Producer Prairie Books, 1979).

⁹ Harring, "Rich Men of the Country," 7.

Inuit by other Inuit. After a short investigation—the community was, as always in such cases, completely cooperative and forthcoming with information—he arrested Alikomiak, a young man of sixteen or nineteen years of age, and Tatamigana, a man whose age is not known. Doak returned to Tree River with the two men and Ikalukpiak, a man he had arrested at Grace Bay on the return trip for an unrelated killing. Doak and Woolams did not confine the three men—which would not have been easy, since the detachment did not possess a lock-up—but put them to work and gave them complete personal freedom. It never occurred to the two RCMP officers that the Inuit might turn on them. The police by this time had developed a contradictory view of the Inuit: they were considered primitive and violent, fond of infanticide and other forms of killing, but once brought under the control of the government, they were believed to be friendly and docile.

On the night of 1 April 1922, while Constable Woolams was off on patrol, Alikomiak shot the sleeping Corporal Doak in the upper leg, and sat for some time watching him die of blood loss. Early the next morning, he shot Otto Binder, the Hudson's Bay Company trader, who had come to call on the policeman. When Woolams returned from patrol, he seized the unresisting Alikomiak and tied him up. In the summer he and Tatamigana, along with some other Inuit, were taken to Herschel Island for trial.



Graves of Corporal Doak and Otto Binder, Tree River. *Library and Archives Canada PA-99213.*

Doak's murder, motivated by fear of abuse, echoed the earlier fate of the two explorers and the two priests. Binder was killed to keep him from exacting revenge for Doak, though it was later claimed that a quarrel over a woman was a contributing factor. Alikomiak's statement, made on 17 April 1923, a year after the incident, through an Inuit translator working for the police, has the ring of truth; Sinnisiak and Ulukusuk had said much the same thing several years earlier:

I was scared of Doak as he sometimes gave me little hard jobs. One time we went to haul meat and Doak made me run beside the sled with him. I rode on the sled at times and so did he. It was deep snow and I could not keep up. Doak spoke to me but I could not understand him and do not know whether he was angry with me. I was afraid he might use the dog whip on me though he never threatened or hit me with it. Doak gave me boots and lots of things to fix and I did not like it [this was women's work]. One time he gave me seal skin long boots to fix the bottoms and I had done one when he told me that I had not done it right and for me

not to fix the other boot. I was mad and did not feel good inside. The next day I think I like to kill that man. The morning after I worked on the boots I went to [the] Police store house and got Agnavik's rifle ... [Doak] was still asleep. ... I shot him in the left buttock as I did not want to kill him right away as I wanted him to get mad. I wanted to wound him as there was [a] revolver beside his bed and I did not care if he shot me as I did not want to go west to Herschel Isl. ... I did not want to go to a strange country.
... I was afraid Binder would see Doak and want to kill me.
... I shot to kill him.¹⁰

If this account is true, and there is no reason to suppose it is not, Doak showed very poor judgement in his treatment of Alikomiak, and it is difficult to know why he expressed impatience with the man, or gave him women's work to do, given the fact that the earlier murder cases were well known by all members of the force—one would have thought that they would have been particularly careful to avoid the mistakes of Radford and Street, and the two Oblate fathers. Admittedly, however, Alikomiak seems to have been especially sensitive to perceived abuse, since he was never struck or even shouted at. This, at least, was the official version of events; a somewhat different story was given by the ethnographer Knud Rasmussen, who discussed the case a few years later with some Inuit from the region:

Corporal Doak is described by all as a decent man; but he was in the habit [of] playing on the feelings of the accused Alekámiaq by assuming a brutal and terrifying manner, despite the fact that they could not speak to one another. According to what the other Eskimos told me, Alekámiaq by and by got the idea that Doak was going to kill him, so he decided to forestall him.¹¹

In July 1923, Alikomiak and Tatamigana were tried at Herschel Island on a number of charges, along with three other Inuit charged with lesser offences. There were four trials involving the two men; they were all brief by modern standards, for all were completed in a period of four days, which included one day wasted on a mistrial. Tatamigana was tried for killing a man named Hanak and wounding another man. They were both tried separately for the murder of another Inuk named Pugnana, and Alikomiak was tried for the murder of Doak and Binder.

¹⁰ Statement of the Accused: Alikomiak, 14 April 1923 (doc. 28).

¹¹ Knud Rasmussen, *Intellectual Culture of the Copper Eskimos* (Copenhagen: Gyldendalske Boghandel, 1932), 63.

Sidney Harring, in his study of the case, remarks that these trials were “designed to legitimate some official policy, but were actually pre-decided.”¹² In this instance, the official policy was at least as old as the Mounted Police themselves. The North-West Mounted Police were established by the government of John A. Macdonald in 1873 in response to an atrocity that had occurred in what is now southwestern Saskatchewan, where a group of drunken wolfers from Montana had murdered more than twenty Indians. What alarmed Ottawa in this case was not so much the fate of the Indians, but the notice it gave to the world of the government’s powerlessness either to prevent such murders or to punish those who committed them. The North-West Mounted Police were founded to show the flag, to demonstrate Canada’s sovereignty over the newly acquired prairies. The Mounted Police have been described as a semimilitary organization, but they are more accurately described as being semipolitical.¹³ On the prairies they enforced Macdonald’s “national policy”—they made sure that settlement was peaceful and orderly, that the Native people moved to their reserves in a timely fashion, and that the Canadian Pacific Railway was not delayed by workers’ strikes or Indian protests. Later, they waved the flag for the first time in the Yukon during the gold rush of 1897 – 98, and in the Arctic between 1903 and 1925. It was not until World War I that their duties were extended to matters such as national security—investigating putative German spies, and the like. When Doak and Binder were killed, the police were the main (indeed, the only) representatives of Canada in the Arctic, and the attack on them was an attack on Canadian sovereignty in the region—sovereignty which, because it was based on some questionable foundations, had to be all the more carefully defended. It was for these reasons that the trial of Alikomiak and Tatamigana took on some of the characteristics of a “show trial.”

Thus the trials that took place at Herschel Island in July 1923 were carefully planned, both for their political impact and for logistical reasons. The island was chosen because it was easily accessible and was the only community along the Arctic coast that had buildings of any considerable size—these were left over from the whaling days. Judge Lucien Dubuc of Edmonton, who was also a stipendiary magistrate of the Northwest Territories, was sent north as judge. A student of the territorial judiciary later described Dubuc as follows:

[He was] a compassionate individual who was suited to the task of introducing the Inuit of the Mackenzie Delta to only the broad principles of the "white man's justice." There is no evidence, however,

¹² Harring, “Rich Men of the Country,” 7.

¹³ Morrison, *Showing the Flag*, 3-4.

that [he] delved extensively into Inuit customs or their mode of living. Rather he introduced the formal trappings of the white man's justice leaving it to later Magistrates ... to try to apply, with sensitivity, the substance of the white man's law to the Inuit.¹⁴

Dubuc was accompanied by T.L. Cory, solicitor for the Northwest Territories Office of the Department of the Interior, who was appointed counsel for the accused, and I.B. Howatt, counsel acting for the Crown. The jury was selected from white residents of the communities along the Mackenzie River, who travelled with the court party. Preparations were made for the likelihood of a conviction. The travel season in that region was short, and it was realized that if the verdict were guilty, it would be impossible to hang anyone for a year, until travel made it possible for the hangman to come to Herschel Island in the summer of 1924. To avoid such delay, which would have weakened the whole point of the proceedings, the hangman, Special Constable Gill, accompanied the party and, because of the shortage of suitable timber on Herschel Island, a portable gallows was taken along as well.

Private correspondence from government officials and others before the trial began made it appear that example and deterrence were the main goals. Cortland Starnes, Assistant Commissioner of the RCMP, commented that the previous policy of leniency towards Inuit who killed outsiders had not worked, and that there was a danger that these people would conclude "that crime is a thing to be rewarded by the White man." He recommended that steps be taken to "impress upon the Eskimo that such disregard for human life will not be tolerated and those found guilty of committing murder will be adequately punished."¹⁵

Perhaps the most remarkable comment made before the trial came from the lawyer appointed to defend the accused. T.L. Cory, as solicitor for the Northwest Territories Branch, was a government employee. His employer, the Department of the Interior, was the arm of government most concerned with the establishment of peace, order, and good government in northern Canada. Moreover, W.W. Cory, the Deputy Minister of the Interior, was his father. Presumably T.L. Cory was appointed for the defence partly because he drew a government salary and would not have to be paid extra for the task—Ottawa was very conscious of such costs in those distant days. Doubtless the trip to such an exotic locale appealed to him. But one would not have

¹⁴ G. Price, "Remote Justice: The Stipendiary Magistrate's Court of the Northwest Territories (1905-1955)" (unpublished M.A. thesis, University of Manitoba, Winnipeg, 1986), 317.

¹⁵ Letter, C. Starnes to W.W. Cory, Deputy Minister of the Interior, 14 August 1922, Northern Administration Branch Papers, LAC, RG 85, v. 607, f. 2580 (see also doc. 14).

to be a conspiracy theorist to suppose that the main reason he was appointed was that it was expected that he would not overexert his talents on behalf of the accused, nor was he likely to make emotional post-trial statements in the press.

In September 1922, before his appointment as defence counsel, Cory wrote a memorandum to his immediate superior, O.S. Finnie, Director of the Northwest Territories Branch of the Department of the Interior, echoing Starnes's opinion that harsh public measures were required:

The numerous murders committed by Eskimos in the last year or so, clearly indicate that kindness and clemency have not had the desired effect upon the native population and I am strongly of the opinion that a court ought to be sent into the N.W.T. in 1923 to try those accused of murder. The cases should be tried midst the accused's local surroundings where the Native will feel the influence of the law, and those found guilty should receive the utmost penalty ... As kindness has failed in the past I strongly recommend that the law should take its course and those Eskimos found guilty of murder should be hanged in a place where the natives will see and recognize the outcome of taking another's life.¹⁶

A few months later, he was appointed to defend these same men.

Of the transcripts of trials that took place at Herschel Island in the summer of 1923, only the three capital cases have been found in the records: *R. v. Alikomiak* for the murder of Pugnana, *R. v. Tatamigana* for the murder of Pugnana, and *R. v. Alikomiak* for the murder of Otto Binder and Corporal Doak. The first two were short, almost perfunctory affairs. The facts were not in question, since the Inuit involved had made full confessions to the police soon after their arrest. *Tatamigana* was called as a witness to testify against *Alikomiak*, and vice versa. The proceedings were conducted in English, with the police translator interpreting for the benefit of the accused, and the result was never in doubt. The transcripts are fifteen and nineteen double-spaced, legal sized pages, which include charge, evidence, summation, and verdict. Both took place on the same day, 17 July, and each trial must have taken only a couple of hours. In one case the jury deliberated for nineteen minutes, and in the other case they took eight minutes to arrive at a verdict of guilty. No witnesses were called for the defence in either case, and the judge delivered a summation, which must have taken only a few minutes, to the effect that the facts were clear enough, but that he did not wish to influence the verdict.

¹⁶ Letter, T.L. Cory to O.S. Finnie, 12 September 1922, Northern Administration Branch Papers, LAC, RG 85, v. 607, f. 2580.



Judicial party for murder trial at Royal Canadian Mounted Police detachment, Herschel Island, Yukon, 1923. Standing L-R: Sergeant Spriggs, Stuart Taylor Wood, Constable Parry, Mr. Howitt (prosecutor), Judge Lucien Dubuc, Mr. Corry (defence). Murderers Tatamigana and Alicomiak are sitting at centre in white shirts. *Glenbow Archives PA-3886-29-1.*

The third murder trial, which took place the next day, was a different affair. Its transcript was longer, 51 pages, since Alikomiak was on trial for two killings. As well, the judge addressed the jury at much greater length. As with the first two trials, the accused had made a full confession, no witnesses were called for the defence, and Cory's cross-examination was confined to minor points of fact. In his summation, he apparently made an impassioned plea for the accused on the grounds of his ignorance of the law, but this was not recorded in the transcript, which says only "Mr. Cory replied on behalf of the Defence." Cory's defence has been harshly criticized by one student of the case, who characterizes it as "neither incisive nor crisp ... aimless. Seemingly seduced by tangential issues, he examined on matters wholly irrelevant to the central issues of the case. To blatant hearsay he made no objection."¹⁷ It seems possible that, had Cory pursued a number of technical and jurisdictional matters, the verdict might have been different. Judge Dubuc admitted as much, commenting later

¹⁷ G. Price, "The King v. Alikomiak (a.k.a. Alicomiak, a.k.a. Alekamiaq)" in *Glimpses of Canadian Legal History*, eds. D. Gibson and W.W. Pue (Winnipeg: Legal Research Institute of the University of Manitoba, 1991), 226.

that “in the hands of a less scrupulous lawyer there would probably have been an acquittal ... and this expensive expedition would have ended in a gigantic fiasco and miscarriage of justice.”¹⁸ Cory, who was not in any case a criminal lawyer, knew his role, however, and no embarrassing acquittal occurred.

Judge Dubuc’s address to the jury was fully recorded, and is highly interesting as evidence of the official attitude towards the case and towards the Inuit. It is clear from the record that there was no thought at all of incorporating Inuit ideas of justice into the trial, or of tempering the judicial process to northern conditions, as later judges, notably J.H. Sissons and W.G. Morrow, began to do after World War II.¹⁹ He began with a nod towards British justice, “which has been the envy of all other Nations, and which has conquered the admiration and respect of all the individuals and even the nations which have sought its protection.” He then complimented the jury:

Gentlemen of the North, you who live on the edge of civilization, as it were, in that “No-man’s land” between the civilized and uncivilized portion of our great country, who endure all the hardships incident to this rugged country of ice and snow, with its every day privations; blazing the trail that the path may be clear and easier for those to follow. You have been selected ... to listen and to weigh the evidence presented to you because you have a personal knowledge of the ways and customs of these nomads [nomadic?] and unruled Eskimo who travel these shores ... You will notice that the panel chosen to help at these trials is composed of Traders, Trappers, Prospectors, Captains of Ships and moreover, some of them are married to Natives, so that it represents every phase of northern life, and thoroughly represents the sentiment of the North; that is why I expect from you a true verdict in true conformity with the evidence, having at the same time regard also to a justice which will be understood by these Eskimo.²⁰

He then got to the real point of his speech:

I am further satisfied that you shall not fail to bring a correct verdict because you have not forgotten I am sure those undying principles of British fair play which go with British justice, for although you may feel that you should have some consideration for the simple mentality of

¹⁸ Price, “The King v. Alikomiak,” 220.

¹⁹ D.H. Eber, *Images of Justice: A Legal History of the Northwest Territories as Traced through the Yellowknife Courthouse Collection of Inuit Sculpture* (Montreal: McGill-Queen’s University Press, 1997).

²⁰ King vs Alikomiak Re: Murder of Otto Binder and Corporal Doak, 18 July 1923, doc. 46, p.104.

these primitive people, yet you also feel that you owe a duty to your country, who extends to them its generous protection in every way.

One of the victims, Otto Binder, was a northern man like yourselves, a member of the oldest trading company in the North, a Company who has been the pioneer of civilization in Western and Northern Canada, and whose kindness and benevolency to the natives in the past, and even now through its self sacrificing Agents at different posts, is, in many cases, not sufficiently appreciated.

The other victim, Corporal Doak, was an Officer of the Royal Canadian Mounted Police in the north, one of those lonely and fearless sentinels for Law and Order, posted somewhere on some barren and desolate point in the Polar Sea. A man whose duty was to prevent if possible, and if not, to detect and help in punishment of crime. This adds interest to this case and to the charge against the accused because we are all concerned in the protection of those silent men who traverse and patrol these lands of ice and snow, and who are always on guard for us; we are interested in the safeguarding of those whose duty it is to protect us. Corporal Doak[,] one of the ablest and kindest members of that distinguished Force[,] ... was brutally murdered, defenceless in his sleep, in one of the most coldblooded manners known in the annals of the Force, a victim of his kindness to the accused. While he had the accused in his custody he was protecting him at the same time from his own people, who wanted retribution for an alleged previous murder.

The blood of Corporal Doak does not cry out for vengeance, and it is possible, when he turned on his death bed to look in the eye of the aggressor, that his last thought, in that moment's awakening before his eternal sleep, may have been one of Christian forgiveness; let us hope so. But at this trial the personality of the individual must be laid aside. It is your duty as Jurymen who have taken the oath as such to decide according to the evidence, and make these tribes understand that the stern but at the same time just hand of British justice extends also to these northern shores. We want it plainly understood in the minds of these people that one of our most important laws is for the protection of human life which flows from the Divine command "Thou shalt not kill." It is all very well to plead for mercy and play on your sympathy for these uncultured tribes, but murder amongst all people...has always been a crime of the most hateful and punishable character. When such eloquent and sentimental appeals are made to you, do not forget the innocent victims Otto Binder and Corporal Doak, beloved by all those who have known them, who have been cowardly murdered. Remember that after all it is hands drenched with the blood of his own tribe and of his two white benefactors which are lifted to you to plead for mercy. Remember

that this is not a court of mercy but is a Court of Justice, and mercy should be given only by a Higher Tribunal after proper representation is made to it, I mean the Governor General as representing the King.

I will now leave this view of the case which is painful to us all, but I could not let it pass in silence after the eloquent, emotional, and so sentimental appeal of the Counsel for the Defence on behalf of the accused. I am myself a man of the West, I have travelled long enough among the frontiersmen and pioneers of the North to know that under their rugged and stern appearance, there beats a heart as tender as it is human, a heart that warms up quickly to all human sufferings and weaknesses. I know how a sympathy and forgiveness that knows no bounds flows generously from those who themselves have endured so much of life's hardships and privations. I have learnt to appreciate how far a northern man will go to help a neighbour who is in trouble, but today, Gentlemen, the country is making an appeal to your honour as good Canadians to do your duty fearlessly, and you should not therefore let yourself be unduly swayed by sentiment of pity and mercy alone.

I speak now with a knowledge of what I say and for a special purpose, because it has come to my ears that some members of the Jury had already expressed before the trial ideas of mercy and acquittal unmindful no doubt of the consequences. Our Government has not undertaken this expensive Judicial Expedition to have exhibited here a mockery and travesty of Justice before these primitive people. You have a duty to perform as Jurymen, a duty to your Country and to our Laws, and a duty to yourselves. We are leaving this Island very shortly after these Trials and the result of your verdict shall fall on you who are to remain here, and it is you who shall have to bear the consequences.²¹

A student of the case commented about this remarkably histrionic and one-sided speech, that it was “graphic, admittedly; stirring, undoubtedly; in the nature of an unbiased and unemotional jury address, assuredly not!”²² Today it would surely lead to a successful appeal for a new trial. Dubuc went on to explain the law in the case, praise the counsel for the Crown and for the defence, and exhort the jury once again to do their duty. The jury retired, deliberated for eighteen minutes, and returned a verdict of guilty.

²¹ King vs Alikomiak Re: Murder of Otto Binder and Corporal Doak, 18 July 1923, doc. 46, pp.104-6.

²² Price, “Remote Justice,” 317.

Although Judge Dubuc expected to leave the next day, he was delayed several weeks awaiting the steamer that would take him back up the Mackenzie River. On 11 August, the day before his departure, he sentenced both men to be hanged on 7 December. Back in Edmonton, on 22 September 1923, he wrote a report on the trials to the Secretary of State in Ottawa, in which he recommended strongly that no clemency be shown to either of the convicted men, while at the same time suggesting alternatives to traditional punishment:

Imprisonment in the North for the Eskimo is nearly impossible and is not taken seriously by them ... For the Eskimo, every day of his life is a fight and struggle for food and existence under the most rigorous climatic conditions; so that, being fed and housed with the Police ... is not only a reward, but an honour.... Close confinement in our Penitentiaries outside would mean to them sure death within a very short time.

It is my opinion that the Criminal Code [should] be amended if possible, empowering the Judge to sentence a criminal Eskimo to imprisonment on bread and water and inflict the lash; that this form of punishment be continued in effect for a few years until these people are more civilized. To be whipped is to be treated like a dog and is to them the greatest humiliation; such a sentence would be real punishment and one they could understand. If this cannot be done, and long terms of useless goal [*sic*: gaol] have to continue to be administered, power should be given the Judge to see to it that the family of the men sentenced does not suffer (for they are nomads, have no chiefs, and do not live in groups and to leave their families unprovided for is to sentence them to perish.... With my experience and the study of the character of the Eskimo, and having in view the protection of the white men visiting the North country ... and lastly the brutal and cowardly murder of Otto Binder and Corporal Doak, I feel it my duty, although very painful to me, to recommend most respectfully, but most earnestly, that the Law follow its course.²³

At the time, no one remarked on the significance of the fact that only Alikomiak had been condemned for killing whites; Tatamigana was sentenced for killing one of his own people. This might have been taken as an example of even-handedness on the part of the government, and is perhaps the reason, though the records are silent on the point, why Tatamigana, who had not even fired the shot that killed Pugnana, though he had plotted it with Alikomiak, was also sentenced to hang. Perhaps the

²³ Letter, Lucien Dubuc to the Secretary of State, Ottawa, 22 September 1923 (doc. 54).

government wanted to make an example of him to demonstrate that the law would protect the Inuit in the same fashion as whites.

The cases of Alikomiak and Tatamigana attracted a great deal of attention in the newspapers and amongst the public. The government received petitions and letters recommending clemency, both from members of the general public and from people with northern experience. The typical argument rested on the idea that the Inuit were primitive, childlike, and ignorant of the law; an undated letter from E. Maitland of Plummer, Ontario, expressed the idea eloquently:

Although a woman, I am not one who favours the abolition of the death penalty ... but it seems not unreasonable to sympathize with the ignorant, primitive people, standing confused and bewildered in one of our law courts, and so simple-minded and remote from the subtleties of “civilized” law proceedings that they told a straight- forward tale, which practically convicted themselves.²⁴

Cogmollock (Inuinait, Copper Inuit) murderers and witnesses, Herschel Island, Yukon, 1923. In custody of Royal Canadian Mounted Police are Tatamagama (2nd from right) and Alikomiak (5th from right). *Photo by Philip H. Godsell, Glenbow Archives, NB-40-358.*



²⁴ Department of the Secretary of State Papers, Library and Archives Canada, Capital Case File No. 24861, 1923, Report on capital case of Alikomiak and Tatamigana.

Wilfred Grenfell, the medical missionary, commented publicly on the case, stating that “to hang an Eskimo for murder is the same as hanging a little child.... The Eskimos are an extraordinarily intelligent people ... but they are totally ignorant of law and the consequences of its violation. Ethically, the Eskimo is just like a child of seven years. You would not hang a child of seven years, would you?”²⁵ One wonders how much he had learned about Inuit culture during his thirty years of service on the Labrador coast.

Some Northerners also commented on the case, notably J.R. Lucas, Anglican Bishop of Mackenzie River, within whose diocese the murders had occurred and who had witnessed the trials, and I.O. Stringer, Bishop of the Yukon. Both made the argument that the condemned men should not be executed for breaking laws that they knew nothing about, and should instead suffer life imprisonment, but the government had heard these arguments in previous cases and was not prepared to yield to them again. Bishop Lucas also made the point in a letter of 17 September 1922 to R. Dandurand, Acting Minister of Justice, that “it will not enhance the reputation of the White man among them, if they think that it was fear of meeting a similar fate that led them to take their countrymen away where it would be safe to kill them...the execution of these two men will jeopardize the lives of White men who may be living amongst the tribes of Eskimos whence these murderers came.” W.D. Reeve, Bishop of Toronto, suggested corporal punishment as an alternative to death: “Imprisonment or banishment would not be adequate, but what about flogging? I am inclined to think that the application of the lash would have a greater moral and deterrent effect than anything else.”²⁶

It was suggested in the press and elsewhere that Alikomiak was only 16 years old, but the police secured a statement from a trader who had known the man for six years and swore that he was at least an adolescent when he first met him. It was also suggested that Otto Binder had started the sequence of events by stealing the wife of a local Inuit, a rumour that sparked a petition from the Hamilton Ontario Local Council of Women, who sympathized with men who had “followed their own natural light in regard to right, in avenging this transgression against home and wifehood.”²⁷

²⁵ W. Grenfell, letter to the *Ottawa Citizen*, 22 November 1923.

²⁶ Correspondence in Department of the Secretary of State Papers, Library and Archives Canada, Capital Case File No. 24861, 1923, Report on capital case of Alikomiak and Tatamigana.

²⁷ *Ibid.*

This rumour was denied by the police, who presented statements from witnesses to disprove it; and even if true, it would have had little bearing on the murder of Doak.

Although the bishops and a number of others protested the sentences, the newspapers generally supported them,²⁸ and the government—not surprisingly given the sequence of events—refused to commute them. Accordingly, a Mounted Police patrol was sent from the northern Yukon to Herschel Island in the late fall of 1923 with the news that there was to be no mercy, and the two men went stoically to the gallows on 1 February 1924. Knud Rasmussen described their last hours:

one evening late in winter, while following their customary occupation of making salmon nets, they were informed that they were to be hanged next morning at three o'clock. Young Alekámiaq received the news with a smile. The other man, who was somewhat older, felt as if he was choking and asked for a glass of water; having taken a drink he too was ready to meet his fate. Just before they were to be executed they gave the wife of the police sergeant some small souvenirs carved in walrus ivory, as a sign that they bore no malice towards the police. They ascended the scaffold with great calmness and met death without fear.²⁹

What conclusions can be drawn from this episode? The most important and the most obvious, as has been noted by other commentators,³⁰ is that these were clearly show trials, carefully staged for public effect. Everything about them, from the location to the sentencing, was designed to send a message that Canada's sovereignty over the region was to be enforced. The question arises, however, for whom the show was put on. To whom was the message directed? The immediate answer would seem to be to the Inuit, but for a number of reasons this seems not to be the whole truth. It is just as likely that the government's purpose was to demonstrate to the Canadian public as a whole, as well as to the world, that the old *laissez-faire* attitude towards the North had ended and a new activist era had begun. It is significant that the trials of Alikomiak and Tatamigana took place at a time when the government was busily involved in establishing police posts in a number of remote spots in the Arctic for the purpose of demonstrating sovereignty, the basis for which under international law was more than a little questionable. In some places, such as the Bache Peninsula on Ellesmere Island, there were no inhabitants at all, so the demonstrations of sovereignty were confined to operating a *pro forma* post office, but in the western

²⁸ Morrison, *Showing the Flag*, 160.

²⁹ Rasmussen, *Intellectual Culture of the Copper Eskimos*, 64.

³⁰ Harring, "Rich Men of the Country"; Price, 1991

Arctic, the case under discussion here provided the opportunity for an actual criminal trial, one of the best demonstrations of sovereignty possible.

The assertion that these trials were show trials for southerners as much as or more than for the Inuit is further reinforced by the sentences themselves. Many people commented at the time and have commented since that it was wrong to hang men when they were in ignorance of Canadian law; this was the main point made by those who signed petitions asking for clemency—the convicted men were “simple,” “primitive,” “ignorant of the law,” and so forth. But after all, the punishment for killing among the Inuit was the same as it was in the Canadian criminal code. Inuit who killed their own people could expect to be killed in return, and murder and retribution were extremely common among the Copper Inuit of that era; Rasmussen described a “small snow- hut camp of fifteen families ... [containing] not a single grown man who had not been involved in a killing in some way or other.”³¹ It was the proceedings, not the sentence, that were alien to the Inuit.

In this regard, it is surely significant that several observers who knew the Inuit well had suggested that corporal punishment would be a more appropriate punishment than would hanging. Judge Dubuc and three bishops of the Anglican church, one of whom was present at the trial, recommended punishments—life imprisonment, bread and water, flogging— which would have seemed more terrible to the Inuit than hanging. Though Dubuc was admittedly no expert, at least two of these men knew the North very well at first hand, better apparently than the government did. At first glance their advice seems merciful. But these punishments were, as these men themselves said, a far more severe penalty from the Inuit point of view than was hanging. Execution was the usual Inuit way of punishing murder, but corporal punishment was not only unusual, but as all three murder cases had demonstrated, something that the Inuit feared and resented. Being taken from their country to an unknown place and never returned was even worse; indeed, one reason Alikomiak gave for shooting Doak was that he did not want to be taken to Herschel Island for trial. The bishops and the judge were thus not simply squeamish liberals balking at a couple of salutary executions, but were, on the contrary, suggesting culturally devastating punishments which might well have had the deterrent effect the government claimed it wanted. Knowing what we do about the Inuit attitude towards physical punishment and exile makes the bishops seem much less merciful, though much more aware of Inuit culture, than were outsiders.

³¹ Rasmussen, *Intellectual Culture of the Copper Eskimos*, 17.

Why then did the government not accept the advice of the judge and the bishops and modify the punishment to something far more humiliating and perhaps more effective than hanging? Part of the reason must be that the trials were for southern consumption, and in the south a flogging followed by imprisonment at hard labour would have been seen as insufficiently harsh. The federal government had been sensitive ever since the Alaska boundary dispute of 1903 to the charge of being weak in upholding Canada's authority in the North. By hanging Alikomiak and Tatamigana, it showed Canadians that it would brook no further violence from Inuit, and it demonstrated to foreigners that the government intended to be a strong force in the region.

This case may be seen also as a precursor to the current practice of imposing culturally relevant and appropriate sentences in some criminal cases involving First Nations people, and to the use of sentencing circles in such cases. In 1923, well-informed Northerners suggested that hanging was the wrong penalty to impose on Alikomiak and Tatamigana, not because it was cruel (which was the theme of most of those who petitioned the government for mercy) but because, given the cultural context of the Inuit, it was not harsh enough, or was inappropriate. Given the fact that the trials were as much for southern as for northern consumption, this suggestion was not adopted, but the fact that it was made at all, and for the reason it was, is of considerable significance.



Tatamigana, Herschel Island, Yukon, 1923. *Photo by Stuart Taylor Wood, Glenbow Archives PA-3886-29-1.*

THE DOCUMENTS



Alicomiak, murderer of RCMP Corporal William Andrew Doak, at Fort McPherson, Northwest Territories, 1922. *Photo by Stuart Taylor Wood, Glenbow Archives PA-3886-29-1.*

1. S.T. Wood, Crime Report re Murder of Eskimo Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula, 29 August 1921

LAC, RG 18, vol. 3289, file HQ-681-G-1

Arctic Sub-District
Tree River Detachment
29th August 1921

CRIME REPORT

re

Murder of Eskimos IKIALGAGINA, IKPUKUWAK, HANNAK, his wife PUGNANA and daughter OKOLITANA and wounding of Eskimo ANAIGVIAK at Kent Peninsula.

On my arrival at Baillie Island on 18th August 1921 en route to Tree River Detachment, I heard from the crew of the H.B.C. Gas Sch[ooner] "Fort McPherson," which had just returned from Kent Peninsula, that a shooting affray had taken place recently in the vicinity of the H.B.C. post at Kent Peninsula in which three men, a woman and a child were killed and one man seriously wounded. The stories of this affray as told by members of the crew do not agree in many details as it is all hearsay. A Copper Eskimo woman now at Tree River gave me the clearest story which is as follows.

The shooting took place about 1st August 1921 on the mainland about 30 miles East of the H.B.C. post in Walker Bay, Kent Peninsula[.] Hannak and Ikialgagina are cousins.

Ikpukuwak is father of Ikialgagina.

There is an Eskimo named Pugnana and the name of Hannak's wife is Pugnana as well.

Otto Binder, H.B.C. trader at Tree River, had taken Ikialgagina's wife to live with him. Ikialgagina's father Ikpukuwak and his cousin Hannak were anxious to get a wife for him.

For that reason Hannak shot Anaigviak, seriously wounding him in the abdomen, and wanted Ikialgagina to take Anaigviak's wife. Hannak went back to his tent.

Tatamagina, partner of Anaigviak, took his rifle and went to Hannak's house and shot Hannak dead.

Eskimo Pugnana, a cousin of Hannak's, seeing Ikialgagina running to get his rifle, shot him dead.

Ikpukuwak, father of Ikialgagina, seeing his son dead, fired a box of ammunition at Pugnana without wounding him, thereupon Pugnana shot him dead. At this time Pugnana is also supposed to have shot and killed Hannak's wife, Pugnana.

As the father, Hannak[,] and mother, Pugnana, of little girl Okolitana, age 4 years, were now dead, the people strangled her to death as there was no one to look after her.

After the shooting Pugnana, Tatamagana and Anaigviak disappeared. Pugnana's wife, who is crippled in legs and walks with aid of two sticks[,] accompanied them. It is supposed that they carried Anaigviak with them as he was too badly wounded to walk and in all probability is dead by now. Agnaigviak's [*sic*] wife accompanied them. Tatamagana is not married. The whole party with pack dogs are supposed to have gone East and may take the direction of Back's River and Baker Lake[.] Pugnana had worked all last winter for Pete Norberg, Trader for H.B.C. at Kent Peninsula. He had a bad reputation among his people for stealing from caches and was therefore forced to live by himself. Pugnana is described as being about 5'6", wt.155, about 25 years, small mustache, no beard, smaller eyes than usual among Eskimo, his clothing is of fashion of Western Eskimo that is artigie covered with calico snow shirt. No scars visible [or tattoo] marks visible. Tatamagana's description is:- about 5' 5", slim build, face clean, wt. about 140, no marks or scars visible [*sic*], clothing after fashion of Copper Eskimo, that is long tailed deerskin artigie. No wife.

It will be noticed that the information is not clear on some points such as the reason why Pugnana shot Hannak's wife Pugnana; the names of persons who strangled the little girl Okolitana.

In this case the need of a power schooner was made evident as nothing can now be done until first ice forms. Corpl. Doak will make a patrol in this connection as soon as ice makes and at same time make a careful search for Eskimo Ou-Ang-Wak who escaped from Policy on Hudson Bay side. Corpl. Doak has instructions ... to make full investigation into the shooting [affray] at Kent Peninsula. No information will be laid until after a careful investigation. Should any arrests be made in these and other cases pending, the prisoners will be brought to Herschel Isl[and] by ship next summer, as opportunities for escape are too great at Tree River Detachment. I hope to have full reports on the above case by spring. I would suggest that Fullerton Detachment be instructed to keep a watch for Pugnana and Tatamagana.

<S.T. Wood> Inspector

2. S.T. Wood to the Officer Commanding, RCMP, Edmonton, 7 September 1921

LAC, RG 18, vol. 3289, file HQ-681-G-1

ROYAL CANADIAN MOUNTED POLICE

Herschel Island, Y.T.

7th Sept. 1921.

The Officer Commanding
R. C. M. Police
Edmonton

Sir:-

I have the honour to report that I have just checked from an inspection trip to Tree River where I checked and saw landed all freight, building material, stores, etc. which have been stored at Herschel and Baillie Islands since 1919 and 1920. Everything is now in shape for putting up suitable living quarters. The former quarters occupied for past two years consisted of a frame of 2 x 4s with corrugated iron nailed on outside and roof. In winter deerskins were tacked on the inside of frame and house banked with snow. When too much frost and ice gathered on inside of deerskins, the latter fell down. How the members of this Detachment ever put up with such living conditions is hard to understand. When I inspected there, rain was leaking through roof in many places, beds, table and large part of floor was wet. There was several inches of water in parts of store house which had no floor. Owing to high stage of water this summer all ground in vicinity was very wet and part under water. I moved the site to a rock point on or near which Sergt. Clay located in 1919.

On my arrival at Baillie Island on August 18th I received a message for Corpl. Doak. From Bernard Harbor, stating that five Eskimos had been murdered at Kent Peninsula recently and asking for instructions. Cpl. Doak had left Herschel [Island] on H.B.C. Gas [Schooner] "Fort McPherson" on 1st Aug. for Tree River. As the murder case in Prince Alberta Sound and that in Kent Peninsula, not to mention the patrol after Eskimo Ou-Ang-Wak who escaped from Fullerton Detachment, Hudson Bay, required two distinct patrols, I decided to take Corpl. Bonchor off the "Herman" where he was on Customs duty and take him East with me. The "Herman" arrived at Baillie Isl. On 20th Aug. and Corpl. Bonchor left same day for Tree River on Gas Schooner "Argo". Picking up Cpl. Doak at Bernard Harbor the ship arrived at Tree River on 26th Aug. The shooting affray at Kent Peninsula; the search for the escaped Eskimo prisoner from Hudson Bay and suspicious disappearance of Eskimo Hiktak to the eastward made it very apparent to me that we need a power schooner in the worst way. To send a patrol out with the fishing boat was out of the question as we had

neither Constables nor Eskimos who can navigate or sail a boat along this particular coast which [is] unknown to them. There was nothing to do but wait for first ice. The patrol to the East on these cases will probably be an extensive one and take considerable time. At same time it is absolutely necessary to send a patrol to Prince Alberta Sound by first ice in order to round up the two Eskimo, man and woman, who were concerned in the murder of Eskimo Ahkak and whom Cpl. Cornelius could not bring out last winter. All these people gather together about centre of the Sound before separating into groups for hunting seal throughout the length of the Sound. And it while they are collected in early part of the winter that the patrol should be made. I have made arrangements with H.B.C. trader at Bernard Harbor for an Interpreter and guide also dog feed for this patrol. As I do not consider it advisable to send less than two Constables on any one patrol, I instructed Corpl. Bonchor to remain at Tree River and render Corpl. Doak any assistance he may require. [Constable] Woolams accompanied me to Tree River on transfer from Fort McPherson. Dr. Doyle examined Cat. Woolams and passed him as [fit] for one year. I instructed Corpl. Bonchor to return to his Detachment at Herschel Island by spring patrol or by ship next summer. I hope that my action in this matter will meet with your approval. There is at present more work than this one detachment can handle. I regret that time does not permit me to forward all requisitions for the Sub-District by ship.

Owing to the extensive programme of opening trading posts by H.B.C. east of Tree River toward King William Land, also the number of independent traders wintering to the east this year I am rendering a separate report regarding another Detachment to be opened in vicinity of east end of Kent Peninsula. I hope to get it out on this mail. Lack of experienced N.C.Os. and Constables make matters more difficult. Constable Stevenson wishes to remain another year at Tree River until 1923. His work is quite satisfactory. I would be very glad to get Cpl. Cornelius and Cst. Brockie back in the Sub-District if it could be arranged to your satisfaction.

I am disappointed in the freight rates charged by the H.B.C. as the District Manager, Mr Hall has repeatedly stated that there would be a material reduction when the new H.B.C. ship arrived from Vancouver. He now informs me that the freight rates are to remain the same, namely \$85.00 per ton Vancouver to Herschel Island; \$120 per ton Herschel Island to Tree River; \$80.00 per ton Herschel Isl. To Fort McPherson or Aklavik. The last two appear to me to be exorbitant. It is not the intention of the H.B.C. to have this ship come further than Herschel Isl. In future, as they intend to build a big schooner, about 120 tons, for the run between Herschel Isl. And Tree River. Points east of Tree River will be supplied by the Gas Sch, "Ft. McPherson" 45 tons freight capacity. I would respectfully suggest, Sir, the Poolice put their own schooner in here to go east from Herschel Isl. Carrying at least 50 tons freight, schooner rig not only for sailing if necessary but for handling heavy freight such as drums of oil where a sling and blocks between the two masts is required. That she should be a good sea boat is most essential; of sufficient horse power to give her at

least 18 knots More can be gained by speed on this coast in avoiding storms and ice than otherwise. Suitable men with necessary papers can be obtained here as master and such a man would not of necessity have to be hired the year round. It would not require any more of a crew to run this boat than the "Victory". I do not consider it advisable to figure on such a boat entering the mouth of the MacKenzie and running to Norman or Aklavik as the risk is too great with any schooner. A power boat and scow would fill all requirements in hauling fuel from Norman and freight from Herschel Isl. or Shingle Point to Aklavik, besides this is only suitable means of handling fish and wood for the posts at Aklavik and Herschel Isl. Bearing in mind that at some future date it will be necessary to open another Detachment East of Tree River and considering the cost to date of the Tree River Detachment in freight charges alone, namely about \$13028.98, I am quite certain that such a boat would more than pay for itself Beside the this fact, there is the increasing necessity of having a boat of sufficient size, speed, freight capacity and accommodation for necessary Police patrols along the coast and in Coronation Gulf in particular.

I have the honour to be

Sir

Your obedient servant,

<S. T. Wood>, Inspector

[Commanding] Arctic Sub-District

3. Statement by Tatamigana, Interpreted by Cyril Uignik, 13 December 1921

LAC, RG 13, vol. 271, num. 1520 1922

COPY OF STATEMENT OF TATAMIGANA.

Taken this 13th. day of December 1921, at Kent Peninsula, N.W.T. by Corpl. W.A. Doak, before the undersigned Member of the R.C.M.P.

Interpreted by Cyril Uignik, Police Interpreter.

My name is Tatamigana. After the shooting affair at Kent Peninsula, Pugnana and I went out caribou hunting. He was still excited over the killing and asked me if I would help him kill some more people. I talked to him and tried to get him to change his mind, but he said that he was bound to do more killing as the other people were against him. On our return trip to camp I decided that the best thing to do would be to kill Pugnana and save any further trouble. I was afraid to do it alone, so I had a talk

with Alikomiak, and we decided to get Pugnana to go shooting the next day and to kill him the first chance we had. Alikomiak agreed to do the killing. Our chance came soon after leaving camp, when Pugnana was a little ahead. I made signs to Alikomiak and he shot him in the backand [sic] Pugnana fell dead. I had nothing against Pugnana for he was my cousin and we were good friends, but I did not want to see him kill any more natives.

Interpreted by,	Signed,	His
Sgd. Cyril Uignik	Tatamigana	X
		Mark
Witness,	Signed,	
Sgd.		
D.H. Woolams Cst.	W.A. Doak Corpl. R.C.M.P.	

4. Statement by Tatamigana, Interpreted by Cyril Uignik, 13 December 1921

LAC, RG 18, vol. 3289, file HQ-681-G-1

COPY OF STATEMENT OF TATAMIGANA.

Native Eskimo.

Taken this 13th. Day of December 1922 [sic], at Kent Peninsular N.W.T. by Corpl. W.A. Doak, before the undersigned Member of the R.C.M.P. Interpreted by Cyril Uignik, POLICE Interpreter.

My name is Tatamigana.

Last Summer I was living with my parents inland from Kent Peninsula. Native Hanak and I were the best of friends and I was very much surprised when he asked me one day to fight him with rifles. He also wanted to fight my cousin Pugnana. I think he was made because we had been using his wife although he had told me that I could have her whenever I liked. I knew that he was going to start some trouble as he said that he was going to kill some married men and also Pugnana and myself. We always kept our rifles and knives handy and watched him. Ikpahoak and his son Ikialgina were the only friends Hanak had so if any trouble started we intended to kill them if we could. One day I heard a shot and I jumped out of my tent with my rifle and knife, just in time to see Hanak take a ... second shot at Anagvik, and he fell. I

fired at Hanak and he went down, I [thought] that I had killed him so I did not fire again. Then I saw Ikiagina running towards his tent, before I could raise my rifle Pugnana fired and he dropped dead. Just then I heard a shot and looking across a creek that was close by I saw Ikpakahoak firing at me. I ran behind a large rock and we exchanged quite a few shots. Then I heard a shot [*sic*] behind me and looking behind saw Ikpahahoak roll over. Then looking ... around I saw my cousin Pugnana, he said "Thats [*sic*] the last of them I have killed all the bad ones so we will throw them into the lake." We carried all of them over to the lake and threw them in. I was [*sic*] glad they were killed as they were not good hunters and they were always causing trouble. I am sure they would have killed a lot of people if they had not been killed first.

	Signed	His
	Tatamigana	X
Interpreted by,		Mark
Sgd. Cyril Uignik.		

Witness		Signed,
Sgd. D.H. Woolams.		W.A. Doak. Corpl.
		R.C.M.P.

5. Statement by Alikomiak, Interpreted by Cyril Uignik, 13 December 1921

LAC, RG 13, vol. 271, num. 1520 1922

COPY OF STATEMENT OF ALIKOMIAK.

Taken this 13th. day of December 1921, at Kent Peninsula, N.W.T. by Corpl. W.A. Doak, before the undersigned Member of the R.C.M.P.
Interpreted by Cyril Uignik, Police Interpreter.

My name is Alikomiak. I was living with my father and mother at the native camp when Pugnana shot the natives. A few days after that Tatamigana came to me and said; The best thing we can do is to kill Pugnana as he is talking of killing a lot more people. We talked it over and decided to entice Pugnana away from the camp and then kill him. Tatamigana asked me if I would kill him, and I said yes. So the next morning we all left camp and after walking a short distance Pugnana happened to be a short distance ahead. Tatamigana made signs to me to shoot. I fired, hitting him in

the back, I think the bullet went right through him for he turned partly around and then dropped dead. I was always afraid of him and was glad when I saw that he was dead. We placed his body on some rocks and I expect that the foxes and wolves have torn him to pieces by this time.

Signed,

Alikomiak

His

X

Mark.

Interpreted by,
Sgd. Cyril Uignik

Signed,

W.A. Doak Corpl.R.C.M.P.

Witness,
Sgd. D.H. Woolams Cst

6. Statement by Agnahiak, Interpreted by Sgd Cyril Uignik, 13 December 1921

LAC, RG 18, vol. 3289, file HQ-681-G-1

COPY OF STATEMENT OF AGNAHIAK.

Native Eskimo Woman.

Taken this 13th .day December 1921, at Kent Peninsular, N.W.T. By Corpl. W.A. Doak, before the undersigned Member of the R.C.M.P. Interpreted by Cyril Uignik, Police Interpreter.

My name is AGNAHIAK.

During the summer of 1921, I was camped with my husband PUGNANA about two days travel inland from Kent Peninsular, at a native village. About the middle of the Summer Native Hanak started to make trouble by trying to get an extra wife for Ikialigana I knew there was going to be trouble and I wanted my husband to move away. One day I heard a shot and got out of the tent in time to see Hanak fire a second shot and hit Anagvik. By this time both my husband and Tatamigana were out with their rifles and knives. They were expecting this to happen and always kept their weapons handy. Tatamigana fired and wounded Hanak and Pugnana shot Ikialigan dead, Then I saw Pugnana run down to Hanaks [*sic*] tent and when he came cut Hanak was still on the ground so he killed him with a knife. Then he fired and

killed Ikpakohaok. Then Pugnana said.- I guess thats [*sic*] all the bad ones killed for I killed Hanaks [*sic*] wife in the tent. and I will now kill the little one as she has no one to look after her. After it was all over I saw my husband Pugnana and Tatamigana carrying the bodies over to the lake.

Signed

Agnahiak

Her

X

Mark.

Interpreted by,

Signed

Cyril Uignik.

Signed,

W.A. Doak

Witness

Signed,

Corpl.R.C.M.P.

D.H. Woolams.Cst.R.C.M.P.

7. Supt. G.L. Jennings, Commanding “G” Division, RCMP, to Commissioner, RCMP, Ottawa, 17 December 1921

LAC, RG 18, vol. 3289, file HQ-681-G-1

Re: Murder of Eskimo IKIALGAGINA,
IKPUKUWAK, HANNAK, his wife PAGNANA
and daughter OKOLITANA, and wounding of
Eskimo ANAIGVIAK, at Kent Peninsula.

I have the honour to forward duplicate report received from Inspector Wood covering this case.¹ As will be seen, the details are at present mostly hearsay, and the true facts will not be obtained until Corporal Doak completes his investigation this winter.

This case accentuates the necessity of considering the opening of a Detachment at Kent Peninsula, in regard to which you have already been written. Also the fact that a very suitable boat is required to be stationed at Tree River Detachment.

¹ S.T. Wood to the Officer Commanding, RCMP, Edmonton, 7 September 1921, doc. 2.

In addition, however, this brings out a state of affairs which requires serious consideration and in regard to which I am writing you separately, under the heading "Extinction of Natives on Eastern Arctic Coast".²

I have the honour to be,

Sir,

Your obedient servant,

<G.L. Jennings>

Supt.

Commanding "G" Division.

8. Thomas P. O'Kelly to Fur Trade Commissioner, Hudson's Bay Company, Winnipeg, 24 December 1921

LAC, RG 18, vol. 3289, file HQ-681-G-1

24th. December, 1921.

Fur Trade Commissioner,
Hudson's Bay Company,
Winnipeg.

WESTERN ARCTIC DISTRICT
Alleged Murder at Kent Peninsula.

Ref: Your letter No. 49

The newspaper clipping enclosed in your letter of the 20th. is indeed a surprise, and one cannot help wondering if the R.C.M. Police are really responsible for its publication.

The details of the tragedy were rather confused, but the primary cause was believed to be a quarrel about a woman who was a member of the party.

The affair naturally formed a topic of conversation, and had Binder and his wife been connected with it, even very indirectly, one would suppose that their names would have been mentioned. Such, however, was not the case.

Apart from this; if Inspector Wood had reported as the clipping implies, the information could only have been given to him at Tree River, and one would naturally expect him to have brought the matter to Binder's notice while Mr. Hall and myself were present.

² Supt. G. Jennings, Commanding "G" Division, RCMP, to Commissioner, RCMP, Ottawa, re: General Conditions, Eastern Arctic Coast, 15 December 1921, LAC, RG 18, vol. 3289, file HQ-681-G-1. Marginalia notes that "original on G1316-11-21" and refers to "Murder of Five Eskimos at Kent Peninsula, N.W.T."

That he did not do so would tend to imply that the newspaper version is incorrect. Furthermore, it is very unlikely that Supt. Jennings would, give out information of this kind until the facts were clearly ascertained.

The tale on the whole bears a resemblance to that related at Tree River, but is less clear as to who was killed and who was not. The jumble of relationships is remarkable, and at the end the story leaves one, quite in a maze, as to Who is Who?

The commencement of the story is very foolish and ridiculous. Binder takes another man's wife, and the husband therefore becomes very solicitous about Binder, and goes on a hunt to get a wife that would suit Binder, and for his very own.

Taking this literally; if Binder had taken the other man's wife, the taking of her would be sufficient evidence that she suited him, and that he intended her for his own, otherwise he need not have taken her at all, as in that part of the country, there is a considerable amount of give and take in regard to the women. And so far as the husband's solicitude is concerned, one would imagine that if Binder had taken his wife, the solicitude would be for himself, and that any future wife hunting would be on his own account, and not Binder's.

Then one reads "that the murderer himself was shot by a cousin of Binder's first woman" and further on it is stated that the father of the murderer is killed by this sane cousin. The climax is finally reached by the cousin 'killing the source of all the trouble - the original Eskimo woman". A four year old girl thus becomes fatherless, and motherless and is strangled by one of the head men of the tribe.

From the remark "Binder's first woman" one would imagine that Binder either had a wife previous to the present one, or had two. Neither inference is correct.

Taking the statement that Mrs. Binder's cousin killed the murderer, then the murderer's father, and lastly, the source of all the trouble - "the original Eskimo woman"; it may be concluded that 'his amiable cousin [wound?] up the family party by taking a trip from Kent Peninsula to Tree River and killing Mrs. Binder herself. Whereby, Mrs. Binder is still alive, and nursing a few months old baby.

The story leaves one in doubt as to whether the wife hunter was killed or did most of the killing. It is quite clear though, about the "original Eskimo woman" being killed, and as her death left a four year old girl fatherless and motherless, one may infer that Mrs. Binder's native husband - that is, the wife hunter - was actually killed, and that Mrs. Binder had a four year old daughter by him, who was later strangled, by one of the tribe.

There is little doubt about a woman being killed and a girl child strangled, but the woman was not Mrs. Binder, nor the child hers. Mrs. Binder is very young, and had her first baby last summer.

The occurrence took place a couple of hundred miles from the Binders, and if one's memory is correct, the first news of the tragedy was brought to Tree River by the "MacPherson" when she returned from Kent Peninsula Post.

With this evidence of the distortion of facts, it is quite reasonable to suppose that the desire for sensation has overruled good taste, and if such is the case the person

responsible should make an apology. Binder is too far away to be affected, but it is not a good thing for the Company in general.

Binder, who is a middle aged man, was with the Stefansson Expedition as engineer on one of the gasoline schooners. He appears to be very quiet and hard working, and is very well liked by the natives. He has married the girl according to the native custom, but as is general with white men who marry native women, he treats his wife as a wife, and not as a chattel.

Mrs. Binder is quite good looking and seems a very nice girl. As the wife of Binder, her lot in life is much improved, and if one may judge by appearances, - she appreciates it. According to gossip, she had many suitors, or rather her father had many offers of worldly goods for her, but he preferred to bestow her on his friend Binder. Possibly one of the disappointed aspirants went on a "wife hunt" which ended tragically, and a little imagination is then only needed to weave a "real melodrama".

It would not be at all surprising if the reporter, after learning of the official statement, had hunted for further information, and probably Binder's name was mentioned as Manager of Tree River Post. It would then be a simple matter to arrange the story as printed.

The Free Press Correspondent is rather clever. It will be noticed that he first gives the official statement which deals entirely with the result. Then comes the cause, which apparently, in his own invention.

There appears to be no conclusion other than the paragraph above. Though the Police at Tree River did not mention Binder, if the trouble arose as the newspaper asserts, everyone in the District would have known of it, and consequently so would everyone aboard the "Lady Kindersley".

One is inclined to believe that the source of information is not the Officers of the R.C.M. Police, but that the story is a fabrication for sensational newspaper purposes.

(Sgd.) Thos. P. O'Kelly.

9. A. Brabant, Fur Trade Commissioner, to Colonel A.B. Perry, Commissioner, RCMP, 18 January 1922

LAC, RG 18, vol. 3289, file HQ-681-G-1

Sir:-

- ALLEGED MURDERS AT KENT PENINSULA -

The Winnipeg Free Press of 20th. December, 1921, had in its columns the enclosed clipping.

The matter was referred to Mr. O'Kelly, and his reply is attached for your information.

Mr. O'Kelly also states that he and Inspector Wood talked of the crime and the possible motive or cause, but there was no instance of Inspector Wood nor anyone else even mentioning Otto Binder, nor can he see how it is possible for Binder to be connected.

The Company very much regret that the newspaper version should have been given publicity and would be pleased to learn if the official report contains anything regarding the Company ought to know.

I am,

Sir,

Your obedient servant,

<A. Brabant>

Fur Trade Commissioner.

10. Crime Report Re: Eskimo Tatamigana ... Murder, 4 March 1922

LAC, RG 18, vol. 3289, file HQ-681-G-1

ROYAL CANADIAN MOUNTED POLICE.

Arctic Sub-District

Tree River Detachment,
Coronation Gulf, N.W.T.
4th. March 1922

CRIME REPORT

re

Eskimo TATAMIGANA.....MURDER.

(previous heading: Re Murder of Eskimo IKIALGAGINA,
(IKPUKUWAK, HANNAK, his wife PAGANA and daughter)
(OKOLITANA, and wounding of Eskimo ANAIGVIAK, at)
(Kent Peninsula.)

While on patrol to the Eastward, I investigated the shooting Affair which took place last Summer, at Kent Peninsular. The natives killed were.- Hanak and his wife Pugnana, and their four old child Okalitama, also Ikpahahoak and his son Ikalgina. It seems that the native Hanak was the caus [sic] of all the trouble, his main object in life was to secure an extra wife or two for himself, In order to do this he would have to

kill some of the married men, and he had threatened to do this. He had also threatened to kill Pugnana and Tatamigana, as they were too friendly with his wife. He challenged them to fight with guns, but they did not accept, and they decided to kill him on his making any hostile move. They new also that Ikpahohack and his son Ikialgina were going to stand by Hanak if any trouble started IKIALGINA was useless troublemaker and could not keep a wife when he had one and Hanak had promised to get a wife for him. The rest of the natives could see that there was going to be trouble so they decided to move away and leave Hanak, Ikpahahoak and Ikialgima by themselves. However, the day before their proposed departure, Hanak commenced to make good his threats, by shooting at Anagvik when he was walking from a fish hole to the camp. The second shot fired hit Anagvik in the abdomen passed through the muscles and lodged in his right arm. By this time Pugnana and Tatamigana were on the job. Tatamigana shot at Hanak wounding him in the chest and Pugnana shot and killed Ikialgima. then Pugnana rushed down and killed Hanaks [sic] wife with his knife (her name was also Pugnana) He Also found Hanak to be still living so he finished him off with his knife. In the meantime Tatamigana and Ikpahahoak had taken cover and were exchanging shots Pugnana went to the aid of his partner and shot Ikpahahoak dead. Then Pugnana went over to Hanaks tent and killed Okalitama Hanaks four years old daughter. This was considered to be an act of kindness by the people. After the fighting was over Pugnana and Tatamigana carried all the bodies to a large lake near by, and there them in.

Iarrested [sic] Tatamigana, who is the only survivor of the actual combatants he is also connected with the murder of his partner Pugnana, although Native Alikomiak did the killing.

This comes under a seperate [sic] Crime Report.

I have taken Native Anagvik as witness, also Agnahuk, wife of the late Pugnana.

<(sgn) W.A. Doak> Corpl.

Reg. No. 4396.

The Officer Commanding

Edmonton

Forwarded. The original C.R. is headed "Murder of Eskimos Akialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula". The man Tatamigana is under arrest and on way out to Herschel Isl. with Anaigviak as witness. Pugnana having been killed by Alikomiak. Agnahuk wife of Pugaga is coming out as witness.

<S.T. Wood> Inspector
Comd'g Arctic Sub-District

McPherson
3/7/22

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

Forwarded. I have caused the correct heading to be placed on this report, under which it will be known in the future. The accused together with two witnesses is now held at Herschel Island, and the case will be ready for trial next year.

Edmonton, Alberta,
Aug. 5-22.

<G.L. Jennings> Supt.,
Commanding "G" Division.

[Copies of Statements of Tatamigana and Agnahiak from 13 December 1921 reproduced earlier as docs. 4 and 6.]

[Copy of Statement by Anagvik, no date, presumably 13 December 1921.]

Anagvik states as follows:-

I have a wife and one child and live around Kent Peninsula. I went inland last summer with my family and joined a native camp. About the fourth day after my arrival, I was coming from the fish hole towards the camp when I heard a bullet whiz by my head. I stopped and the next second I was shot through the abdomen and went rolling on the ground. I [don't] remember anything else as I was suffering very much. I was told later that Hannak had shot me. I don't know why he did it as we were good friends.

(sgn) Anagvik his
X
mark

Interpreter
(Sgn) Cyril Uingnik

Witness
(Sgn) W.A. Doak Cpl.
“ D.H. Woolams Cst.

11. Crime Report Re: Murder of Eskimo Pugnana, 4 March 1922

LAC, RG 13, vol. 271, num. 1520 1922

ROYAL CANADIAN MOUNTED POLICE.

Arctic Sub-District

Tree River Detachment,
Coronation Gulf, N.W.T.
4th. March 1922

CRIME REPORT.

Re Murder of Eskimo Native Pugnana.

While investigating the Kent Peninsula shooting affair, I discovered that Pugnana, the main killer in that case had later on been killed by Alikomiak. It seems that Alikomiak and Tatamigana asked Pugnana to go shooting with them, having planned beforehand to get him away from the camp and kill him, at the first opportunity. They had only got about 800 yards away from the camp, when Pugnana got a few yards ahead, and Tatamigana made a sign to Alikomiak to shoot him in the back, Alikomiak did so and Pugnana fell dead in his tracks. According to Tatamigana, Pugnana was preparing to do a lot more killing, so he thought that the best thing was to put him out of the way to save trouble. Pugnana was one of the toughest men of the tribes, besides being very quick with [both] gun and knife. I have arrested Alikomiak for the crime, also [Tatamigana for] his part in this crime as well as in the previous shooting affair.

Copies of Statements attached.

<W.A. Doak> Corpl.
Reg.No.4396.

The Officer Commanding
Edmonton

Forwarded. Alikomiak later killed Corpl. Doak and Otto Binder and is now in custody here. Tatamigana is on way out by schooner to Herschel Isl. He is one of the tough characters in that country. The exhibit in this case Alikomiak's rifle is held at Tree River. I would request your instructions as to proper charge against each man, keeping in mind that Tatamigana is sole survivor of the shooting affray last Aug. at Kent Pen. In which he took a leading part.

<S.T. Wood> Inspector

Comd'g Arctic Sub-District

McPherson

3/7/22

The Commissioner,

R. C. M. Police,

Ottawa, Ont.

Forwarded. I have instructed Inspector Wood that these natives are to be charged jointly with the murder of Pugnana as they are both principles in the crime.

Alikomiak will of course be charged separately with the murder of Corporal Doak.

Edmonton, Alberta.

August 4, 1922.

<G.L. Jennings> Supt.

Commanding "G" Division.

12. Report: Arctic Sub-District for the Six Months Ending 30 June 1922, Royal Canadian Mounted Police

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

ROYAL CANADIAN MOUNTED POLICE.

"G" Division

Arctic Sub-District

Edmonton

McPherson N.W.T.

1st July 1922

The Officer Commanding

R.C.M. Police.

Edmonton.

Sir;-

I have the honour to submit the following report of the Arctic Sub-District for the six months ending 30th June 1922

CRIME

Murder of Reg No 4396 Corpl Doak W.A. and Otto Binder

by Copper Eskimo ALIKOMIAK.

Since closing my last report I have to record four more murders in vicinity of Tree River, the most atrocious of which was the cold blooded shooting of Reg No 4396

Corpl Doak W.A. in charge of Tree River Detachment and Mr Otto Binder, H.B.C. trader at that point, Eskimo Alikomiak. The latter was in custody at the [time for] murder of Eskimo Pugnana at Kent Peninsula. On April 1st last Cpl Doak was alone at the Detachment at Tree River with Alikomiak; Cpl Bonshor and Const Stevenson had started for Great Bear Lake with mail, Const Woolams with Mr Clarke of H.B.C. together with several Eskimo [prisoners were] seven miles distant on the ice at the seal camp. Otto [Binder and] native woman Toktogan lived at H.B.C. post some 150 yards from Police Detachment. There was no one else at the post. Alikomiak in his voluntary statement to me repeatedly states that he did not want to come out to Hersche Isl[and] with Cpl Doak and other Prisoners and that he was prepared to die rather than do so. He also disliked the confinement and fatigues around the Detachment. He stated that Cpl Doak had never ill treated him. In fact the reason that Alikomiak was not at seal camp with the other prisoners was that on the trip from Kent Peninsula he had frozen his feet and was improperly clothed.

There is no cell accommodation at Tree River.

On the morning of 1st April, Alikomiak rose with the sun, having made up his mind the day before to kill Cpl Doak. Going to the store house he obtained a rifle and four shells returning to the [Detachment where] Cpl Doak was still asleep lying on his right side, Alikomiak [*sic*] shot him through the left buttock, the bullet passing upward through the body. Alikomiak states that he only wanted to wound [Doak to] “make him mad” so the latter would get his revolver hanging above his bed [and shoot] him. In this he was successful as Cpl Doak sat up and said “What is the matter with you”? and spoke further which Alikomiak did not understand. [Alikomiak went] at once outside and waited outside the window by Doak’s bed believing that Doak would get up and shoot him through the window. He was unable to eject the expended [shells from] the rifle, so after a time went on to the store house and obtained his own rifle a 30-30 carbine. Returning to the Detachment for Cartridges for his rifle. Here he found Doak half out of bed and semi conscious. He put him back in bed and covered him with a blanket. Loading his rifle he took up a position by the window which looked out toward the H.B.C. waiting for Binder to make his usual morning visit to the detachment. About noon Binder appeared. Just before Binder appeared, Cpl Doak expired. Alikomiak waited until Binder was within fifty yards of the Detachment, shot him through the chest. Binder screamed, collapsed and expired almost immediately.

Alikomiak stated he intended then to wait for Const Woolams and Mr Clarke and kill them on their return from the seal camp. Going to the H.B.C. post he met the woman Tokogan and with her assistance carried Binder in to the [Detachment and] laid him on the floor. About this time two natives arrived to trade and Alikomiak told them what he had done. They all decided to go to the seal camp and tell the other people upon which Alikomiak decided to kill Const Woolams and Mr Clarke at the camp. When near the camp, he loaded his rifle for this purpose but the two natives advised to wait and see what the white men would do before starting shooting. He

therefore unloaded his rifle and later handed it to one of the natives on his own accord. He states that he fully expected that as soon as he set foot in the camp that Const Woolams would shoot him dead, however he was unafraid and entered the camp and on the news becoming known, was immediately taken in charge by Constable Woolams. Alikomiak states he killed Binder because if the latter saw Doak dead, he would surely kill him (Alikomiak). Also that he knew there but few whitemen in the country.

Cpl Bonshor and Cst Stevenson were overtaken and returned within a couple of days. Mr Pete Norberg Constable Stevenson and the prisoner Alikomiak then set out on the long and arduous trip to McPherson via the coast. I met them at Aklavik on 28th June last. Needless to say the few white people remaining in that section are rather apprehensive. Everything possible will be done to expedite the hearing of this and the several other murder cases from that district in order that an example may be sent to the natives in there.

Shooting Affray at Kent Peninsula.

In my last report I have the vague details of the killing last August near Kent Peninsula of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and little daughter Okolitana and wounding of Anaigviak, by Eskimos Pugnana and Tatamagana. By first ice last fall Reg No. 4396 [Corpl W.A. Doak] and Constable Woolams patrolled to Kent Peninsula and investigated this case. It was found that in the interval since the shooting affray last August, that the chief killer Pugnana had since been killed by Alikomiak with the assistance of Tatamagana, Alikomiak and Tatamagana were arrested and brought to Tree River. The details of the case are the same as first reported by me except that Pugnana killed the little girl Okolitana. This was considered an act of kindness by the other natives since the mother and father had both been killed. Pugnana and Tatamagana had carried all the bodies to a lake nearly and threw them in. Corpl Doak reports that he intended to make another patrol to Kent Peninsula this spring for the purpose of recovering some of the bodies. His untimely death at the hands of Alikomiak at Tree River Detachment, has prevented this patrol being carried out. Alikomiak is now in custody here and Tatamagana with witnesses and other prisoners will come out to Herschel Isl[and] by schooner the end of this month.

Murder of Eskimo Pugnana by Eskimo Alikomiak and Tatamagana

This is a new case since last report and a most cold blooded one. Tatamagana states that after the shooting affray at Kent Peninsula related above, Pugnana was excited and wanted to kill more natives as they were against him and he asked Tatamagana to help him. Tatamagana claims he tried to talk Pugnana out of it without success. Thereupon Tatamagana decided it was best to kill Pugnana to save further trouble but was afraid to do it alone. He therefore asked Alikomiak to help him and Alikomiak agreed. A caribou hunt was arranged and when but a few hundred

yards from camp, Pugnana being in the lead, Tatamagana made signs to Alikomiak to shoot which latter did, shooting Pugnana through the back. He died soon after, and his body being placed on some rocks where the foxes would get it. Reg No 4396 Corpl Doak when investigating the shooting affray at Kent Peninsula, arrested Alikomiak and [Tatamagana for] this crime and they are now in custody.

Murder of Eskimo Hav-oo-Ogack by Eskimo Ikalukpiak.

This is a new case Hav-oo-ogack [*sic*] and Ikalukpick had the same wife. Khattia and it appears that Ikalukpick wanted to have the woman for himself. A year ago last winter the latter made an attempt to kill Hav-oo-ogack [*sic*] but was prevented by Khattia and others. Early last fall the two men went off to set traps. Ikalukpiak returned alone crying, saying that Hav-oo-agack [*sic*] had killed himself. The woman Khattia and native Ichtik went back over the sled track and found the body of Hav—oo-agacklying [*sic*] on his right side where he had been fixing a trap. The bullet had passed through the top of the head and come out of his forehead. Evidently he had been shot [from] behind while stooping setting his trap. The body was left on the rocks for the foxes. The party then moves to Tree River where Ikalukpiak was arrested by Corpl Doak. Ikalukpiak with witnesses will be brought out to Herschel Isl this month.

Murder of Eskimo Ahkak by Eskimos Olepsekak and Amokuk and the women Ekootuk and Kapokatchiak.

This case dates back at 1919 in Prince Alberta Sound Victoria Land where Ahkak murdered Eskimo Agluetuk and in 1920 the murderer was strangled to death in reprisal by the relatives of Agluetuk, namely Olepsekak, Amokuk, Ekootuk and Kapokatchiak. The case has already been reported upon in that in winter of 1920-21 Corpl Cornelius patrolled to Prince Albert Sound and arrested Olepsekak and Ekootuk, Amokuk being taken sick had to be left behind as also the old woman Kapokatchiak who was too old and feeble to travel. The hardships of this patrol were great at that time. Olepsekak and woman Ekootuk were taken to Herschel Isl where they are still in custody. Last fall Corpl Bonshor and Constable Stevenson of Tree River Detachment patrolled to Prince Albert Sound and arrested Amokuk and Kapotatchiak. The latter was found to be so weak and feeble that she would not bave [*sic*] survived the trip back Amokuk however was arrested and brought back to Tree River in spite of the fact that he suddenly developed another ~~sudden~~ illness just prior to his departure. He will come out to Herschel Isl[and] by schooner this summer and it is to be hoped that this case can be now brought up for trial [at first] opportunity.

13. Letter, S.T. Wood to James Ritchie, Officer Commanding, RCMP, Edmonton, 9 August 1922

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 1

Herschel Isl. 9th August 1922

Sir:-

With reference to my report of 2nd July last "Re: Murder of Reg. No. 4396 Corpl. Doak W.A. and Otto Binder by Eskimo Prisoner Alikomiak", I have the honour to state, that after further consideration, I would suggest that the trials of the several Copper Eskimo held for murder should take place at Herschel Isl. Instead of Aklavik or any other place for the reason that there is better accommodation at Herschel Isl.; the large number of Eskimo prisoners and witnesses can be better handled, fed and accommodated at Herschel Isl. Besides the saving in expense of moving them to and from Aklavik also the fact that we have not the provisions with which to feed them at Aklavik while awaiting the arrival of the steamers a matter of over two months wait. It is most important that all should be here in case the ships arrive early in order to return as many of Police party and Eskimo witnesses to Tree River at first opportunity next summer. The hearing of the five or more murder cases will occupy some little time and should these trials take place at Aklavik, we would probably miss the opportunity of sending any of the party back east next year. Members of Tree River Detach. will make a patrol out here in the spring with any further witnesses or prisoners of which there are several of the former who will have to come out this fall or next spring at latest. Members of Tree River Detach and our Interpreter there are material witnesses and these men must return to their Detachment next summer. A matter of no small importance is the fact [sic] that the mosquitos are very bad at any place on the river in July or August. Arrangements could be made of the Judicial party to return outside by ship or for them to return to Aklavik and meet a boat there the end of August to take them to Smith such as the A. & A. Transportation Co. are doing for the Govt. survey party this fall.

There are at present five cases to come up for trial, namely "Murder of Corpl. Doak and Otto Binder"; "Murder of Eskimo Pugnana at Kent Pen." "Murder of Hav-OO-Ogack near Tree River" "Murder of Eskimo Ahkak at Prince Albert Sound" also in connection with this case there may be a case against Clepsekak for "Murder of Agluetuk on Victoria Isl" and lastly the "Shooting scrape at Kent Peninsula" including the murders of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Anaigiviak. Another case "Disappearance of Eskimo Hiktak" near Tree River under very suspicious circumstances will be investigated this coming winter and it is probably that arrests will follow. The preliminary hearing in the first five cases will be held here this fall and I will send out all papers by winter mail.

There are some ten or twelve Eskimo prisoners and witnesses on the way out here now in charge of Constable Woolams in Cpt. McIntyre's power schooner "Argo" from Tree River and I am expecting them to arrive any day now.

The total number of prisoners and witnesses who will have to be on hand for the trials next spring number about twenty-one, including three members of Tree River Detach. and two members of H.B.C.. This does not include the children or wives of some of the witnesses, who will have to come out also as no provisions can be made for them to remain in East. For this reason I believe the total number will be thirty or over. To move such a crowd, consisting of so many women and small children, to Aklavik over the ice next spring would be a hard proposition and it is also most essential that as many as possible be sent back East next summer after the trials.

With a view to completing all necessary arrangements and assisting to bring these several cases to a successful conclusion also considering the building operations now in progress at Aklavik. I am making application to remain in charge of this Sub-District until the summer of 1924.

I have the honour to be

Sir

Your obedient servant,

<S. T. Wood> Inspector

Comd'g Arctic Sub-District

14. Letter, Cortland Starnes to E.L. Newcombe, 14 August 1922

LAC, RG 13, vol. 271, file 1519

Ref No. D478-2 L 3.

Ottawa, August 14th, 1922

The Deputy Minister

Department of Justice,

Ottawa, Ont.

Sir, -

Re – Alikomiak (Eskimo) murder of
Corporal W.A. Doak and Otto Binder,
Tree River, N.W.T.

I have the honour to inform you that reports have reached me from our Arctic Sub-District Headquarters at Hershel Island, conveying the information that Corporal W.A. Doak, of this force, and Mr. Otto Binder, Hudson's Bay Company's trade, were both shot and killed at Tree River on the Arctic Coast on April 1st, 1922, by Eskimo Alikomiak.

I append hereto a resume of the reports respecting this double murder, together with a statement taken from prisoner Alikomiak. I am also forwarding to you in even mail, under separate cover, copies of reports covering the following murders on the Arctic Coast, -

- (1). Regarding Eskimo Amokuk murder of Ahkak.
- (2). Regarding Eskimo Tatamigana murder at Tree River.
- (3). Regarding Eskimo Alikomiak murder of Pugnana at Kent Peninsula.
- (4). Regarding Eskimo Ikalukpiak murder of Hav-oo-ogack.

A serious situation has developed in the Arctic Coast. A number of cold bloodmurders have been committed by the Natives in the past 12 months, the last 2 being the willful murder of Corporal Doak and Mr. Otto Binder on April 1st of this year. At the present time 6 Copper Eskimos are being held at our Arctic Sub-District Headquarters, Hershel Islands, each charged with the crime of murder.

In his report dealing with the murder of Corporal Doak and Mr. Binder, Inspector Wood says, -

“This makes the fourth deliberate killing since the wholesale shooting affray at Kent Peninsula in August 1921. Needless to say the few White people remaining in the country are very apprehensive, etc., etc.”.

I consider the situation which has developed on the Arctic Coast demands that stern measures be taken. Kind and generous treatment of the Natives who have committed murders in the past has apparently had the opposite effect to that intended and I am afraid there is a danger of the Natives concluding that crime is a thing to be rewarded by the White man. In my opinion steps must now be taken to endeavour to impress upon the Eskimo that such disregard for human life will not be tolerated and those found guilty of committing murder will be adequately punished. In this connection I have to make the following recommendations, -

(A). That the 6 Copper Eskimos now held at our Herschel Island Detachment be given their preliminary hearing before Inspector Wood, who has the necessary powers, and those who are committed, held for trial in the North until the Spring of 1923.

(B). That a Court with the necessary powers be convened and proceed to a convenient point on the Arctic Coast in the Spring of 1923 and there hear and dispose of the murder cases pending.

(C). That should any of these cases result in the accused being found guilty that the penalty imposed be carried out at a place to be decided on, on the Arctic Coast.

Will you kindly let me know if you concur in the foregoing suggestions at an early date in order that the necessary instructions can be issued to our Arctic Detachment to gather in the necessary witnesses during the coming Winter?

A copy of this letter and enclosures has been addressed to the Director of Northwest Territories for his information.³

I have the honour to be,
Sir,
Your obedient servant,
Cortlandt Starnes,
Assistant Commissioner

15. Letter, E.L. Newcombe, Deputy Minister of Justice, to Cortlandt Starnes, Assistant Commissioner, RCMP, 9 September 1922

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

OTTAWA, 9th September 1922.

Sir:

Referring to your letter of 14th ultimo with regard to the six Copper Eskimos now held under charges of murder at Herschel Island, I am to say that the Minister agrees with your recommendations (A), (B) and (C) as expressed in your antepenultimate paragraph.

I shall endeavour to keep these cases in mind so as to make the necessary dispositions for trials in the Spring, but I shall be glad to have timely notice from you as to date of probable departure, necessary outfit, jurors, etc. I presume your officers will have the witnesses collected and available for the trials.

I have the honour to be,
Sir,
Your obedient servant,
<E.L. Newcombe>
Deputy Minister of Justice.

³ See Letter, Cortland Starnes to the Director of the Northwest Territories, Ottawa, 14 August 1922, LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1.

16. T.L. Cory to Richard Finnie, 12 September 1922

LAC, RG 85, vol.607, file 2580

NORTHWEST TERRITORIES OFFICE

OTTAWA

12th September, 1922

MEMORANDUM:-

Mr. Finnie.

You will note that files 2511, 2580, 2582, 2583, 2584, hereunder, set forth the particulars of a number of murders committed in the N.W.T, by native Eskimos during 1921 and 1922. The accused are now held in custody by the R.C.M.P. at Herschel Island.

During the past when a native Eskimo committed murder he has been brought out to civilization and tried. The accused has, in every case been treated with kindness and clemency has been extended to him.

In the case King v Eskimos (Sinnisiak and Uluksuk) the two Eskimos Sinnisiak and Uluksuk were indicted for the murder of two Roman Catholic Missionaries, Fathers Le Roux and Rouviere. The two accused were brought out to civilization and eventually tried at Calgary in August, 1921, and found guilty of murder. The Chief Justice of Alberta passed the sentence of death on the two convicted Eskimos which was commuted to life imprisonment on August 29th, 1917.

The two Eskimos were immediately transferred in custody to Fort Resolution and confined in the R.C.M.P. barracks at that point.

December 31st, 1917, Chief Justice Harvey wrote to the Justice Department, quoting a statement made in his report to the Secretary of State on the 28th August, 1921, as follows,

"The case is clearly one for the utmost Executive clemency. The prisoners are pagans, with no knowledge of civilized methods or customs and with no religious belief. They are governed only by custom, and in the killing of Father Le Roux they did what they felt was quite justified."

"Under these circumstances it is apparent that the only justice there can be in any punishment is for the sake of reformation by educating them to sufficient extent as to the principles of our law in such matters. As soon as this result is accomplished, it would appear to me that they ought to be sent home to their people where they could probably do some good also by carrying to them something of what they had learned."

This procedure was eventually carried out and the Eskimo returned to their own people.

In the case of the King V Eskimo where Eskimos were indicted for the murder of Radford and Street, similar action was taken.

The numerous murders committed by Eskimos in the last year or so, clearly indicate that kindness and clemency have not had the desired effect upon the native population and I am strongly of the opinion that a court ought to be sent into the N.W.T., in 1923 to try those accused of murder. The cases should be tried midst the accused's local surroundings where they natives will feel the influence of the law and those found guilty should receive the utmost penalty.

The advantage in having the accused murderers tried in their own country among their own people, will be to bring home to the natives the result of their comrades' actions. Hearing and seeing the result and also the dignity of the court will impress the native mind much more deeply than if the accused were brought out, tried and hanged if convicted, in a land of which the natives know nothing.

As kindness has failed in the past I strongly recommend that the law should take its course and those Eskimos found guilty of murder should be hanged in a place where the natives will see and recognize the outcome of taking anothers [*sic*] life.

The action recommended above is not a precedent as the case of The King V LeBeaux was tried in the N.W.T., at Fort Providence last year and the convicted murderer hanged at that place.

The murder cases involved should be referred to the Justice Department with a recommendation that a proper court be sent in to the N.W.T., to dispose of same.

[*T.L. Cory*]

17. Memorandum, O.S. Finnie to W.W. Cory, 12 October 1922

LAC, RG 13, vo. 271, file 1519

Northwest Territories Office,
12th October, 1922

Memorandum:- W.W. Cory, Esq., C.M.G.,
Commissioner,
Northwest Territories

Referring specifically to the letter addressed to the undersigned by Colonel Cortland [*sic*] Starnes, Assistant Commissioner, Royal Canadian Mounted Police, under date of the 14th August, relative to murders committed by natives in the Northwest Territories during the past twelve months, the last two being the willful murder of Corporal [Doak] and Mr. Otto Binder on April 1st this year, I wish to point out that these natives are held pending trial at Aklavik and Hershel Island at the mouth of the Mackenzie River.

It will be necessary to send a Stipendiary Magistrate to hold these trials and from the experience we have had in the past with trials held by Mr. Justice Dubuc we

find that the expense involved is very great, for instance, the Court held at Fort Providence last year.

I have been giving some consideration to the possibility of cutting down the expense necessitated by these trials and have come to the conclusion that it would be well to utilize the services of the barrister who is at present employed by this Branch. I am sure he would handle the trials without talking along a retinue with him.

I would, therefore, recommend that this officer be appointed a Stipendiary Magistrate for the Northwest Territories, and detailed to hear these cases at Aklavik next summer.

‘sgd.’ O.S. Finnie

18. Memorandum, Charles Stewart to Sir Lomer Gouin, 12 October 1922

LAC, RG 13, vo. 271, file 1519

Ottawa, 12th October, 1922

My dear Sir Lomer,-

I am referring for your consideration a memorandum submitted by the Officer in charge of the North West Territories and Yukon Branch of the Department in which attention is called to the large expense that would be entailed in sending Mr. Justice Dubuc, who is Stipendiary Magistrate of the North West Territories to Aklavik, which is at the mouth of the Mackenzie River to try six natives who are charged with murder and in which a suggestion is made that a great deal of this expense could be avoided by sending up the barrister now employed by the North West Territories and Yukon Branch, who for this purpose should be appointed a Stipendiary Magistrate.

No doubt your Deputy, Mr. Newcombe, who is aware of the circumstances surrounding these murder cases and who is also aware of the accounts resulting from previous trials in the North West Territories can supply you with any further information that is needed.

I think the suggestion made by the Department is worthy of favourable consideration and would recommend prompt action.

Yours faithfully,
<Chas. Stewart>

Hon. Sir Lomer Gouin, K.C.M.G.,
Minister of Justice,
OTTAWA.

19. Letter, C.C. McCaul to Samuel William Jacobs, 16 October 1922

LAC, RG 13, vo. 271, file 1519

16th Oct./22

Dear Mr. Jacobs –

From the enclosed clipping from the Edmonton Journal of 14th it would appear that the authorities are already taking steps in regard to the prosecution of the Eskimo prisoners now at Hershel Island for murder.

Altho' you told me that you thought the selection of a Crown Prosecutor would be mainly a matter of routine in the Dept. of Justice I have reason to believe that some members of the profession are already "pulling wires" – i.e. politics – which I think should not enter into the question.

But under these circumstances, altho' I know I am persona grata with the Deputy Minister and principal officials in The Dept. perhaps if you have the opportunity you might mention my name to Sir Lomer.

In 1919 I conducted the prosecutions of the two Eskimo murderers of the Oblate missionaries – whose death sentence was commuted to life imprisonment – and this later to a term of years. Last year I conducted the prosecution of LeBeau for murder – at Fort Providence. He was hung last Nov[embe]r at Fort Smith N.W.T.

With best regards,

Your sincerely,

C.C. McCaul⁴

20. Letter, C.C. McCaul to E.L. Newcombe, 18 October 1922

LAC, RG 13, vo. 271, file 1519

October 18, 1922

E.L. Newcombe, Esq., K.C.,
Department of Justice,
Ottawa, Ontario.

My dear Mr. Newcombe:-

⁴ C.C. McCaul, Esq., K.C., barrister with Friedman & Lieberman, Tegler Building, Edmonton, Alberta.

The enclosed clipping from the Edmonton Journal of Saturday, the 14th, may be of some interest to you. Although I do not take much stock in the concluding paragraph that “arrangements are now being made for the sending of a Court to the far north”, I thought it was well to call your attention to this rumour.

You will remember some time ago that you wrote me and said that you were not at all sure whether political influence might be brought to bear in regard to the appointment of a Crown Prosecutor for the occasion of these trials in the North. When Mr. S. W. Jacobs, K.C., MP.P., of Montreal was here, I had the opportunity of seeing something of him, and when referring to this matter he stated that he did not think that politics would enter into the matter at all, and that the appointment would in his opinion be one solely for the ordinary routine for the Department of Justice. In any event, I shall be pleased to have the opportunity of acting as Prosecutor in the far North.

Although the report speaks of the court leaving Edmonton next spring, that is absurd unless word “spring” is to be extended until after the middle of June because in ordinary years Great Slave Lake is not open for navigation until about the 10th of July.

With kind regards, believe me,

Yours sincerely,
<C.C. McCaul>

21. Letter, C.C. McCaul to Cortlandt Starnes, 18 October 1922

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

October 18, 1922.

Lieut. Col. Starnes,
R.C.M.P.,
OTTAWA, Ontario.

My dear Jimmie:-

The Edmonton Journal of Saturday last gives the news that “arrangements are now being made for the sending of a Court to the far North”, for the trial of the quite extraordinary members of Eskimo prisoners who are now confined at Herschel island, charged with murder.”

As you will probably be consulted in this matter by the Department of Justice, and if the question should arise as who should be sent North to act as Crown Prosecutor on this occasion, I hope that you will not forget that I am available, and that I would greatly appreciate anything that you may be able to do to forward my selection for this important and somewhat arduous duty. You will doubtless recall that in 1917, I conducted the prosecution of the two Eskimo murderers of the Oblate

missionaries who were arrested by [LaNause] at Coronation Gulf and brought out to Alberta for trial. Last year I went in again under the very capable escort of Major Jennings to Fort Providence where we conducted the prosecution of Albert Lebeaux for murder of his wife and infant child, both of these prosecutions as you doubtless recall resulted in conviction of murder. I notice by the paper recently that you have been appointed Sheriff of the North West Territories in succession to Perry. Perhaps you will not thank me for it, but I rather think that it was due to a suggestion that I made to the Deputy Minister of Justice that any appointment of Sheriff for the North West Territoreis was made at all.

With kindest regards to Mrs. Starnes and yourself, believe me,

Yours sincerely,

<C.C. McCaul>

22. Letter, Cortlandt Starnes to C.C. McCaul, 23 October 1922

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

PERSONAL.

Oct. 23rd 1922.

My dear Charlie:

I have your letter of the 18th inst., regarding the trials up in the North.

The plans have not yet been completed. I am awaiting word from Jennings who has been asked to furnish a detail regarding transportation arrangements and recommendations. I have not received that yet.

As soon as I get that, I will take up the matter with the Dept. of Justice re the organization of the party.

You may be assured that I will be only too glad if my humble recommendation could be of any use, that they should select you for prosecuting in the case. The first opportunity I have to talk the matter over with Mr Newcombe, I will do so.

With kind regards to Mrs McCaul,

Yours very sincerely,

<Cortlandt Starnes>

23. Letter, Samuel William Jacobs to Sir Lomer Gouin, 23 October 1922

LAC, RG 13, vol. 271, file 1519

Montreal, October 23/22

Personal

Sir Lomer Gouin,
Minister of Justice,
Ottawa, Ont.

My dear Sir Lomer:-

I enclosed for your perusal a communication from Mr. C.C. McCaul, K.C., of Edmonton, respecting the trial of Eskimos in the North country. Mr. McCaul has been handling a number of these murder trials, with great success, and is desirous of continuing to represent the Department in the new trials which are about to begin.

I know Mr. McCaul very well, and think you will find that the Department is satisfied with the manner in which he has conducted these cases.

Yours very truly,

Enc.

<S.W. Jacobs>

24. Crime Report Re: Tatamigana Eskimo – Murder, 10 November 1922

LAC, RG 18, vo. 3289, file HQ-681-G-1

ROYAL CANADIAN MOUNTED POLICE

“G” Division.

Edmonton, Alberta.
Nov. 10, 1922

CRIME REPORT

RE

Eskimo Tatamigana – Murder

(Previous heading: Re Murder of Eskimo)
(Ikialgagina, Ikpukuwak, Hannak, his wife)
(Pughana and daughter Okolitana, and wounding)
(of Eskimo Eskimo [sic] Anaigviak, at Kent Peninsula)

Pugnana, who did most of the killing, has since been murdered by Eskimos Alikomiak and Tatamigana (Pugnana's partner).

Tatamigana who assisted Pugnana and took an active part in the shooting is in custody at Herschel Island, and is also held for the murder of Pugnana.

No witnesses to this shooting affray at Kent Peninsula are at present at Herschel Island except Alikomiak.

Native Anagvik (who was wounded in the shooting affray) and his wife are witnesses, and are now at Tree River.

Const. Stevenson has instructions to investigate this case further, and obtain more witnesses. It is possible that these witnesses can get out to Herschel Island by schooner in August next time for trial.

<S. T. Wood> Inspector,
Commanding Arctic Sub-District.

[FORWARDED, in triplicate to Commissioner, RCMP, by Supt. G.L. Jennings, Commanding "G" Division, Edmonton, 14 November 1922.]

25. Crime Report Re: Murder of Eskimos Pugnana by Tatamigana, 10 November 1922

LAC, RG 18, vo. 3289, file HQ-681-G-3

ROYAL CANADIAN MOUNTED POLICE

Edmonton, Alberta, Nov. 10, 1922.

C R I M E R E P O R T

Re

Murder of Eskimo Pugnana by Eskimos
Alikomiak and Tatamigana.

This case is closely related to the shooting affray at Kent Peninsula in 1921 in which Pugnana assisted by Tatamigana killed four men, a woman and her daughter.

The two accused Alikomiak and Tatamigana are now in custody at Herschel Island awaiting trial.

All witnesses are still at Tree River and vicinity and include Native Anagnik, his wife and deceased's wife Agnahiak (a crippled woman).

Further investigation is required, and Constable Stevenson has instructions to this effect.

It is quite possible that the witnesses in this case can be brought out to Herschel Island by schooner in line for trial in August next providing it is an ordinary session for navigation.

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

<S.T. Wood> Inspector
Commanding Arctic Sub-District.

FORWARDED, in triplicate.

Edmonton, Alta.
November 14th, 1922.

<G.L. Jennings> Supt.
Commanding "G" Division.

26. Statement of the Eskimos Charged with Murder Now in Custody at Herschel, 13 February 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

Royal Canadian Mounted Police.

Ottawa, Ont.
Feb. 13th 1923.

STATEMENT showing the names of Eskimo now in custody at Herschel Island, charged with murder, and the number of victims.

NAME OF MEN MURDERED.	PLACE.	DATE.	ALLEGED MURDERER.	POINT OF DETENTION
Corporal W.O. Doak of the R.C.M. Police.	Tree River.	1 st April 1922.	Eskimo Alikomiak.	Herschel Island.
Mr Otto Binder, of the Hudson Bay Company, Trader.	Tree River.	1 st April 1922.		

NAME OF MEN MURDERED.	PLACE.	DATE.	ALLEGED MURDERER.	POINT OF DETENTION
*Pugnana	Kent Peninsula.	1921.	Eskimo Tatamigana and Alikomiak	Herschel Island
*This man had been implicated in the murder of four other Eskimos.				
Eskimo Ahkak	Prince Albert Sound, Victoria Island	Winter of 1919- 1920	Eskimos Olepsek Amokuk Ekootuk	Herschel Island.

In addition to the above, an old Eskimo woman named Kapakatchiak, who is still at Tree River, is also implicated in the murder of Eskimo Ahkak.

Number of Eskimo Prisoners in custody at Herschel Island 5
Number of white men murdered 2
Number of Eskimos murdered 6

<C.S.>

Cortlandt Starnes,
Asst Commissioner.

27. Letter, J.W. Whillips to Aylesworth Bowen Perry, 22 March 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

Royal Canadian Mounted Police
(C.J.B.)
QUEBEC DISTRICT.

Montreal, March 22nd, 1923.

The Commissioner,
Royal Canadian Mounted Police,
OTTAWA, Ont.

Sir: re: Prisoners held at Herschel Island On Murder Charges.

I have the honour to advise you that Mr. Ellis called at the office this morning regarding the hangings of these men, stating that before he would undertake the trip, he wished to have full arrangements made; he also stated that he wished to go

in with the Judge, execute the prisoners immediately after sentence and return with the Judge's party, thus enabling him to come out at an/early [sic] date.

He gave me to understand that arrangements had been made whereby he could get out by December 15th, but on checking up these arrangements he found that he could not get out till the middle of January. I suggested that he talk this matter over with you personally, but he stated he felt that the government should pay his transportation to Ottawa to do so. I then told him that I would take the matter up with you by letter.

I would suggest that Mr. Ellis go to Ottawa and see you personally regarding this matter; if necessary I could issue him with a transport requisition.

I have the honour to be,

Sir,

Your obedient servant,

<J.W. Whillips S/Sergt O.D.S >

(J.W. Whillips) for Insp.

Commanding Quebec District

28. Secret Memorandum, Cortlandt Starnes to the Officer Commanding, RCMP, Lethbridge, 23 March 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

Mar. 23rd, 1923.

SECRET.

MEMORANDUM.

The Officer Commanding,
Royal Canadian Mounted Police,
Lethbridge, Alta.

In connection with the murder trials to be held at Herschell [sic] Island this Summer (party leaving about the middle of June) would you please ascertain from Mr. J. J. Walken, who sent to Fort Smith in the LeBeau case, if he would be willing to take on this case under the same arrangements, namely \$4.00 per day and all expenses from the time he leaves home until he returns, and \$100.00 for the hanging, and, if so, if he would be agreeable to go in with the party as a [Special] Constable, and known to no one except as a [Special] Constable but the Officer Commanding, and to do the regular work until it is necessary he should become known otherwise, which

would of course be shortly before the hanging. This, I think, would perhaps be more suitable to him than to be known to the party as the “Hangman” from the time they leave, all through the trip and the trial. If he is agreeable I can arrange to take him on as a Special Constable for this Northern trip. Please impress upon him that he must be prepared to act the part of a Constable in order to avoid suspicion.

Please let me have a report as to this at your early convenience.

Cortlandt Starnes,
Assistant Commissioner.

D.D. 10-4-23.

29. Statement of the Accused: Alicomiak, 14 April 1923

LAC, RG 13, vol. 1526, file CC207 (Alikomiak Tatamigana), vol.1

STATEMENT OF THE ACCUSED (Preliminary inquiry. Indictable offence.)

CANADA:
Northwest Territories

Alicomiak stands before me the undersigned, S.T. Wood a Justice of the Peace in and for the Territories aforesaid, this 17th day of April in the year 1923, for that he the said Alicomiak on the 1st day of April A.D. 1922 at Tree River in the Northwest Territories, did murder Corpl. W.A. Doak of R.C.M. Police and Otto Binder, trader for H.B.C.

and the said charge being read to the said Alicomiak and the witnesses for the prosecution Constable D.H. Woolams; Cyril Uingnek and Toktogan

being severally examined in his presence, the said Alicomiak is now addressed by me as follows: “Having heard the evidence, do you wish to stay anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to induce you to make any admission or confession of guilty, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or there.” Whereupon the said Alicomiak says as follows:

“I belong to the Umingmuktok tribe living on the mainland south of Kent Peninsula. I do not know how old I am. I hunted for the first time two years ago this winter and

could not hunt before because I had no rifle or bow. I bought my rifle two years ago from Pete Norberg for 10 foxes. I was arrested by Cpl. Doak for killing Pugnana. I was scared of Doak as he sometimes gave me little hard [*word concealed by paper hole*]. One time we went to haul meat and Doak made me run beside the sled with him. I rode on the sled at times and so did he. It was deep snow and I could not keep up. Doak spoke to me but I could not understand him and do not know whether he was angry with me. I was afraid he might use the dog whip on me though he never threatened or hit me with it. Doak gave me boots and lots of things to fix and I did not like it. One time he gave me seal skin long boots to fix the bottoms and I had done one when he told me that I had not done it right and for me not to fix the other boot. I was made and did not feel good inside. The next day I think I like to kill that man. I never think before like that because I was never hungry as Doak gave me plenty to eat all the time. I think plenty I want to kill that man. The morning after I worked on the boots, I went to Police store house and got Agnavik's rifle. The store house was not locked. Doak was still sleeping. The sun was just coming up. Doak had put my rifle in the store house and I had no shells for it. I got four shells, all I could get for Agnavik's rifle, all I could get from the storehouse. I went in the porch thinking that Doak might be up, I opened the door a little and saw through a crack in the partition that Doak was still asleep. I walked quietly to the left of the stove and about 3 ft. from it and shot Doak who was on his bed about 10 ft. away. Doak was sleeping on his right side with his face to the wall and I shot him in the left buttocks as I did not want to kill right away as I wanted him to get mad. I wanted to wound him as there was revolver beside his bed and I did not care if he shot me as I did not want to go west to Herschel Isl. I thought Doak being wounded would shoot me with the revolver and I was not afraid to die as I did not want to go to a strange country. I did not think of escaping or getting back to my mother and father if I killed Doak. When Doak was shot he sat half up and turned on his left elbow looked at me and I think I understood him to say "What is the matter with you." He spoke more in an ordinary tone of voice but I could not understand him. As soon as I shoot I got outside and stopped in front of the window by Doak's bed for a little while as I thought Doak was going to get up and shoot me. I stood about 15 ft. from the window. I could not see inside Then I went to the storehouse and got my own rifle as I could not get the shell out of Agnavik's rifle. I got my rifle and went back to the house to get get [sic] my shells which I knew were there. When I came to the door I saw through the partition that Doak had turned in his bed with his legs hanging over the side and his head against the wall. He was groaning, his eyes sometimes open. He did not move, he had plenty of blood in his mouth and I knew that he was close to dead. I put his legs back on the bed and covered him with a blanket. I got my shells, about 10 [sic], and filled my rifle and waited at the window for Binder as I was afraid he was going to come. I watched out the window until the sun was high. I was afraid that Binder would see Doak and want to kill me. Just before Binder came Doak died as he finished groaning breathing. Binder was about 50 yards away when I shot to kill

him aiming to hit him in the heart, he fell down at once groaning out loud, moved a little and was dead quick. I went out and felt Binder he lay on his right side. I went to H.B.C. post Toktogan, (Binder's native woman) had been standing in the porch of the house and heard the shot and saw Binder fall. She was crying plenty, I said "Dont [sic] cry any more, I cant [sic] help it, I scared I killed both of them". She told me to take her to the people at the seal camp seven miles away. There was now no one left except ourselves. We carried or dragged Binder to the Police House, one on each side of him. He was too heavy to put alongside of Doak so we left him onthe [sic] floor. He was dead.

We went back to the H.B.C. house for her to dress her two kids when natives Toletak and Aglak came in to trade. They had one sled. I went and told them that I had killed the two whitemen. These men said it was too bad. I went to the Police House and then the two men and the woman came. I wanted to change my boots so as to go to the seal camp with them. I knew Constable Woolams and Mr Clarke of H.B.C. were there. The time I killed Doak and Binder I intended to wait and kill Constable Woolams and Mr Clarke when they returned from the seal camp. I thought Woolams would kill me as soon as I got in the door of the seal camp. I intended to kill Woolams and Clarke when I reached the seal camp and when near the camp, I put shells in my rifle. Toletuk told me "Dont [sic] kill them unless they go to shoot you, only you listen what they going to do". I then took the shells out of my gun and gave the rifle to Toletuk of my own accord.

I was in Punaktuk's snow house when the Police Interpreter, Uingnek, came and got me and went to Police snow house.

Witness [signature illegible]	Alicomiak	his X Mark
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Taken before me at Herschel Island in the said Territories the day and year first above mentioned.

<S.T. Wood>

A Justice of the Peace in and for the
Northwest Territories.

Minute

Accused committed for trial to Court of competent jurisdiction.

Herschel Island

23rd April 1923

<S.T. Wood>

A Justice of the Peace in and for the
Northwest Territories

30. Letter, Superintendent G.L. Jennings, Commanding "G" Division, RCMP, to Cortlandt Starnes, 19 April 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

Edmonton, Alberta. April 19th, 1923.

Sir :-

Re: Murder of Corporal Doak and Otto Binder, Tree River,
N.W.T.

Referring to the last paragraph of your letter of the 13th. December last, I have the honour to submit the following information which you have asked for:

First – The date the Party will leave Edmonton for [the North] this spring will be either Tuesday June 12th. or the following Tuesday the 19th. The Alberta and Arctic Transportation Company are advertising that their parties for the Far North will leave on the former date, but they have stated to me that it is quite probable that that date will be too early, and that the later date mentioned will be the one decided on finally. This will depend upon the advice they receive in regard to ice conditions in Great Slave Lake and the possibility of making an early start from Fort Smithy. Last year was very early, and it is questionable if it can be repeated this year.

Second – Necessary equipment. – As it has been decided that the trials must take place at Herschel, it will be necessary for all members of the Party to take with them their bedding rolls; also a suit of warm under-wear, sweater and warm top coat would be advisable. After arriving at Aklavik until returning there the party will be conducted entirely by the Royal Canadian Mounted Police, and each civil member of the Party should have his own equipment.

Bed rolls, mosquito bars, etc. can be purchased in Edmonton.

Third – In regard to the jurors, Inspector Wood assured me that there will be sufficient white men at Aklavik, Shingle Point and Herschel from whom a good jury can be selected. If possible none but British subjects will be chosen.

Referring to the sub section "c" of your letter, might I be advised if it would be possible to change the form of capital punishment to be carried out, where such is inflicted. It will be very difficult to build/a [sic] scaffold at Herschel; also there is a scarcity of lumber at that point. It would be a matter of very great convenience and expediency if this could be changed to shooting.

I have the honour to be,

Sir,

Your obedient servant,

<G.L. Jennings> Supt.

Commanding "G" Division.

31. Confidential Letter, Superintendent G.L. Jennings, Commanding "G" Division, RCMP, Edmonton, to Cortlandt Starnes, 19 April 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

CONFIDENTIAL.

Edmonton, Alberta. April 19th, 1923.

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

Sir :-

Re : Murder Trials at Herschel.

Referring to your Confidential letter of December 5th. last, might I be advised please, at an early date, just what decision has been arrived at by the Department of Justice in regard to the handling of cases at Herschel. It is presumed here that His Honour Judge Lucien Dubuc, Stipendairy Magistrate for the Northwest Territories, will be the presiding Judge.

In regard to the prosecution, I am of the opinion that this can be handled quite satisfactorily by members of this Force, and thus save expense of sending in a Crown Prosecutor.

In regard to the defence, however, may I be permitted to say that it appears to me advisable that in the best interests of all Departments concerned in these cases, that a civilian be appointed Counsel for the Defence; also I do not know if we have any member in that District who could sufficiently look after the interests of the accused to the satisfaction of the Presiding Judge. There are, I believe, several Solicitors in Edmonton on who would take on this for the expenses of the trip and a small honorarium of say \$500.00, to cover all these cases.

In regard to the Stenographer, I propose sending in Constable Wild, who acted in a similar capacity in the Albert Le Beaux Murder Trial at Fort Providence, N.W.T. in 1921, and who is well versed in the legal requirements.

A Clerk of the Court I consider is not necessary, one of our members could act as such.

Arrangements have been completed with the Alberta Transportation Company for transportation of the Party to Aklavik, and also returning therefrom [sic] if convenient, without undue waste of time. From Aklavik to Herschel and return the Party will be in charge of the Royal Canadian Mounted Police. I expect this Party to return to Aklavik not later than the 15th. of August.

You ask for an estimate of cost – the following rates are quoted from the schedule of the Alberta and Arctic Transportation Company :-

Waterways (McMurray) to Aklavik
Down stream ... \$107.00
Up stream ... 105.00

Total \$257.00

In addition there is the cost of meals and berths, running from \$3.75 to \$4.25 per day, approximate number of days on Company boat forty, total \$160.00. Approximate cost per person Waterways to Aklavik and return - \$417.00.

Referring to the last paragraph of your letter it is unfortunate that, as the law students are present, sentence of death has to be approved by the Council and Warrant issued. I was in hope that whatever Judge was appointed for these cases would be possible for the Government to give authority to order that executions, where imposed, take place within a reasonable time. It now means that in order to have the evidence sent outside, approved by Council and Warrant issued, such confirmation of sentence would not be received at Aklavik, to which place it would be necessary to bring the prisoners, until the following February. If possible, however, a man will be rushed in before the closing of navigation. This will depend when these reports are received outside, presumably not later than September 15th.

Will you please also give me your instructions as to whether I am personally to accompany this Party.

I enclose herewith letter just received from Officer Commanding, Arctic Sub District dated 8th. August last, in connection with these cases.

In regard to the papers in connection with the preliminary hearing in these cases, Inspector Wood did not return in time to have these papers sent out by the winter mail, so they will no doubt be held at Herschel until the arrival of the Judicial Party.

I have the honour to be,
Sir,
Your obedient servant,
<G.L. Jennings> Supt.
Commanding "G" Division.

32. Letter, Cortlandt Starnes to E.L. Newcombe, Deputy Minister of Justice, 25 April 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 1

April 25th 1923.

Sir:

Re: Murders by Eskimos in N.W. Territories.

Referring to the Eskimo now held at Herschel Island on charges of murder, whom it is proposed to bring to trial this coming summer:

I am in receipt of reports from the Officer Commanding the Royal Canadian Mounted Police at Edmonton, on this subject, and beg to direct your attention to the following:

(1) With regard to the prosecution, I am of the opinion that this can be handled quite satisfactorily by members of the Royal Canadian Mounted Police. If you approve [of this], it will save the expense of sending a Crown Prosecutor.

(2) Court Stenographer. If you approve, I propose sending in a member of this Force – Constable Wild – who acted as Stenographer in the Albert LeBeaux murder trial at Fort Providence, N.W. Territories, in 1921, and who is quite capable and conversant with what is required.

(3) Transportation. Arrangements have been completed with the Alberta and Arctic Transportation Company for transportation of the party to Aklavik, in the Mackenzie Delta, and also return from there, without undue waste of time. From Aklavik to Herschel Island and return the party will be in charge of the Royal Canadian Mounted Police. It is expected that the party will return to Aklavik not later than the 15th day of August. The following are the rates of the Alberta and Arctic Transportation Company: for waterways (McMurray) to Aklavik and return \$257.00. In addition, there is the cost of meals and berths running from \$3.75 to \$4.25 per diem. The approximate number of days on the Company's boats would be 40. The total approximate per person, Waterways to Aklavik and return will be \$417.00 each.

(4) Preliminary Hearing. Inspector Wood did not return in time to have these papers sent out by last winter's mail, so they will no doubt be held at Herschel Island until arrival of the Judicial Party.

(5) Date of departure, from Edmonton. So far as is known at present, the party will leave Edmonton on either Tuesday, June 12th, or the following Tuesday, the 19th, - The Alberta and Arctic Transportation Company are advertising for the former date, but they have stated to the Officer Commanding at Edmonton that that date might be too early, and that the latter is more likely to be decided on finally, although ice conditions in the Great Slave Lake will be the deciding factor.

(6) Equipment. All Police members will take bedding rolls, warm underwear, sweater, and warm overcoat. Each civil member of the party should have his own equipment, bed rolls, mosquito bars etc., may be purchased in Edmonton.

(7) Jury. With regard to [Jurors], Inspector Wood commanding the Police, Herschel Island, has assured the Officer Commanding at Edmonton that there will be sufficient white men at Aklavik, Shingle Point, and Herschel Island from whom a good jury can be selected.

I have the honour to be,
Sir,
Your obedient servant.
Cortlandt Starnes,
Commissioner.

33. Statement of the Accused: Tatamigana, 24 April 1923

LAC, RG 13, vol. 1526, file CC207 (Alikomiak Tatamigana), vol.1

STATEMENT OF THE ACCUSED. (Preliminary Inquiry, Indictable Offence.)

CANADA:

North-West Territories

Tatamigana stands before me the undersigned, S.T. Wood a Justice of the Peace in and for the Territories aforesaid, this 24th day of April in the year 1923, for that he said Tatamigana in or about the month of August A.D. 1921 at or near Kent Peninsula in the North-West Territories, did murder Pugnana, a copper Eskimo.

C.C. of C.263

and the said charge being read to the said Tatamigana and the witnesses for the prosecution Alicomiak being severally examined in his presence, the said Tatamigana is now addressed by me as follows: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to induce you to make any admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial, notwithstanding such promise or threat." Whereupon the said Tatamigana says as follows: "I belong to the to the Umingmaktok tribe living on the mainland south of Kent Peninsula. I took part in the shooting affray about June 1921 with Pugnana when five people were killed south of Kent Peninsula About the time the snow was

first coming, we were camped one days travel from the H.B.C. post. There was my father's family (Ikpukuwak), ... Pugnana, his wife (Agnahiak) and adopted son (Ohokvilok) and Alikomiak⁵ (living with his parents Noanakhuk). Pugnana was still angry after the killing of the five people and told me that he did not care what happened to him and he would kill more people. Alicomiak told me that Pugnana said that we were no good and did not know how to shoot. Pugnana asked me to help him kill more people but I told him I did not want to kill any more as I had had enough. I was not scared of Pugnana at all but I watched him as he carried a loaded rifle all the time. Pugnana was my uncle.

Alicomiak and I were at a creek fishing one day from the camp in September and Alicimiak [*sic*] told me that he would like to kill Pugnana because he had killed Ikialgggina. I told Alikomiak that I would kill Pugnana if he did not as Pugnana had said I was no good. I asked Alicomiak to shoot Pugnana first and if he did not kill him I would. I gave him one new shell for his 30-30 carbine and kept one for myself to kill Pugnana with.

Alicomiak said he would kill Pugnana but if he did not kill him the first shot, for me to give him another one. I said I would. We agreed to kill Pugnana without the latter having a chance to know about it the first chance we got. The second day after we came back from fishing, Pugnana asked us to go hunting squirrels and we started out about mid-day. Alikomiak, Pugnana and Ohokvilok and myself. Ohokvilok was Pugnana's adopted son, about 8 years. Alicomiak agreed before we went to shoot Pugnana from behind. I told Alicomiak to walk behind Pugnana and I would be alongside of him (Pugnana). I told Alicomiak that I would make signs with my eyes to him when to shoot Pugnana. We went about half a mile from camp. Pugnana was on my right and Alicomiak was directly behind him. The boy was behind [*illegible*] Alicomiak. Pugnana was carrying his rifle over his left arm, there was no cover on it. I dropped behind a little and made a sign with my eyes to Alicomiak to shoot Pugnana. I looked away and we walked a few steps before Alicomiak shot Pugnana between the shoulders. The bullet came out through his chest. Pugnana fell on his face and did not speak. He died quickly. We moved the body a little way and covered it with earth so that the other people would not find it. I told Alicomiak to do this and for him not to tell anybody about it but to say that Pugnana had gone hunting. We did not kill any squirrels or other game. I was carrying my rifle across my shoulder when Alicomiak shot and before I could get my gun down, Pugnana had fallen[.]

Witness < <i>illegible Const.</i> >	Tatamigana	his X mark
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⁵ *Editor's note:* the spellings Alikomiak and Alicomiak are used interchangeably throughout this document and appear as they did in the original.

Taken before me at Herschel Island in the Territories the day and year first above mentioned.

<S.T. Wood>

A Justice of the Peace in and for the Northwest Territories

The deposition of Alicomiak written on the several sheets of paper, to the last of which my signature is annexed, were taken in the presence and hearing of Tatamigana and signed by said Alicomiak in his presence.

In witness whereof I have in the presence of the said Tatamigana signed by name.

<S.T. Wood>

A Justice of the Peace in and for N.W.T.

Minute

Accused committed for trial to next court of competent jurisdiction.

<S.T. Wood>

A Justice of the Peace in and for N.W.T.

Herschel Island

24th April 1923

34. Letter, D.H. Woolams to the Officer Commanding, Arctic Sub-District, RCMP, 8 May 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

Royal Canadian Mounted Police
Arctic Sub-District

Herschel Island
May 8th 1923

The Officer Commanding
R.C.M. Police
Arctic Sub-District
Herschel Island.

Sir,

I have the honour to submit herewith a report of passage, of myself, Inspector Cyril Uingnek, witness Taktogen, prisoners Amokok and Tatamigana on board the Schooner Argo Captain Samuel Mac Intyre; from Tree River N.W. Territories to Herschel Island Y.T.

Acting on instructions received from Corpl. Bonshor in Charge of Tree River Detachment, I left with the above party, on August the 4th and arrived at Herschel Island September 9th 1922, being thirty [seven] days enroute, encountering heavy ice all the way.

On Sept. 4th we picked Cst Brockie (Reg No5599) who had been blown ashore with whale boat, on Tent Island we [having] Native woman Laura, escorting her to Herschel Island on the morning of Sept, 5th we landed and secured the whale boat.

On arrival at Herschel Island I turned over [witnesses] and prisoners, with effects to Insp, S.T. Wood in charge of Arctic Sub-District.

The following is a copy of my diary.

August 4th South Wind ice off shore
Left Tree River Detachment at noon, and tied upst 6 P.M. Koogurak Island.

August 5th Calm.
Underway 5 A.M. and tied up at Cape Krusenstern at 12 noon.

August 6th. Light N.E. Wind.

Moved about a mile, heavy ice.

August 7th Light N.W. Wind.

Did not move.

August 8th Strg, N.W. Wind.

Moved to mainland.

August 9th. Light N.W. Wind.

Did not move, in ice.

August 10th. Light N.W. Wind.

Moved about a quarter of a mile.

August 11th. Light West Wind.

Did not move, in ice.

August 12th. Light West Wind.

Did not move, in ice.

August 13th. N.E. Wind,

Underway 4 A.M. and arrived Bernard harbour 8 P.M.
and anchored.

August 14th. Light N.E. Wind.

Underway 4 P.M. at 9 P.M. Strg. S.W. Wind.

August 15th tied up west side of Stapleton Bay 12 Noon

August 16th. Calm strong east current.

Underway 5 A.M. arrived Clifton Point 9 P.M. and tied up.

August 17th. No Wind.

Underway 4 P.M. tied up at Dease Thomson Point 9 P.M. Natives visited schooner from Bernard Harbour.

August 18th. N.W. Wind Heavy rain.
Did not move, ice solid.
August 19th. Calm.
Moved three mile west.
August 20th. N.W. Wind.
Ice solid.
August 21st. N.E. Wind.
Ice breaking.
August 22nd. N.E. Wind.
Underway 4 A.M. and anchored at Cape Lion 5 P.M.
August 23rd. Light N.E. Wind.
Underway 7 A.M. passed Cape Perry 1 P.M. and tied up ten mile west of Horton river August 24th.
August 25th. N.E. Wind.
Underway 3 A.M. and anchored at Cape Bathurst 10 A.M.
August 26th and 27th at anchor.
August 28th. N.W. Wind.
Underway 3 P.M.
August 29th. S.W. Wind.
Tied up Russel inlet.
August 30th. N.E. Wind.
Underway 5-30 A.M. hevedto [*sic*] off the Delta 8 P.M.
August 31st.
Grounded N.E. End of Hooper Island Snow and fog. Hauled off and slipped anchor and anchored the east end of Hooper Island.
Sept, 1st. Strg., S.W. Wind
Laying to anchor.
Sept. 2nd. Left hooper Island 12 noon.
Sept 3rd.
Anchored in S.W. Gale at Tent Island 6 P.M. $\frac{3}{4}$
Sept, 4th. At anchor.
Picked up Cst Brockie and Native woman.
Sept, 5th.
Landed and secured whale boat. underway at 12 noon and anchored at Shingle Point 5 P.M.
Sept. 6th.
Underway 6 A.M. arrived King Point 12 noon, hauled stern up on beach to secure shaft.
Sept, 7 and 8 laying to anchor heavy S.W. Gale.
Sept. 9th. Weather moderating.
Underway at 2-30 A.M. and arrived Herschel Island 9 A.M.

I have the honour to be,

Sir,

Your obedient servant

<D.H. Woolams> Cst.

Reg No. 7802.

[Forwarded to The Commissioner, RCMP, in Ottawa, by Superintendent James Ritchie, Commanding "G" Division, Edmonton, on 31 July 1923.]

35. Letter, E.L. Newcombe to Lucien Dubuc, 11 May 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

Ottawa, 11th May, 1923.

Sir,

According to present arrangements these cases will be tried this summer at Herschel Island, and the judicial party would travel by the boat which goes down the Mackenzie at the opening of navigation, leaving Edmonton, I am told, in June.

The Minister desires that you should preside at these trials, and he will select counsel for the prosecution and for the defence, who will accompany you upon the trip. The Royal Canadian Mounted Police will make the necessary arrangements to provide for the transport and maintenance of the party and defray the incidental expenses. Therefore, the only expense to which you would be subject would be for any extra articles of clothing and personal equipment, if any desired. The Minister proposes also that you should receive an allowance to cover any such necessary outlay, etc., at \$10.00 per day during the period of your necessary absence from Edmonton upon the trip. This will require parliamentary provision, but the amount corresponds, as you will realize, to the maximum allowances authorized by the Judges Act for local courts.

I shall be glad to hear that these dispositions are satisfactory to you, and I suggest that you communicate with the police with a view to obtaining such further information as may be requisite.

Your obedient servant,

Deputy Minister of Justice

His Honour

Judge Dubuc,

Edmonton, Alta.

36. Memorandum, Albert J. Cawdron to the Officer Commanding, RCMP, Montreal, 16 May 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

May 16th, 1923.

MEMORANDUM.

The Officer Commanding,
Royal Canadian Mounted Police,
Montreal, P.Q.

Re – Murders by Eskimo in North West Territories.

The Commissioner wishes you to try and get in touch with Kangman Ellis, whose address, I think, you have on file, and drop him a line asking him to call in and see you at his early convenience, when discuss with him the hanging of the Eskimos at Herschel Island. It is not likely Ellis will go himself but he may have someone he could recommend as being able to do the hanging in an efficient manner, perhaps someone who has already acted in that capacity.

It will be necessary for him to leave here about the middle of June and he might not be able to come out until the following Spring. The Commissioner's idea is that he take on as a Special Constable and go in with the party as such, being subject, of course, to the usual discipline, and make himself generally useful as a carpenter, etc., in order that his identity might not be known until the time of the hanging, this by reason of there perhaps being a certain feeling amongst some against one performing that duty. He could then a few days before the date set for the hanging volunteer to do it, so to speak.

The Commissioner thinks \$4.00 or \$5.00 per day and expenses sufficient to pay, together with \$100.00 for each hanging.

Please arrange this interview and submit a report as soon as possible.

Albert J. Cawdron,
Superintendent,
Director of Criminal Invesitgation.

37. Letter, E.L. Newcombe to T.L. Cory, 16 May 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

Enclosures.

16th May 23.

Sir;

I have the honour to inform you that there are six Copper Eskimos now in custody of the Royal Canadian Mounted Police at Herschel Island, in the Arctic, charged with murder, and it is proposed that they shall be tried there during the coming Summer.

His Honour Judge Dubuc of Edmonton holds a commission as stipendiary magistrate of the North West Territories under which he is authorized to conduct these trials, and I have asked him to arrange to go to Herschel Island and try the prisoners.

The Officers of the Royal Canadian Mounted Police are making all arrangements for the journey out and in, and the expedition would I anticipate begin ... early next month.

The Minister is informed that you would be willing to act in the capacity of Counsel for the defence of these prisoners, and he desires that you should accompany the party in that capacity. All moving expenses, going and coming from and to Edmonton, and maintenances other than clothing will be provided by the police, who will make the necessary arrangements, and you will receive as remuneration for your services \$25.00 a day for the period necessarily occupied during the trials, and in going from Edmonton to the place of trial and returning.

So far as I am aware none of these prisoners has been committed for trial upon preliminary, and I have no record of the evidence, but you will doubtless be able to ascertain the particulars of the respective cases from the police necessary to enable you to make such preliminary preparation as you may think advisable before departure, and I suggest that you communicate with the police for this purpose, and also for obtaining all necessary information with regard to the trip.

I may tell you that the Minister has named Mr I.B. Howatt, K.C., of Edmonton, as prosecuting counsel. I have written to him and I anticipate that he will accompany the party.

It is of course the Minister's desire that the trials shall be fairly conducted, and that the prisoners shall receive every consideration which the merits of their respective cases will justify, and you should of course endeavour to inform yourself as thoroughly as possible with regard to the facts with a view to bring out such evidence as you consider advisable on the prisoners' behalf.

You will perceive that although it will be necessary for you to go to Edmonton to join the party at the time of its departure the per diem allowance for services and the indemnity for travel which the department undertakes ~~at the~~ does not ~~beginning~~ until the day of departure from Edmonton.

I have the honour to be,
Sir,
Your obedient servant,
<E.L. Newcombe>
Deputy Minister of Justice.

38. Letter, E.L. Newcombe to I.B. Howatt, 16 May 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

16th May 23.

Sir:

I have the honour to inform you that there are six Copper Eskimos now in custody of the Royal Canadian Mounted Police at Herschel Island, in the Arctic, charged with murder, and it is proposed that they shall be tried there during the coming Summer.

His Honour Judge Dubuc of Edmonton holds a commission as stipendiary magistrate of the North West Territories under which he is authorized to conduct these trials, and I have asked him to arrange to go to Herschel Island and try the prisoners.

The officers of the Royal Canadian Mounted Police are making all arrangements for the journey out and in, and the expedition would I anticipate begin the journey early next month.

The Minister is informed that you would be willing to act in the capacity of prosecuting counsel, and he desire that you should accompany the party in that capacity. All moving expenses and maintenance, other than clothing, will be provided by the police, who will make the ~~your~~ necessary arrangements, and you will receive as remuneration for your services \$25.00 a day for the period necessarily occupied during the trials, and in going from Edmonton to the place of trial and returning.

I am sending you herewith copy of a letter from Assistant Commissioner Starnes of 14th August last, and the enclosures which accompanied the same. Also a newspaper clipping, and copy of a memorandum of 2nd December last. These are all the papers upon my file with reference to the facts, but I suggest that you refer to the Royal Canadian Mounted Police at Edmonton for further particulars and all necessary information with regard to the trip. I may tell you also that the Minister has named

Mr T.L. Cory, Barrister of Ottawa, to defend the prisoners, and he will join the party at Edmonton in due time.

I enclose herewith, for your information, a copy of a Bill which has passed the Senate and House of Commons at the present session, and is awaiting the Governor General's assent, the object of which, as you will perceive, is to authorize the trials to be conducted in the Yukon Territory, notwithstanding that the offences were committed in the North West Territories. This Bill will doubtless receive assent at the close of the session and before the trials come to be heard.

I have the honour to be,
Sir,
Your obedient servant,
<E.L. Newcombe>
Deputy Minister of Justice.

39. Personal Letter, Lucien Dubuc to the Commissioner, RCMP, 22 May 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

mai 22. 1923

Monsieur le Commissaire.

J'ai [reçu] il y a quelques jours mes instructions de [présider] au procès des Eskimos à Hershell Island. Comme je vous le disais en janvier dernier j'aurais [préféré] Aklavik mais les rapports du nord ont [désigné] Herschell, et il faut s'y rendre [coûte que coûte].

Le major Jennings a eu toutes les peines du monde à sortir en 1921 dans le même été, et je suis un peu inquiet pour le sort de notre expédition. J'espère tout de même que sous votre protection tout ira pour le mieux.

Je vous demanderais donc de nous confier à quelqu'un de très entendu avec les difficultés de transport dans le Delta du Mackenzie et de l'[océan] arctique; L'important n'est pas de penser ~~à la~~ au danger de la navigation, mais [à] ce que il n'y ait pas de « hitch » dans la [correspondance] des bateaux à Aklavik.

Si vous ne pouvez nous donner le Major Jennings pour nous sortir du trou là-bas (car c'est probablement lui qui nous a mis dedans) je vous soumettrais le nom de l'Inspecteur Fletcher ou Fitzgerald que j'ai su [apprécier] pour avoir [voyagé] avec lui dans le nord en 1921.

Il [connaît] bien la route pour l'avoir en grande partie [parcourue], et en plus étant à la tête de la navigation à Fort Smith il est en rapport intime et constant avec

tous les capitaines de vaisseaux; ces derniers sont rois et maîtres pendant la saison de navigation, et il faut savoir les aménager et bien s'entendre avec eux.

J'aurais bien confiance en lui, car je sais qu'il [pourra] prévoir à toute éventualité et saura au besoin user de l'autorité nécessaire pour [réquisitionner] ce qu'il faudra si les gros bateaux nous font défaut. Je ne vois [point] d'ici ce que l'inspecteur Wood pourra faire pour nous [là-bas] pendant qu'il se chauffera confortablement chez lui sur son île à des 100 mille de la navigation du Mackenzie.

Je compte que ce sera un voyage d'au moins trois mois si tout va bien. Mais je connais assez bien le Nord pour savoir qu' "au bout de la ligne" quand le bateau nous aura quitté il peut survenir bien des choses [imprévues] si l'on compte sur une seule ligne de bateau. Vous admettez que ce serait [plutôt] ennuyeux d'avoir à sortir par le Yukon.

Je comprends et j'apprécie directement l'importance de cette expédition judiciaire qui doit être un hommage silencieux rendu [à] la valeur refc reconnue de la "Mounted Police", dont l'un de ses membres a [subi] le sacrifice suprême loin des siens dans l'extrême nord en faisant son devoir.

Veuillez accepter ces humbles affections, en bonne part car elles vous sont faites avec mon plus profond respect.

Sincèrement à vous,

Lucien Dubuc

40. Inspector W.P. Lindsay, Commanding Northern Alberta District, to Commissioner, RCMP, Ottawa, 22 May 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

NORTHERN ALBERTA DISTRICT

EDMONTON, ALTA.

22nd May 1923.

Sir:

Re: Murders by Eskimos in North West Territories

Referring to your Memorandum of the 17th instant I have the honour to recommend that an escort of the following detail accompany the Judicial Party:-

Reg. No. 3546	Sergt.	Spriggs, F.E.
" "	7805	Const. Brooks, R.H.
" "	9632	" Greville, M.F.
" "	8819	" Wood, C.E.
" "	7536	" Wild, R.S.

Constable Wild will act as Court Stenographer; he has already had experience in this work in the Lebeau trial at Providence in 1921. This party will accompany the Judicial party to Herschel and return. These are all very smart and clean men, and as the scene of the trial will be crowded with Eskimos they will be very representative of the Force and should create a good impression. My reasons for sending this escort are, that this will be the first session of any Court of Superior Criminal Jurisdiction at Herschel Island, and while I do not anticipate trouble in any way, it must be remembered that Eskimos are all armed, their customs are different from ours, and the records of their wars with the Indians show that they are not wanting in courage. I may be adopting too cautious an attitude, but I feel that it is better to be safe than sorry.

His Honour Judge Dubuc spoke to me about having a commissioned officer with the party, he being very anxious to have Inspector Fletcher join his party at Fitzgerald and to stay with him until his return to that point.

The Judicial Party and escort will require rations which will have to be taken in with them to carry them from Aklavik to Herschel and back again, including their stay at Herschel, as the ration supplies there are only sufficient for the number of men on the detachment. As soon as I hear from you approving the strength of the party, I will have the Quartermaster make the necessary arrangements re rations for your approval. According to my figures the party will consist of:-

His Honour Judge Dubuc	1
Secretary to His Honour.	1
Counsel.	2
Police Escort.	5
Jury.	<u>6</u>
Total	15

In view of the action of the Senate in refusing to acquiesce in the amendment passed by the Commons, permitting other than British subjects to sit as members of juries in cases tried in the North West Territories, I feel that it would be the safer course to pick up a jury en route from Fort Norman north, and more particularly so as my information leads me to suppose that there will be difficulty in this respect, as there are not more than four British subjects competent to act at Aklavik and Herschel all told. You will readily understand the great delay that will ensue if there are not sufficient competent persons at Aklavik on the arrival of the Judicial party.

I intend, with your approval, to send sufficient rations for the above number, and any unexpended can be taken on charge at Aklavik. By "rations" I mean the same kind of foodstuffs as were supplied to the Judicial party in 1921, which consisted of a great many things that are not included on our ration scale.

As regards Camp Equipment, I propose to send four Bell tents with the necessary utensils in case the party is delayed between Aklavik and Herschel, and have to camp; including of course, blankets, mosquito bars, &c.

Another point raised by His Honour was to the effect that from information received, the Government intend[s] this year to erect wireless stations at Fort Smith and Fort Norman, and next year at Aklavik. He suggests that, if possible, the Fort Norman project be left over till next year, and the Aklavik station be built this summer, so that after the completion of the trials he could communicate with the Minister of Justice giving the results and get his instructions. I have no data which would enable me to arrive at an idea of how long it takes to build and equip such a station, and merely pass on His Honour's suggestion.

I have the honour to be

Sir

Your obedient servant.

<W.R. Lindsay>

Inspector.

Commanding Northern Alberta District.

41. Letter, G.S. Worsley to the Officer Commanding, RCMP, Edmonton, 31 May 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

May 31st 1923.

The Officer Commanding
R.C.M. Police,
Edmonton, Alta.

Murders by Eskimo in N.W. Territories.

Your letter of the 22nd inst., recommending the personnel for an escort for the Judicial Party which will leave Edmonton either on June 12th or 19th 1923, is hereby acknowledged.

The Commissioner directs that the escort is to consist of: ...

- (1) Reg. No. 3546, Sergeant Spriggs, F.E.
- (2) “ “ 7536, Cst Wild, R.S. who will also act as Court Stenographer.
- (3) One other member of the Force to be chosen by you.

The remaining two recommended will not be necessary, as there will be sufficient men at Herschel to augment the escort in case of necessity.

With regard to the Jury, it will be quite satisfactory to pick up such number of men as may be thought necessary from Norman North to Aklavik.

With regard to rations, according to what has already been approved by the Commissioner, as set forth above, the Party will consist of:-

- (1) His Honour Judge Dubuc ... 1
- (2) Escort, - (Sergt Spriggs) ... 1
(One other member of the Force) ... 1
(Constable Wild, R.S.) ... 1
- (3) Counsel ... 2
- (4) Jury. From Norman North such number of British Subjects as may be considered necessary to supplement those who will be available at Aklavik and vicinity.

A schedule of the same kind of foodstuffs as supplied to the Judicial party in 1921 should be prepared forthwith, with due regard to economy. Reasonableness [sic] and economy are to be the guiding principles throughout the whole of the arrangements.

The camp and other equipment suggested by you is approved for the Police. The civilian members of the Party will be required to provide their own bed rolls, mosquito bars, warm underwear, sweaters and overcoats as suggested in Supt. Jennings' letter of the 19th of April last.

G.S. Worsley,
Asst Commissioner.

42. Letter, Cortlandt Starnes to O.S. Finnie, Director of the NWT & Yukon, 31 May 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

May 31st 1923.

Sir,

Wireless Stations down the Mackenzie River.

I have recently been in correspondence with the Officer Commanding the Mounted Police at Edmonton, with respect to the forthcoming trial of certain Eskimo of Herschel Island, and in a letter received from him under date the 22nd of May, 1923, he, in reporting a conference he had had with His Honour Judge Dubuc, says in part as follows:-

“Another point raised by His Honour was to the effect that from information received the Government intend this year to erect wireless stations at Fort Smith and Fort Norman, and next year at Aklavik. He suggests that, if possible, the Fort Norman project be left over till next year, and the Aklavik station be built this summer, so that after the completion of

the trials he could communicate with the Minister of Justice giving the results and get his instructions. I have no data which would enable me to arrive at an idea of how long it takes to build and equip such a station, and merely pass on His Honour's suggestion."

and I think it well to give you this information for such action as you may deem fit, under the circumstances.

Will you kindly acknowledge receipt.

I have the honour to be,
Sir,
Your obedient servant,
Cortlandt Starnes,
Commissioner

43. Letter, Cortlandt Starnes to James Ritchie, Officer Commanding, RCMP, Edmonton, 1 June 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

June 1st 1923.

I annex hereto the Appointment of Inspector S.T. Wood, as Deputy Sheriff in and for the Northwest Territories, signed by myself as Sheriff of the Northwest Territories.

This should be handed to Inspector Wood by Sergeant Spriggs, when the Judicial Party ~~leaves Edmonton~~ reaches Herschel.

Cortlandt Starnes,
Commissioner.

**44. Letter, S.T. Wood to the Officer Commanding, RCMP,
Edmonton, 5 July 1923**

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

ROYAL CANADIAN MOUNTED POLICE.

“G” Division. Edmonton.

ARCTIC SUB DISTRICT.
AKLAVIK. N.W.T.

Sir :-

I have the honour to acknowledge receipt of my appointment as Deputy Sheriff in and for the North West Territories, dated the 1st. June 1923.

I have the honour to be,
Sir,
Your obedient servant,
<S.T. Wood> Inspector,
Commanding Arctic Sub-District.

[Forwarded to The Commissioner, RCMP, in Ottawa, by Superintendent James Ritchie, Commanding “G” Division, Edmonton, on 15 August 1923.]

45. Transcription - King vs Alikomiak Re: Murder of Pugnana, 17 July 1923

LAC, RG 13, vol. 1526, file CC207 (Alikomiak Tatamigana), vol.1

CANADA.

NORTH WEST TERRITORIES.

TO WIT :-

Before His Honour Judge Dubuc, a Stipendiary Magistrate in and for the North West Territories, sitting at Herschel, in the Yukon Territory, in Canada, [*illegible*] this 16th day of July A.D. 1923.

This day the following charge is formally presented, that :-

ALIKOMIAK (Copper Eskimo) of Kent Peninsula, North West Territories, at a certain place about thirty miles (30 miles) east of Walker Bay on the mainland opposite Kent Peninsula in the said North West Territories on or about the month of September 1921 did murder Pugnana, a Copper Eskimo.

<signature illegible>

Agent for the Attorney General of Canada

Witnesses for the Crown :-

Tatamigana.

S.T. Wood, Inspector, R.C.M.Police

Court held before His honour Judge Dubuc, a Stipendiary Magistrate in and for the North West Territories.

THE KING vs ALIKOMIAK

Court held before His Honour Judge Dubuc, a Stipendiary Magistrate in and for the North-West Territories, held at Herschel, in the Yukon Territory on the seventh day of July 1923.

THE KING vs ALIKOMIAK.

CHARGE :-

ALIKOMIAK, a Copper Eskimo of Kent Peninsula, North West Territories, at a certain place about thirty (3) miles east of Walker Bay on the mainland opposite Kent Peninsula, in the said North West Territories, on or about the month of September 1921 did murder PUGNANA, a Copper Eskimo.

I.B. Howatt Esq., Barrister, for the Crown;

T.L. Cory Esq., Barrister, for the Defence;

Cyril Uingnek sworn as Interpreter;

Richard S. Wild sworn as Stenographer;

S Y N O P S I S.

Inspector S.T. WOOD, 1st. Witness called
And examined by Mr. Howatt
Mr. Cory declines to cross-examine

TATAMIGANA, 2nd. Witness called
And examined by Mr. Howatt
Cross-examined by Mr. Cory

Judge's address to Jury and Court
Verdict of Jury
Sentence

Exhibits :- Exhibit "1" Statement of accused at Preliminary Hearing.

Mr. Howatt addresses the Court and the Jury giving the main facts of the case against accused.

Mr. Howatt calls as First Witness, S.T. Wood, Inspector, Royal Canadian Mounted Police, who, being sworn, was examined as follows:-

Q. What is your official position?

A. Inspector of the Royal Canadian Mounted Police.

Q. Where are your Headquarters?

A. Herschel.

Q. What is your District?

A. Between Coronation Gulf south along the Arctic Coast.

Q. Do you take in Kent Peninsula?

A. Yes, and around Walker Bay.

Q. Did you hold your present office in 1921?

A. Yes.

Q. And your jurisdiction extended to Coronation Gulf then?

A. Yes.

Q. There are associated with you certain N.C.Os and Constables?

A. Yes.

Q. What is your position in regard to them?

A. I am senior to all men in this district.

Q. I present this file, what is it?

A. Preliminary hearing of the accused Alikomiak for the murder of Pugnana, the Information was taken by me on the 17th. April, and the hearing took place on the 24th. April.

Q. Its [sic] was the preliminary hearing of this case?

A. Yes.

Q. From that file I abstract a document, and ask you to tell the Court what it is?

A. It is the statement of the accused Alikomiak taken at the preliminary hearing held, after the witnesses for the prosecution had been heard. I read the statutory warning to the accused through the Interpreter.

Q. Whose signature is this? (Indicating signature)

A. It is mine. And accused made his mark in the presence of Constable Brockie as witness.

Q. Please look at this; I draw your attention to something which has been struck out in the third line from the top on the second page, how did this occur?

A. I took the evidence on the typewriter as it was given; I made many mistakes which I had to block out, as I am not an expert on the typewriter. I notice one mistake (Pointed out)

Statement of the accused shewn to Mury, entered as Exhibit “1” and read to the Court and Jury.

Q. How far is the nearest Police Department?

A. Approximately one hundred miles from Tree River Detachment; three to four day’s travel.

Mr Cory declines to cross-examine the witness.

Mr. Howatt calls TATAMIGANA as Second Witness, who, on being sworn, was examined as follows:-

Q. You remember the time when Hannak and several other people were killed at Kent Peninsula?

A. Yes.

Q. That was the summer following how many winters ago?

A. I do not remember.

Q. Where were you last winter?

A. Herschel.

Q. Where the winter before?

A. Tree River.

Q. Where the winter before that?

A. I do not know.

Q. Take your mind back to the time Hannack and the others were killed, shortly after that you and Alikomiak were at a creek fishing, there was some talk about Pugnana?

A. They were talking about to get him when they got home.

Q. What do you mean by “get” him when he got home?

Q. To go with him? To do anything to him?

A. To shoot him.

Q. Was there any talk about shells at that time? Shells for guns?

A. Yes, we were talking about shells.

Q. What did you say about shells?

A. I was to give Alikomiak one shell.

Q. Why did you give Alikomiak a shell?

A. To shoot at him (Pugnana).

Q. Had Alikomiak any shells of his own?

A. No.

Q. How were you to walk when you were going to kill Pugnana?

A. Alikomiak was to walk behind Pugnana and I was to walk alongside of him.

Q. Any signs to be given?

A. I was to give a sign with my eyes.

Q. That was all agreed before you went out for the walk?

A. Yes.

Q. Did you go walking on a certain day?

A. At noon we went for a walk.

Q. What did you say you were going to do?

A. Hunting squirrels.

Q. How did you walk that afternoon?

A. Pugnana wanted us to go with him, so we went.

Q. Who did Tatamigana walk with?

A. Alikomiak was behind and I was alongside of Pugnana.

Q. What did you do?

A. I gave Alikomiak a sign.

Q. What was Alikomiak to do when you gave him the sign?

A. Shoot.

Q. After you gave the sign, did you see Alikomiak shoot?

A. No.

Q. What did you hear?

A. I heard a shot.

Q. How as Pugnana carrying his rifle at the time you gave the sign?

A. On the left side of the shoulder the gun stock was on the right arm.

Q. How was the rifle covered?

A. The cover was on.

Q. Did Pugnana make any effort to remove that cover?

A. The cover was partly off the gun?

Q. It was partly off all the way along?

A. Yes.

Q. Did he take it off any moire when the sign was made?

A. No.

Q. After the shot was fired, what did Pugnana do?

A. Fell down.

Q. After he fell, what did he do?

A. He was breathing for a little while and died.

Q. You saw his dead body?

A. Yes.

Q. What did you do with it?

A. Covered it with earth.

Q. Did you cover it the way the Eskimo bury their dead?

A. No.

Q. What were you going to say to the people that you left behind?

A. We were not to tell.

Q. Were you to tell anything as to where Pugnana was?

A. We were telling each other to say that Pugnana went off hunting deer.

Q. Did you tell the people that?

A. Yes.

Q. When the [others] found out that Pugnana was dead, what did they do with his body?

A. They took dried deer-skins and buried him properly.

Mr. Cory cross-examines the witness :-

Q. You remember the shooting in which several Eskimo were killed at the south of Kent Peninsula on the mainland?

A. Yes.

Q. Who killed most of the men and women?

A. Pugnana.

Q. How many families were there at the camp at the time you went for a walk with Pugnana?

Living together with Tatamigana there was Pugnana and who else?

A. Four families.

Q. Who were they?

A. Tatamigana family; Alikomiak family; Pugnana family and another family.

Q. Since the trouble in June when a number of people were killed, what was Pugnana's attitude towards the people with whom he was living?

A. Pugnana told them that Tatamigana was no good.

Q. Any differences between Pugnana and the people living there at that time?

A. Pugnana did not mind if he killed a woman or anyone.

Q. How did you know this?

A. Because he always loaded his gun.

Q. Is it strange for a [man] to carry a loaded gun?

A. Because Pugnana was always angry with the fellows.

Q. One day you went fishing, and were talking, what [did you] say?

A. When coming back home we spoke about killing Pugnana?

Q. Who was talking?

A. Both of us.

Q. Who suggested this?

A. Alikomiak said it first.

Q. What arrangements were made for the killing of Pugnana?

A. Alikomiak stay to stay behind and I was to stay alongside of him.

Q. Who suggested that?

A. I did.

Q. Did Alikomiak have shells for his gun?

A. I gave him one shell.

Q. What kind of shell?

A. A 30-30.

Q. Was it a re-loaded shell?

A. No.

Q. A new shell?

A. Yes.

Q. Why did you give him that shell?

A. To shoot at Pugnana with.

Q. When you went for a walk there was a signal to be given; you were walking alongside of Pugnana and Alikomiak behind; who was to give the signal?

A. I told Alikomiak to stay behind so that I could give him the sign?

Q. You said that?

A. Yes.

Q. How old was Alikomiak at the time?

A. I do not know.

Q. Who is the oldest?

A. I am.

Q. How much?

A. I do not know.

Q. Can you tell me what happens; the custom of the people where you live, with a man who is threatening other people in the neighbourhood; what do you do with a man like that?

A. Kill him.

Mr Howatt objects to the above question formally.

Objection noted by the Court.

Q. A signal was given and Pugnana was shot, afterwards what was done with the body?

A. After Pugnana was dead we turned him up and laid him on the ground.

Q. What was done with Pugnana's [sic] gun?

A. We left it.

Q. Where?

A. Alongside of him.

Q. What was said after Pugnana was killed?

A. We must cover it with earth.

Q. And what else?

A. That is all.

Q. How were you going to explain Pugnana's absence when you went home?

A. We were talking about telling the people that Pugnana had gone to hunt deer.

Q. Why did you make up a story like that?

A. We were scared of the people.

Q. Who suggested it?

A. I did.

Mr. Cory states there are no witnesses for the Defence;

Mr. Howatt addresses the Court and Jury giving a brief account of the evidence as brought out and presented to the Court;

Mr. Cory addresses the Court and Jury giving a brief account of the evidence as brought out and presented to the Court;

The judge's address:-

His Honour the Stipendiary Magistrate proceeded to charge the Jury, reading and explaining the definition of the Criminal Code, of Homicide, its division into culpable and non-culpable, murder and manslaughter, and explained the bearings of the Law on the facts of the case. Without reviewing the evidence at length he carefully charged the Jury [in regard] to the principles of reasonable doubt; concluding by stating that he was sure he could rely on the impartiality of the Jury who were men of the North who understood the ways and customs of the Eskimo and thanking them for the sacrifice of their valuable time during the short Arctic summer in the discharge of their duty to the Public and to the country.

The Jury then retired and after an absence of nineteen minutes returned and rendered a verdict of "Guilty" of the murder of Pugnana, but with a strong recommendation for [mercy].

The Judge addresses the prisoner Alikomiak through Interpreter :-

Q. Have you anything to say why the sentence of the Court should not be imposed upon you for the crime of murder of Pugnana, of which you have been found guilty?

A. I have nothing to say.

Judge:-

Alikomiak, stand up: The law imposes upon me the stern necessity of imposing upon you the only sentence for the crime of murder. I have no alternative.

His Excellency the Governor General as representing the King has power to deal with your case and to look into clemency. I have no right to say you will receive clemency or mercy, and I give you no promise of undertaking of any kind because it is [absolutely] beyond my power.

The sentence of the Court is that you should be taken from this place to the place from where you came, and that you be there detained until the seventh day of December 1923, and that on that date you be taken from your place of confinement to a place of execution on Herschel Island in the Yukon Territory, and that you be there hanged by the neck until you are dead.

May God have mercy on your soul.

I, Richard S. Wild, the undersigned stenographer, make oath and say: That the foregoing is a true and correct transcript of the evidence, as taken by me the shorthand, during the foregoing investigation.

So help me God.

<Richard S. Wild>

Sworn before me at [*illegible*]
this 25 day of September
A.D. 1923

<Lucien Dubuc>

A Stipendiary Magistrate in and for the North West Territories.

46. Transcription - King vs Tatamigana Re: Murder of Pugnana, 17 July 1923

LAC, RG 13, vol. 1526, file CC207 (Alikomiak Tatamigana), vol.1

Court held before His Honour Judge Dubuc, a Stipendiary Magistrate in and for the North-West Territories, held at Herschel, in the Yukon Territory on the seventeenth day of July 1923.

THE KING vs TATAMIGANA.

CHARGE :-

TATAMIGANA, Copper Eskimo of Kent Peninsula, North West Territories, at a certain place about thirty (30) miles east of Walker Bay on the mainland opposite Kent Peninsula in the said North-West Territories, on or about the month of September 1921 did murder PUGNANA, a Copper Eskimo.

I.B. Howatt Esq., Barrister for the Crown;

T.L. Cory, Esq., Barrister for the Defence;

Cyril Uingnek, sworn as Interpreter;

Richard S. Wild, sworn as Stenographer;

SYNOPSIS.

Inspector S.T. Wood, 1st. Witness called
and examined by Mr. Howatt

No cross-examination

ALIKOMIAK, 2nd. Witness called
and examined by Mr. Howatt
cross-examined by Mr. Cory

Inspector S.T. Wood, 1st Witness re-called
and examined by Mr. Howatt

Judge's address to Court

Verdict of Jury

Sentence

Exhibits :- Exhibit "1" Statement of Accused taken at Preliminary Hearing.

Mr. Howatt addresses the Court and Jury, giving a brief outline of the facts of the case;

Mr. Howatt calls as First Witness, S.T. Wood, Inspector, Royal Canadian Mounted Police, who being sworn was examined as follows :-

Q. What is your occupation?

A. Inspector in the Royal Canadian Mounted Police.

Q. You are stationed at Herschel?

A. Yes.

Q. Your district extends to the east?

A. Yes, including Coronation Gulf.

Q. Does it cover the territory where the shooting took place?

A. Yes.

Q. And were you Inspector in 1921?

A. Yes.

Q. Your jurisdiction in 1921 extended to cover the same places?

A. Yes.

Q. You are the superior Officer of the Royal Canadian Mounted Police in this district?

A. Yes.

Q. In September 1921 you were?

A. Yes.

Q. Any member of the Royal Canadian Mounted Police here would be your inferior?

A. Yes.

Q. You took the preliminary enquiry of the accused Tatamigana?

A. Yes, some time in April of this year.

Q. I produce a file, what is it?

A. Record of the preliminary hearing.

Q. From this record I have extracted a document, what is it?

A. Statement of the accused, taken on the 24th. April this year, in the preliminary hearing of the charge against Tatamigana for the murder of Pugnana.

Q. How did you get that statement?

A. He (the accused) was read the charge and the statutory warning after he had heard the evidence of the witnesses for the prosecution.

Q. That was read to the prisoner through an Interpreter?

A. Yes.

Q. This statement having been taken, this is your signature, and this is his mark? (Indicating)

A. Yes.

Q. On the first page there is one word stricken out, will you explain how this occurred?

A. I took this evidence down on the typewriter myself and I make lots of mistakes in spelling as I am no expert with a typewriter, and I had to block out some of the words.

Q. Accused was telling the story and you got words down that you had to strike out?

A. Yes.

Statement of the accused at preliminary hearing entered as Exhibit "1" and shewn [*sic*] to the Court and read to Jury.

Mr. Cory declines to cross-examine the witness.

Mr. Howatt calls as Second Witness ALICOMIAK, who on being sworn, was examined as follows :-

Q. Do you remember a certain shooting affair in which five people were killed near Kent Peninsula?

A. Yes.

Q. Do you remember yourself and Tatamigana being at a creek fishing a day or so after?

A. Yes.

Q. That was the summer following three winters ago?

A. Yes.

Q. It was on the mainland south of Kent Peninsula?

A. Yes.

Q. You and Tatamigana were fishing at a creek?

A. Yes.

Q. You came to a certain agreement about Pugnana?

A. Yes.

Q. Tell us what you agreed to do to Pugnana?

A. -----

Q. Had you new shells for your gun?

A. No.

Q. Did you get new shells for your gun?

A. Yes, from Tatamigana.

Q. What did you get new shells from Tatamigana for? What did you do with the new shells?

A. To shoot with at Pugnana.

Q. When was [*sic*] you to shoot at Pugnana?

A. Before shooting Tatamigana gave me one cartridge.

Q. Where were you to shoot Pugnana? When were you to shoot Pugnana?

- A. When I got the cartridge I shot him the same day.
Q. How was he to know when to shoot at Pugnana?
A. When I got the cartridge to shoot him, the same day and not before.
Q. Was there any agreement between you and Tatamigana to shoot Pugnana?
A. Yes.
Q. When did you make that agreement?
A. We made the agreement when Pugnana was looking different?
Q. Did you have a talk at the creek about shooting Pugnana?
A. Yes.
Q. When Pugnana went walking with you, where were you to walk?
A. Behind him.
Q. And where was Tatamigana to walk?
A. On the left side of Pugnana.
Q. And when you came to a favourable place, what was Tatamigana to do?
A. Make signs with his eyes.
Q. What was [*sic*] you to do when Tatamigana made signs with his eyes?
A. Shoot.
Q. Did you go walking and hunting squirrels?
A. Yes.
Q. Did Tatamigana walk alongside of Pugnana?
A. Yes.
Q. Where were you walking?
A. Behind.
Q. Anyone following you?
A. A Boy.
Q. What did you do when Tatamigana made signs with his eyes?
A. Shot Pugnana.
Q. Where did the bullet hit Pugnana?
A. Witness indicates between shoulders, --- and came out in the middle of the chest.
Q. What did Pugnana do when he was shot?
A. Just looked back and fell down.
Q. Did he say anything?
A. No.
Q. Did he live afterwards?
A. Breathing for a while and died.
Q. You saw his body on the ground?
A. Yes.
Q. What did you do with the dead body? Where did you put it?
A. Covered it with moss.
Q. Where did you go then?

A. Home.

Q. Did you agree among yourselves to tell the people at home anything about Pugnana?

A. We were to tell the people that Pugnana went hunting deer.

Q. Did you tell the people that?

A. Yes.

Q. Was anything said to the boy about where Pugnana went?

A. No.

Q. Are you sure of that?

A. We told the boy not to tell his mother, about Pugnana, but to say he had gone hunting deer.

Q. Your father found out that Pugnana was shot? What did he say?

A. I do not remember what my father said to me.

Q. Did he not say that if the white men came he would not do anything to prevent them from getting him?

A. My father said it was up to me.

Q. What was the relation between Pugnana and Tatamigana?

Q. Pugnana was Tatamigana's uncle?

A. Yes.

Q. What was Tatamigana to do if you fired at Pugnana and did not kill him?

A. He was to catch him.

Q. Did Tatamigana not agree to shoot Pugnana if your shot did not kill him?

A. No, he was just to catch him.

Q. What did Tatamigana keep one new shell for?

A. I only had reloaded shells.

Q. Tatamigana had two new shells, give you one and kept one for himself?

A. Yes.

Q. Was that shell kept by Tatamigana to shoot if necessary?

A. Tatamigana gave me one new shell to shoot at Pugnana.

Q. Tatamigana kept one to shoot Pugnana himself if necessary?

A. Tatamigana was going to put his rifle away and taken the knife away from Pugnana.

Q. Did you get any squirrels that day?

A. No.

Mr. Cory cross-examines the witness as follows :-

Q. You remember the shooting affray south of Kent Peninsula on the mainland, in June 1921?

A. Yes.

Q. Who did most of the shooting at that time? Who killed the most people?

A. Pugnana.

Q. What was his frame of mind? How was he among his people after the killing, from June until he was killed in September? Was he friendly with everybody?

A. After the killing he was angry with the people all the time.

Q. What is the custom among your people with a man who has killed many people? (Objection registered by Mr. Howatt to above question and noted by Court)

A. They hate them.

Q. What do you do then? (Question withdrawn)

Q. Before the day that you and Tatamigana went fishing what had Pugnana said? With relation to Tatamigana?

A. Before the fishing Pugnana told him to see I there were lots of fish over there.

Q. Did you have any talk with Pugnana with relation to Tatamigana?

A. No.

Q. Pugnana was a good man after the killing; and before you went fishing he was a good man?

A. After killing those people, afterwards he was angry with them; he was cranky.

Q. He did not do anything.

A. Yes.

Q. Did he show his crankiness? What did he do?

A. From now on they were all keeping their rifles loaded.

Q. Was Pugnana dangerous?

A. Yes.

Q. When you went squirrel shooting Pugnana and Tatamigana were walking together, and arrangement was made that if Pugnana took the cover off his gun you were to shoot? Is that right?

A. Yes.

Q. When Pugnana was shot, was the cover still on his gun?

A. Yes.

Q. It was still there?

A. Yes.

Q. After Pugnana was killed, what was done with the body?

A. His brother found out that Pugnana was dead, they covered him.

Q. Who covered him?

A. My father and Tatamigana's mother covered him.

Q. When he was shot the body was not covered at the time of the shooting?

A. After we shot him we covered him.

Q. When he was covered; just as soon as he was shot or later?

A. A little while after.

Q. One day? How long?

A. After we shot him we were talking for a while and then covered him.

Q. Who covered him?

A. Both of us.

Q. You said just now that your father and his mother covered him?

A. After they found out they put another cover on.

Q. Why did you and Tatamigana cover the body?

A. Because we would not be back any more.

Q. Were you frightened of anybody?

A. No.

Q. When you returned [home] and it was found out, were the people in the camp pleased?

A. No.

Q. What did they say?

A. They were talking about Pugnana being up against everybody.

Q. But they were sorry that he was dead?

A. Yes.

Mr. Howatt re-calls first witness – S.T. Wood, Inspector, Royal Canadian Mounted Police :-

Q. How far was the nearest Detachment of Royal Canadian Mounted Police from this place?

A. Tree River is three or four day's travel, it is roughly one hundred miles.

Mr. Howatt addresses the Court and the Jury giving the main facts of the evidence as presented to the Court;

Mr. Cory addresses the Court and the Jury giving the main facts of the evidence [as presented] to the Court :

The Judge's address :-

Gentlemen of the Jury:-

I do not need to review the evidence of this case which is brief, clear and uncontradicted. Tatamigana planned to kill Pugnana in a cold deliberate manner and although he did not actually do the shooting he furnished the weapon, selected the place for the deed, and fixed the exact time when the fatal shot should be fired.

You have heard the earnest plea for mercy from the eloquent oration of the Counsel for the Defence, who endeavoured with much feeling, to impress upon you the ways and customs of these uncultured tribes, but your mind must not be unduly swayed by momentary sentiment

alone. Even the Eskimo punish death by death. Murder amongst all people, ancient and modern, civilized and uncivilized, has always been a crime most hateful and punishable. Every one knows or feels instinctively the command "Thou shall not kill"

A murderer is the human being who kills another human being unlawfully and intentionally, and I think that is clear enough for you. I will now, however, for your better understanding, read to you the legal definition of homicide, the difference between culpable and not culpable homicide, murder, and manslaughter. (The Judge reads Section 250, 252, 259, 261 and 262) of the Criminal Code of Canada)

The Counsel for the Crown has fully explained to you your duty as judges of the facts, it is also my duty as Presiding this Court, to explain to you that in a case of murder the offence may be reduced to manslaughter. I wish your attention to this point, which is a legal point. Every time a person is accused of a crime which in law can be reduced to a lesser offence, it is the duty of the Presiding Judge to acquaint the Jury of what lesser offence the accused may be found guilty, and to what other offence the crime may be reduced, so that on a charge of murder the accused may, if the evidence warrant, be found guilty of manslaughter.

The Crown must prove its case to the hilt, and you must give or the accused the benefit of any doubt. You must presume that the accused is innocent until by the strength of evidence which the Crown has adduced against him, all reasonable doubts are driven from your mind, in a word, the Crown must prove its case that the accused is guilty. If that is not the result of the evidence which the Crown has offered to you then it is your plain duty to acquit him. If on the other hand, the evidence drives home to you irresistibly the conclusion that the charge is well founded, and that the accused is in truth and in fact guilty of the terrible crime of which he stands charged, you cannot escape the responsibility which is yours of giving effect to that opinion by the appropriate verdict of guilty.

As to the facts you, Gentlemen, are the judges of that, I am not.

Both Counsel told you very plainly and very fairly that when it comes down to a decision of any question of facts that are in the evidence, you are supreme judges, and so you are. I do not intend in the slightest, to even attempt to impose upon your consideration of this case any view that I may have upon the facts. It is my duty to help you to the best of my ability and that I am endeavouring to do.

You shall now retire and deliberate together until you arrive at a finding.

Your verdict must be unanimous and it shall be of guilty or of not guilty. You must agree upon the conclusion which you reach, if you fail to do that the result is simply that there is no verdict.

I need not say any more, Gentlemen, I am satisfied from the careful and intelligent way in which you have followed this evidence that you are actuated by one desire and one desire only, that that is to live up to your oath.

I am confident that you want to give a true verdict according to the evidence, according to that and to nothing else. Your responsibility ends there. As long as you do what your conscience dictates to you as being right and fair and proper on the result of the evidence that was laid before you, it is not for you to worry about the result. Rather retire from the Jury with a clear sense of duty well done, and an oath of office honestly lived up to.

I would ask you to select a Foreman and I hope that you will be able to bring a just verdict. May God help you. Gentlemen of the Jury, I leave the issue to you.

The Jury now retired, and after an interval of eight minutes returned and rendered a verdict of "Guilty".

Accused was then advised, through the Court Interpreter, of the verdict of the Jury, and was remanded to receive sentence. The Judge thanks and dismisses the Jury

On the 11th. August 1923 the Court opened and prisoner Tatamigana was called for sentence.

The Judge addresses the prisoner Tatamigana; through Interpreter :

Q. Have you anything to say why the sentence of the Court should not be imposed upon you for the crime of murder of Pugnana, of which you have been found guilty?

A. Nothing to say.

Court:

Tatamigana; The law imposes upon me the stern necessity of imposing upon you the only sentence for the crime of murder. I have no alternative.

His Excellency the Governor General as representing the King has power to deal with your case and to look into any clemency. I have no right to say you will receive clemency or mercy, and I give you no promise or undertaking of any kind because it is absolutely beyond my power.

The sentence of the Court is that you [be taken] from this place to the place from where you came, and that you be there detained until the seventh day of December 1923, and that on that date you be taken from your place of confinement to a place of execution on Herschel Island in the Yukon Territory, and that you be there hanged by the neck until you are dead. May God have mercy on your soul.

I, Richard S. Wild, the undersigned stenographer, make oath and say: That the foregoing is a true and correct transcript of the evidence, as taken by me the shorthand, during the foregoing investigation.

So help me God.

<Richard S. Wild>

Sworn before me at
this day of
A.D. 1923

<Lucien Dubuc>

A Stipendiary Magistrate in and for the North West Territories.

47. Transcription - King vs Alikomiak Re: Murder of Otto Binder and Corporal Doak, 18 July 1923

LAC, RG 13, vol. 1526, file CC207 (Alikomiak Tatamigana), vol.1

King

vs

Alikomiak

Re murder of Otto Binder
Corpl. Doak

Court held before His Honour Judge Dubuc, a Stipendiary Magistrate in and for the North-West Territories, at Herschel, in the Yukon Territory, on the eighteenth day of July 1923.

THE KING vs ALIKOMIAK

CHARGE :

(A)

ALIKOMIAK, a Copper Eskimo of Kent Peninsula, North West Territories, at Tree River in the said North-West Territories on or about the First day of April A.D. 1922, did murder W.A. Doak, then of Tree River aforesaid, a Non-Commissioned Officer of the Royal Canadian Mounted Police;

(B)

ALIKOMIAK, a Copper Eskimo of Kent Peninsula, North West Territories, at Tree River in the said North West Territories, on or about the First day of April 1922, did murder Otto Binder of Tree River aforesaid, a Trader.

I.B. Howatt Esq., Barrister for the Crown;

T.L. Cory Esq., Barrister for the Defence.

Johnny Tokluk sworn as Interpreter;

Richard S. Wild sworn as Stenographer;

SYNOPSIS

Inspector S.T. Wood, 1st. Witness called and [examined] by Mr. Howatt
cross-examined by Mr. Cory

CYRIL UNIGNEK, 2nd. Witness called
and examined by Mr. Howatt
cross-examined by Mr. Cory
re-examined by Mr. Howatt

D.H. Woolams, Const., 3rd. Witness called
and examined by Mr. Howatt
cross-examined by Mr. Cory

TOKTOGAN, 4th. Witness called
and examined by Mr. Howatt
cross-examined by Mr. Cory

AYALEGAK, 5th. Witness called
and examined by Mr. Howatt
Mr. Cory declines to cross-examine

D.H. WOOLAMS, Const. 3rd. Witness
re-called and examined by Mr. Howatt
cross-examined by Mr. Cory
re-examined by Mr. Howatt
P.E. Doyle, M.D., 6th. Witness called
and examined by Mr. Howatt
cross-examined by Mr. Cory

Judge's address to the Court
Verdict of Jury
Sentence of the Court

Exhibits: Exhibit "1" Statement of accused taken at Preliminary Hearing
Exhibit "2" Plan of R.C.M. Police Detachment at Tree River
Exhibit "3" Plan of buildings at Tree River shewing position of
Binder's body.

Mr. Howatt addressed the Court and the Jury, giving a brief outline of the facts of the case.

Mr. Howatt calls as First Witness S.T. Wood, Inspector of the Royal Canadian Mounted Police, who being sworn, was examined as follows :-

Q. What position do you hold?

A. Inspector in the Royal Canadian Mounted Police, and senior Officer in this District.

Q. This district includes?

A. Coronation Gulf and Tree River.

Q. Did you hold that Office on or about the 1st. April 1922?

A. Yes, and since that date.

Q. What about seniority?

A. I am senior to any of the members here.

Q. What is this file? (File produced)

A. Preliminary [hearing on] the accused on the charge of murder of Corporal Doak and Otto Binder taken in April last.

Q. From this file I am taking a document and would like you to look at it; what is it?

A. Statement of the accused. Taken after the witnesses for the prosecution had been heard and the statutory warning read through an interpreter.

Q. Who was the interpreter?

A. Cyril Uingnek.

Q. I notice certain erasures; one on the first page, and several others, look at all of them, can you explain them?

A. I took the statement down on a typewriter as the interpreter translated it, and not being good on the typewriter I made mistakes in spelling. I read it over to him through the interpreter and made the corrections before he signed it or made his mark.

Q. All the corrections were made before you signed it?

A. Yes.

Q. And this is the accused's mark?

A. Yes.

Statement of accused tendered as Exhibit and marked as Exhibit "1".

Mr. Cory objected to admission of statement as Exhibit, but objection was over-ruled by the Court.

Objection to be noted.

Objection being that the interpreter had an interest in the case owing to the fact he has been living with Otto Binder's wife since Binder was killed.

Q. Have you any knowledge of the Eskimo language?

A. Just a jargon.

Q. Are you able to, or not, to follow to any extent the interpreter in translating the statement as given by Cyril Uingnek, the interpreter?

A. I could follow the trend of the story and the outstanding facts. I got about three-quarters of it.

Q. What do you say as to the interpretation?

A. It was correct as far as I understood it.

Q. There was a post mortem?

A. No.

Q. No post mortem?

A. No, there was no physician in the country, and we could not get eadt [sic] last year.

Q. There was a physician here before?

A. Yes. Dr. Doyle, who had gone out, he came back in March of this year.

Q. How far is it from here to Tree River?

A. About seven hundred miles.

Q. Where is it with respect to Coronation Gulf?

A. The south shore is about the centre of Coronation Gulf, it is called Port Epworth on some maps.

Mr. Cory cross-examines the witness :-

Q. Your knowledge of the Eskimo language is not great ?

A. No.

Q. You have never ready any literature?

A. No.

Q. Your hearing powers of the Eskimo language; you would have some difficulty in following it alone?

A. Yes. I could not do it without an interpreter.

Mr. Howatt calls as second witness, Cyril Unignek, who, being sworn, was examined as follows :-

Q. You are an Interpreter for the Royal Canadian Mounted Police?

A. Yes.

Q. How long have you held that position?

A. Since the summer of 1920.

Q. [Did you] ever interpret for anything else?

A. For the Missionaries.

Q. Which Missionaries?

A. Mr. Merritt.

Q. For how long?

A. One year.

Q. I produce document, have you [seen] this before?

(Exhibit "1" produced)

A. Yes.

Q. You remember the time Inspector Wood got this document?

A. Yes.

Q. You were the interpreter at the time?

A. Yes.

Q. Between whom were you interpreting?

A. Inspector Wood and Alikomiak.

Q. Alikomiak made a statement and you interpreted it to Mr. Wood?

A. Yes.

Q. What did Mr. Wood do?

A. He took the statement down on the typewriter.

Q. After he had written it down the document was read back to Alikomiak?

A. Yes.

Q. You were the interpreter?

A. Yes .

Q. How did you interpret the statement between Inspector Wood and Alikomiak?

A. Correct.

Mr. Cory cross-examines the witness :-

Q. You were stationed where in 1920?

A. At Tree River.

Q. You were at Tree River from when?

A. 1920-1922.

Q. When you went to Tree River in 1920 did you know the woman Toktogan?

A. Yes.

Q. What was she doing?

A. Living with Binder.

Q. Do you know who she was living with before that?

A. No.

Q. You do not know where she came from?

A. No.

Q. In 1920 you knew her well?

A. Yes.

Q. Were you friendly?

A. Yes.

Q. Were you friendly in 1922?

A. Yes.

Q. Where is she now?

A. Herschel.

Q. What is she doing at Herschel? Whose wife is she? Is she Johnny's wife?

A. No, my wife.

Q. She is living at Herschel?

A. Yes.

Q. When were you married to Toktogan?

A. 1st. May 1922.

Q. About one month after the death of Otto Binder?

A. Yes.

Q. You knew her well from the time that Otto Binder was killed until you got married?

A. Yes.

Q. You knew her before that?

A. Yes.

Q. You went to see her and was very friendly?

A. Yes.

Mr. Howatt re-examines witness :

Q. You were courting her while she was Binder's wife? Were you making love to her before Binder died? Were you trying to get this woman for your wife before Binder died?

A. Yes.

Q. The marriage between Binder and Toktogan was an Eskimo marriage?

A. Yes.

Q. Were they married by the Mission?

A. I do not know.

Q. Do you know whether Binder and his wife intended to live apart? You knew that Binder was going East?

A. Yes.

Q. Was Toktogan going with him?

A. No.

Q. What was she going to do?

A. Binder was going to leave her with me, when she went away.

Q. You and Binder were good friends?

A. Yes.

Mr. Howatt calls Third Witness – Daniel Harrison Woolams, Constable, Royal Canadian Mounted Police, who being sworn was examined as follows :-

Q. Do you know anything about Binder and his wife and Cyril?

A. Yes. The interpreter at Tree River told me that when Binder went East Toktogan was being left with Cyril Uingnek, and I knew that Cyril and Binder were the best of friends, even at the time he was killed. Everyone knew each other at Tree River.

Witness cross-examined by Mr. Cory :-

Q. You knew the woman Toktogan?

A. Yes.

Q. You knew that she was living with Binder?

A. Yes.

Q. Do you know where she was before?

A. East of Kent Peninsula?

Q. How did she come to live with Otto Binder?

A. I do not know that.

Q. Do you know whose wife she was before?

A. No.

Mr. Howatt calls as fourth witness, Toktogan, who, being sworn, was examined as follows :-

Q. You have never been employed by the Police in any way?

A. No.

Q. Did you know Binder?

A. Yes.

Q. You were living with him?

A. Yes.

Q. Do you remember the morning of his death?

A. Yes.

Q. What were you doing that morning?

A. After breakfast I washed the dishes.

Q. Where did Binder go?

A. He went out first, came back and rolled a cigarette and went over to the Barracks.

Q. What was [*sic*] you doing while he was rolling the cigarette?

A. Cleaning around the house.

Q. Did anyone come into the house?

A. No.

Q. No time that morning?

A. No.

Q. Did Binder come back?

A. No.

Q. Think again, you was [*sic*] cleaning around the house and Binder went away, did anyone come to the house and say anything to you?

A. No.

Q. Who was the first person that came into the house after Binder went out?

A. Alikomiak.

Q. Was that very long after Binder went out?

A. Binder had been out a little while.

Q. Did he have anything in his hand?

A. A rifle.

Q. Did you say anything to him?

A. I asked him what he was doing with the rifle, going ptarmigan hunting.

Q. What did Alikomiak say?

A. He said nothing.

Q. Did you say anything else to him?

A. I asked him again where he was going and I thought there was something wrong with Alikomiak and I asked him again.

Q. And what did he say?

A. You had better come along and see them two.

Q. What did you do?

A. We went out and I thought Alikomiak had killed someone and Alikomiak followed me.

Q. Where did you go, and what did you see?

A. I saw a man lying down on the ice.

Q. Did you go to the man?

A. Yes.

Q. Who was it?

A. Binder.

Q. What was wrong with him?

A. He was dead.

Q. Did you say anything to Alikomiak then?

A. I asked him why he had killed Binder.

Q. What did Alikomiak say?

A. He said that he was afraid that Binder would kill him.

Q. You have told us that talk just as it took place? All that was said?

A. Yes.

Q. Had you promised to do anything for Alikomiak if he told you the truth about Binder?

A. No.

Q. Did you threaten to do anything bad if he did not tell the truth? That you would do harm to him?

A. No.

Q. Did you have Alikomiak work for you at that time and was [*sic*] you paying him?

A. No.

Q. What did you do with Binder's body?

A. Put him inside the house.

Q. Which house?

A. The Barracks.

Q. Did you see anyone else in the Barracks when you got in there?

A. I saw a dead man.

Q. Who was he?

A. Doak.

Q. Did you say anything to Alikomiak about Doak being dead?

A. I asked him why he had killed the two men.

Q. What did he say?

A. He said that he was afraid of them.

Q. In the Barracks did you threaten to do anything bad to Alikomiak if he did not tell you anything about Doak?

A. No.

Q. Did you say you would give him something if he told you about Doak?

A. No.

Q. Did anyone else come to the Post that day?

A. No.

Q. think if someone came in to trade at the Post that day?

A. I remember.

Q. Who were they?

A. Toketuk and Ayaleyak.

Q. What did Alikomiak do when he saw them come?

A. He was carrying his rifle, and went down to meet them.

Q. They all went back to the Post?

A. Yes.

Q. Where did they go after that?

A. To the Police house.

Q. Did they leave the Police house and Trading Post and go away anywhere else that day?

A. After Binder was fixed up on the bed they went to where the people were.

Q. Where is that? Has it a name? Did you go to the Seal Camp?

A. Yes.

Q. That morning at the Hudson's Bay Company's Post, how many people were there? At breakfast?

A. Four of them, Binder, myself and two children.

Q. Anyone else? At the Police Barracks?

A. Two men.

Q. Who were they?

A. Alikomiak and Doak.

Q. That was all the people there that morning?

A. Yes.

Court adjourned to lunch until 2.00 p.m.

Mr. Howatt continues :-

Q. Take your mind back to the time where you went out and found Binder lying on the ground; at that time did Alikomiak say that he killed Binder?

A. No, not right away.

Q. When did he tell you?

A. While we were in the house he said nothing, but after a while I asked him.

Q. Did he tell you then that he had killed Binder?

A. He said nothing.

Mr. Cory cross-examines the witness:

Q. What is your name?

A. Toktogan.

Q. Do you remember Otto Binder?

A. Yes.

Q. Do you remember where you were before you met Otto Binder? Before you went to Tree River? Where did you live?

A. In my country.

Q. Who did you live with?

A. With my parents.

Q. Were you married?

A. Yes.

Q. Who was your husband?

A. Ikialgagina.

Q. Was that the same man that was shot by Pugnana?

A. Yes.

Q. Was Ikialgagina glad when you left him and went to Otto Binder?

A. Yes.

Q. Was [*sic*] your mother and father glad?

A. Yes

Mr. Howatt calls as fifth witness, Ayalegak who on being sworn was questioned as follows :-

Q. Have you ever been employed by the Police? Ever worked for the Police?

A. No.

Q. Do you remember the day that Binder and Doak were killed?

A. Yes.

Q. Where were you that morning?

A. At home.

Q. Where is your home? Was it called by any name?

A. The natives call it Tree River.

Q. The place where you [were] at was called the Seal Camp?

A. Yes.

Q. A short distance from the Police Detachment at Tree River?

A. Yes. Close.

Q. Where did you go when you left the Seal Camp?

A. To see the White people.

Q. That was the Police Barracks and Trading Post?

A. Yes.

Q. When you got near the trading post, what did you see?

A. I saw Alikomiak. But I did not know who it was at first.

Q. After a while did you know who it was?

A. Yes, when I got close.

Q. Who was it?

A. Alikomiak.

Q. That is the accused?

A. Yes.

Q. What was he carrying?

A. He was carrying a rifle and [a knife].

Q. When Alikomiak met you what did he say?

A. I have killed both white men.

Q. Did he tell you that before you said anything to him?

A. Another fellow was with me and asked Alikomiak if he was going to visit someone.

Q. And what was said after that?

A. Alikomiak said it is no use to go over there now as the two white men have gone.

Q. That is all that was said then?

A. Yes.

Q. Did you say you would give Alikomiak anything to tell you about Doak and Binder?

A. -----

Q. Did you ever have Alikomiak work for you?

A. No.

Q. Who was with you when you went from Seal Camp and met Alikomiak?

A. Toletuk.

Q. After you have this talk with Alikomiak, where did you go?

A. He went to the Trader's house and Alikomiak went to the Barracks.

Q. When you say the "Trader's House" you mean Binder's house?

A. Yes.

- Q. After you two went to Binder's house, where did you go?
- A. We had a cup of tea and went to the Barracks to see the two people?
- Q. What did you see?
- A. Two bodies, one on the floor and on the bunk.
- Q. Why was the man on the floor lying on the floor?
- A. He was dead.
- Q. Why was the man on the bunk lying on the bunk?
- A. He was dead.
- Q. You say both men dead?
- A. Yes.
- Q. Who was lying on the floor?
- A. Binder.
- Q. Who was lying on the bed?
- A. Doak.
- Q. Where was Alikomiak when you went in?
- A. Sitting on his bunk.
- Q. Where was his rifle?
- A. Lying alongside of him.
- Q. Did you go away from the place where Doak and Binder were? Anywhere else that day?
- A. He put Binder on the bed.
- Q. You left the house, where did you go then?
- A. When down to Binder's house.
- Q. Did you leave the house and go back to the Seal Camp?
- A. Yes.
- Q. Who went?
- A. Toktogan and I, and Alikomiak came along.
- Q. What did Alikomiak carry with him?
- A. A knife and a rifle.
- Q. Did you ask Alikomiak why he killed Binder?
- A. I asked him and he said he was afraid of Binder.
- Q. Then Alikomiak told you that he had killed Binder?
- A. Yes.
- Q. Did Alikomiak tell you that he had killed Doak too?
- A. Yes.
- Q. Did you or Teletuk say anything to Alikomiak about his rifle on the way to the Seal Camp?
- A. I do not know.
- Q. Do you remember anything about taking the shells out of the rifle being said to Alikomiak?

A. Toletuk said before we got to the Camp he would take the rifle away from Alikomiak.

Q. Did you take the rifle away from Alikomiak?

A. When he got close to the village and took the rifle away from him.

Q. Do you know why the rifle was taken away from Alikomiak?

A. Because we were afraid he was going to kill the Policemen.

Mr. Cory declines to cross-examine the witness.

Mr. Howatt re-called the Third Witness – Daniel Harrison Woolams, Constable, Royal Canadian Mounted Police, who on being sworn, was examined as follows :-

Q. What is your occupation?

A. Constable in the Royal Canadian Mounted Police.

Q. Stationed at?

A. Herschel.

Q. Where before?

A. At Tree River.

Q. When did you go to Tree River?

A. December 1921.

Q. Where were you in April 1922?

A. At Tree River.

Q. You were at Tree River until?

A. The seventh of August 1922.

Q. You were at Tree River the time Doak and [Binder] were killed?

A. Yes, I was at the Seal Camp on escort duty – about seven miles from Tree River Detachment.

Q. You remember the day on which these men met their death?

A. Yes.

Q. At some time in the afternoon Cyril (Uingnek) made certain statements to you?

A. Yes.

Q. What did you do?

A. I sent for Alikomiak.

Q. Did he come to see you?

A. Yes.

Q. He did come?

A. About 3.00 p.m.

Q. What did you do?

A. Kept him there.

Q. Did you keep him there all the time?

A. Took him to Tree River the same day.

Q. You arrived at Tree River at ---?

A. 5.00 pm.

Q. What did you find?

A. I found Doak and Binder both dead.

Q. Where were their bodies?

A. In the Detachment on the beds.

Q. Did you examine the bodies? What about Doak's body?

A. He was shot in the left Buttock, (indicating position) close to the prominent bone and close to the outside.

Q. Did you find the point of exit?

A. There was none.

Q. What about blood?

A. From the wound it had flowed down between his legs and he was lying in a pool of blood.

Q. Did he bleed profusely?

A. Yes.

Q. How was he lying?

A. On his back.

Q. Blood anywhere else?

A. In his mouth.

Q. How much?

A. His mouth was full, and it had spilled all over his lips.

Q. What about Binder's body?

A. He was on Bonshor's bunk.

Q. What did you find?

A. He was shot through the right breast, close to the centre and about two inches above the line of the nipple on the right.

Q. Did you find the exit of the bullet?

A. Out of the back close to the back bone.

Q. Had you known Doak for any time?

A. For one year at Tree River.

Q. How was his health?

A. Good.

Q. Any illness?

A. Not at that time.

Q. You are sure both were dead when you found them there?

A. Yes.

Q. You lived with Doak for about a year?

A. Yes.

Q. Can you mention any habits when sleeping?

A. He generally slept on his right side with his face to the wall.

Q. Did you make any examination of the body covering?

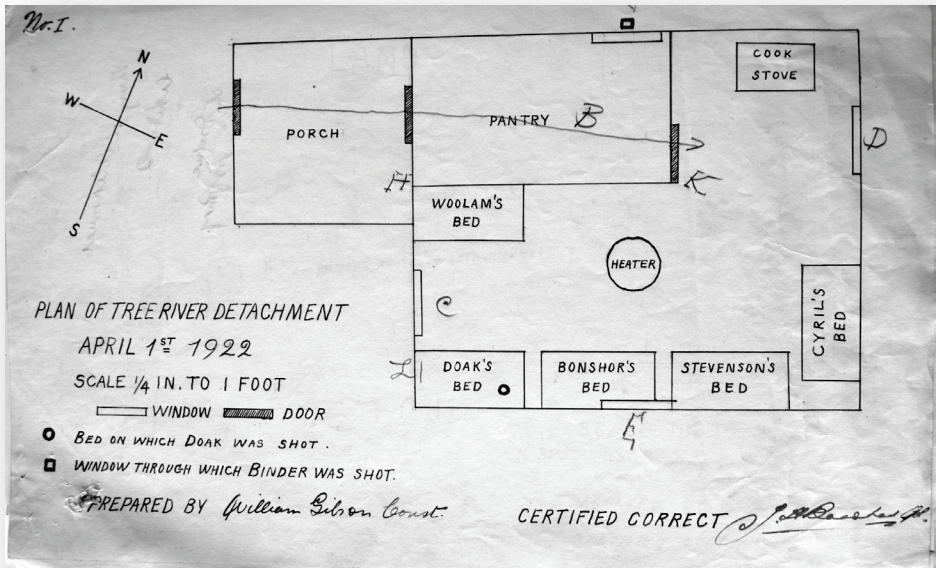


Figure 2: Exhibit 11 - Plan of Tree River Detachment house.

A. It was a Hudson's Bay Company blanket and a deer skin bag, both were shot through.

Q. From the wound and the surroundings how would you say he was lying when the shot was fired?

A. On the right side facing the wall.

Q. What is this?

A. Plan of House (Barracks).

Plan entered, and marked as Exhibit 11.

Q. The mark "Doak's Bed" – this is where he slept?

A. Yes.

Q. And the others all slept where marked?

A. Yes.

Q. Were there any windows broken?

A. Yes, the window facing the Hudson's Bay house.

Marks on plan – "A" broken window; "B" line of entrance to house; "C" window; "D" window; "E" window.

Q. Have you ever seen this? What is it?

A. A plan of the Settlement of Tree River.

Q. You have a marking "H.B.C. Buildings" what is this?

A. The Hudson's Bay Company's buildings at Tree River.

Q. The Police Buildings are her? (Indicating on plan)

A. Yes.

Q. This irregular line indicates the shore?

A. Yes.

Q. What does "X" indicate?

A. Where Binder was lying dead.

Plan entered and marked as Exhibit 111 [*sic*?].

Q. Regarding Exhibit 11 – Is there any way in [which a] man could see Doak's bed before he came through the door?

A. The partition is full of crack.

Partition marked on plan "H" and "K"

Q. So that a man entering the partition could see Doak lying on his bed?

A. Yes.

Q. See your bed?

A. It is right against the partition, and is just a bunk.

Mr. Cory cross-examines the witness :-

Q. Do you remember the day these two men were shot by the accused?

A. The First of April 1922.

Q. Inspector Wood [said] that there had been not post mortem held on Doak or Binder? Are you familiar with that state of affairs?

A. Yes.

Q. During the summer of 1922 were there any means of transportation to the outside?

A. No other than by dog team.

Q. In the winter of 1922 what transportation was there at Tree River?

A. Nothing but dogs.

Q. During the winter of 1922/23 was it impossible to bring the bodies from Tree River to the outside?

A. It was.

Q. How?

A. Owing to the shortage of dog feed.

Q. Was it attempted?

A. No.

Q. It was physical impossibility?

A. Yes.

Q. Do you mean to tell me that the Detachment could not gather means to bring dead bodies of the two men outside?

A. Yes owing to the shortage of dog feed.

Q. Were there any cabins or settlements between Tree River and Aklavik or Herschel?

A. One about one hundred miles this side of Tree River and another [Baillie] Island.

Q. The distance?

A. From Bernard Harbour to Tree River I do not know.

Q. On the line of travel to the outside?

A. Yes.

Q. Any means of transportation at these posts?

A. Yes, dogs.

Q. What was the great supply, including your own?

A. None to speak of.

Q. How did your dogs live during the winter?

A. I had to cook feed for them.

Q. Could you run one hundred miles on the feed you had?

A. Yes.

Q. If they were played out another dog team could have been obtained?

A. I do not know.

Q. There were other dogs?

A. They belonged to other people.

Q. Yet the dogs had managed to get through the winter?

A. Not very well

Q. I maintain that it would be possible for a [man] under the serious circumstances to come from one place to another with the dogs that were in the country at that time?

A. I cannot say.

Q. Was an attempt made?

A. Not what I am aware of.

Q. If an attempt had been made you do no [sic] think that it would have [sic] succeeded?

A. No

Q. This is Doak's bed, Steven's bed and yours? (Indicating positions on Exhibit 11)

A. Yes.

Q. This is Doak's bed, Stevenson's bed and yours? (Indicating positions of Exhibit 11)

A. Yes.

Q. Which is the head of Doaks' bed?

A. This was used for the head – indicating point. Bonshor used this end for the head – indicating.

Witness re-examined by Mr. Howatt :-

Q. Would it be possible to travel with dogs and cook feed as you went along?

A. No.

Q. What information did you have about Dr. Doyle being out?

A. I knew that he was leaving for the outside as soon as possible, and it was not likely that any other Doctor would get in.

Mr. Howatt called as sixth witness – Phillip E. Doyle, M.D., Acting Assistant Surgeon of the Royal Canadian Mounted Police, who being sworn, was examined as follows :-

Q. You are a Medical Doctor?

A. Yes.

Q. How many years have you been practicing?

A. Thirteen.

Q. Did you examine the late Corporal Doak physically?

A. Yes, in 1921.

Q. At what time?

A. In August 1921.

Q. What was the state of his health?

A. It was perfect.

Q. Evidence has been given that one Otto Binder was shot through the heart, the bullet penetrating his breast about one inch to the right of the centre and two inches above the line of the nipple, and passing out the back near the back-bone a little lower; would that be fatal?

A. It would pierce the heart and the right lung.

A. It would pierce a portion of the right lung and would pierce the heart.

Q. What would be the result?

A. Almost instantaneous death.

Q. The evidence of Doak lying on his bed, shot fired from behind, hitting him [in the] left buttock, the bullet never came out; can you indicate the probable location of that bullet?

A. If the rifle were horizontal to the bed, the bullet, if it had sufficient velocity, would go through the hip bone, enter the pelvic cavity, through the abdominal cavity and possibly the chest cavity.

Q. There is evidence that Doak was found lying on his bed with his mouth full of blood; would that given any indication of the distance the bullet had travelled into his body?

A. A wound of the stomach or lungs would cause hemorrhage, and this blood either coughed or vomitted [*sic*] might remain in the mouth. Blood in the mouth would indicate that the bullet had penetrated the lungs.

Q. Would the bullet pass through any vital organs?

A. It certainly would puncture a number of blood vessels.

Q. He was lying in a pool of blood from the wound and between his legs was some blood; would that indicate anything?

A. No, it might have come from the wound; from the external wound.

Q. In your opinion, what would be the effect of a bullet penetrating the lungs?

A. It would create a hemorrhage which would cause death within an hour.

Q. If you found Doak lying as has been described would there be any doubt as to the cause of his death?

A. No, I would conclude he had died from hemorrhage.

Witness cross-examined by Mr. Cory:-

Q. You are a graduate physician?

A. Yes.

Q. Your evidence is your opinion?

A. Yes.

Q. It is not possible for a man to give absolutely positive statements that the man died without seeing the body?

A. It would depend on the nature of the wound. That wound might be described to me.

Q. You could not state positively until you had examined all the organs that he had died from a wound?

A. Not unless I knew that the man was in perfect health.

Q. You examined Doak in 1921?

A. Yes.

Q. Doak was killed on April the 1st.1922; in a far distant country without proper facilities, anything is liable to happen to his health?

A. No, not in this particular case, I have lived with this man for a number of years.

Q. It is not an impossibility?

A. No.

Mr. Howatt here addressed the Court and the Jury, setting forth the mains points of the evidence as given by the various witnesses;

Mr. Cory replied on behalf of the Defence;

The Judge's address to the Court and Jury:

Gentlemen of the Jury:

This is one of the most important cases of the many murder cases presented to us at this Court, the first Canadian Court held in the Polar Sea.

We are here to administer justice according to the laws of Canada; by that I mean that British Justice which we have inherited from our forefathers, which has been the envy of all other Nations; and which has conquered the admiration and respect of all the individuals and even the nations who have sought its [*sic*] protection; for by it the humble and the weak feel also that their rights will be respected, and an innocent can rest assured that justice will be on his side.

Gentlemen of the North, you who live on the edge of civilization, as it were in that "No-man's land" between civilized and uncivilized portion of our great country, who endure all the hardships incident to this rugged country of ice and snow, with its [*sic*] every day privations; blazing the trail that the path may be clear and easier for those to follow; you have been selected one and each of you after a careful consideration to sit as Jurymen at this Trial; to listen and to weigh the evidence presented to you; because you have a personal knowledge of the ways and customs of this nomads and unruled Eskimo who travel these shores, and can therefore better understand the feeling sentiment of the people we have to judge to-day. You will notice that the panel chosen to help at these trials is composed of Traders, Trappers, Prospectors, Captains of Ships and moreover, some of them are married to Natives, so that it represents every phase of northern life, and thoroughly represents the sentiment of the North; that is why, I expect from you a true verdict in true conformity with the evidence, having at the same time regard also to justice which will be understood by these Eskimo. I am further satisfied that you shall not fail to bring a correct verdict because you have not forgotten I am sure, those undying principles of British fair play which go with British Justice, for although you may feel that you should have some consideration for the simple mentality of these primitive people, yet you also feel that you owe a duty to your country, who extends to them its [*sic*] generous protection in every way.

One of the victims Otto Binder, was a northern man like yourselves, a member of the oldest Trading Company in the North, a Company who have been the pioneer of civilization in Western and Northern Canada, and whose kindness and benevolency [*sic*] to the natives in the past, and even now through its self sacrificing Agents at different posts, is, in many cases, not sufficiently appreciated.

The other victim, Corporal Doak, was an Officer of the Royal Canadian Mounted Police in the north, one of those lonely and fearless sentinels for Law and Order, posted somewhere on some barren and desolate point in the Polar Sea. A man whose duty was to prevent if possible, and if not, to detect and help in punishment of crime. This adds interest to this case and to the charge against the accused because we are all concerned in the protection of those silent men who traverse and patrol these lands of ice

and snow, and who are always on guard for us; we are interested in the safe guarding of those whose duty it is to protect us. Corporal Doak was one of the ablest and kindest members of that distinguished Force who was upholding in the north the honoured traditions for law and order which the Mounted Police had acquired on the Western Plains, was brutally murdered, defenceless in his sleep in one of the most coldblooded manners known in the annals of the Force, a victim of his kindness to the accused. While he had the accused in his custody he was protecting him at the same time from his own people, who wanted retribution for an alleged previous murder. The blood of Corporal Doak does not cry for vengeance, and it is possible, when he turned on his death bed to look in the eye of the aggressor that his last thought, in that moment's awakening before his eternal sleep, may have been one of Christian forgiveness; let us hope so. But at this trial the personality of the individual must be laid aside, it is your duty as Jurymen who have taken the oath as much to decide according to the evidence, and make these tribes understand that the stern but at the same time just hand of British Justice extends also to these northern shores. We want it plainly understood in the minds of these people that one of our most important laws is for the protection of human life which flows from the Divine command "Thou shalt not kill".

It is all very well to plead for mercy and play on your sympathy for these uncultured tribes but murder amongst all people, ancient and modern, civilized and uncivilized, has always been a crime of the hateful and punishable character. When such eloquent and sentimental appeals are made to you, do not forget the innocent victims Otto Binder and Corporal Doak, beloved by all those who have known them, who have been cowardly murdered. Remember that after all it is hands drenched with the blood of his own tribe and his life two white benefactors, which are lifted to you to plead for mercy. Remember that this is not a court of mercy but is a court of Justice, and mercy should be given only by a Higher Tribunal after proper representation is made to it, I mean the Governor General as representing the King.

I will now leave this view of the case which is painful to us all, but I could not let it pass in silence after the eloquent, emotional and sentimental appeal of the Counsel for the Defence on behalf of the accused. I am myself a man of [the West], I have travelled long enough among the frontiersmen and pioneers of the North to know that under their rugged and stern appearance there beats a heart as tender and it is human, a heart that warms up quickly to all human sufferings and weaknesses.

I know how a sympathy and forgiveness that knows no bounds flows generously from those who themselves have endured so much of life's hardships and privations, I have learnt to appreciate how far a northern man

will go to help a neighbour who is in trouble, but to-day Gentlemen the country is making an appeal to your honour as good Canadians to do your duty fearlessly and you should not therefore let yourself be unduly swayed by sentiment of pity and mercy alone. I speak now with a knowledge of what I saw and for a special purpose because it has come to my ears that some members of the Jury had already expressed before the trial ideas of mercy and acquittal unmindful no doubt of the consequences. Our Government has not undertaken this expensive Judicial Expedition to have exhibited here a mockery and travesty of Justice before these primitive people. You have a duty to perform as Jurymen, a duty to your Country and to our Laws and a duty to yourselves.

We are leaving this Island very shortly after these Trials and the result of your verdict shall fall on you who are to remain here and it is you who shall have to bear the consequences.

I will not explain to you the law applicable to this Trial as briefly as I can for after these many trials of murder you are more or less familiar with the law of the subject, but it is my duty to repeat them in each case.

Murder in its broad general sense may I think be properly defined as the unlawful and intentional taking of human life.

It is not always necessary to prove as a matter of fact the intention to kill. If it can be proved, it is so much easier for the Crown, but if the killing takes place, and there is no explanation of the circumstances under which it occurred, the intention to kill may be presumed, because the Law implies and assumes that every man means the consequence of his act, and therefore his killing was intentional; whatever doubt you may have about the intention to kill Doak, I do not think there is any doubt about the intention to kill Binder.

Manslaughter is a lesser degree of culpable homicide and may be described as the unlawful killing without intent. I have already had the opportunity to explain to you fully what murder and manslaughter is.

The Crown must prove its case to the hilt, and you must give the accused the benefit of any doubt. You must presume that the accused is innocent until by the strength of evidence which the Crown has adduced against him all reasonable doubt is driven from your mind. If that is not the result of the evidence which the Crown has offered to you then it is your plain duty to acquit the accused. If on the other hand the evidence drives home to you irresistibly the conclusion that the charge is well founded and that the accused is in truth and in fact guilty of this terrible crime of which he stands charged, you cannot conscientiously escape the responsibility which is yours of giving effect to that opinion by the appropriate verdict of guilty.

You are not under any obligation to believe a witness who pledges his oath to anything. You may believe him entirely or disbelieve him entirely, you may also believe or disbelieve him in part. It is for you to weight [*sic*] the evidence. That is what you are here for, to endeavour to reach the facts of this case by a wise and intelligent observation of the witnesses who are placed in the box before you. You must not, however, capriciously, reject the evidence of any person, you must do that without some good reason to justify you in the belief that the witness is not telling you the truth. But if for any reason which commands itself to your common sense and intelligence and honesty you think that any person who has given his sworn evidence has not stated the truth then your plain duty is to disregard this evidence.

As to the facts you Gentlemen are the judges of that, I am not. Both Counsel told you very plainly and very fairly that when it comes down to a decision of a question of facts that are in the evidence, you are the supreme judges, and so you are. I do not intent in the slightest degree to even attempt to impose upon your consideration of this case any view that I may have upon the facts. It is my duty to help you to the best of my ability and that I am endeavouring to do. IF throughout this case I said anything to you with respect to any fact with which you disagree you have no business to pay the slightest bit of attention to it. You are here sworn to try this case according to the evidence and not sworn to try it according to what I tell you the evidence is. You all heard it as well as I did and you will be guided to the conclusions of the facts entirely by your appreciation of them. Now if from the evidence you conclude Alikomiak killed Doak and Binder the result should be that you will find him guilty; unless it was done in self-defence, but the burden of proving self-defence lies upon the accused, the Crown is under no duty to prove that it was not done in self-defence.

Now I do not think I have anymore more to say to you Gentlemen, I have tried to confine my remarks within the law of Jury Trials and hope to have done so. All of us who have been engaged at this Trial and the many other murder trials here have, I am confident, appreciated the tremendous strain we have been under, the serious responsibility has been imposed upon all of us, Counsel, Jurymen and Members of the Police Force.

We were sent to this northern country by the Minister of Justice to clear up the great number of murder cases which had accumulated here and I think we have done our duty.

I wish now to say publicly and in the presence of these Gentlemen the Counsel for the Crown and the Counsel for the Defence how much I appreciate the attitude which they have displayed throughout the course of these many trying cases and I think a great tribute of praise is due to both

these gentlemen for the masterly manner in which each has conducted his Part of the case.

Mr. Howatt has conducted the prosecution on behalf of the Crown in a manner which reflects the greatest credit on his fairness his dignity and his thoroughness. Mr. Cory acting for the defence has been assigned a very ungrateful task. With very little evidence and defence at his disposal he has been called upon to make the best of a very difficult and nearly impossible cases, but he has displayed a skill of rare ability in his touching so forcibly the strings of the human heart on behalf of these poor people, for the human heart warms up readily to an appeal for sympathy and mercy such as we have heard to-day. In his humble way he tells us that he is not very familiar with Jury Criminal Trials and if that is so you will agree with me after hearing his eloquent and touching appeals like we have had to-day, I am sure a brilliant career is open to him at the Bar.

I may have made some mistakes in the conduct of this or other Trials here. If so it has not been through any desire to do anything other than what is right and fair. My earnest effort has been to give to both sides the fairest possible trial. If I have done anything that is wrong, I mean from the legal point of view, I am no conscious of having done anything wrong morally, there is a higher tribunal which will set me right, but to-day the decision and responsibility is yours.

You shall now retire and deliberate together until you arrive at a finding. Your verdict must be unanimous and shall be either of guilty or not guilty. You must agree upon the conclusion which you reach, if you fail to do that the result is simply that there is no verdict.

I need not say any more, Gentlemen. I am satisfied from the careful and intelligent way in which you have followed this evidence that you are actuated by one desire, and the one desire only, and that is to live up to your oath. I am confident that you want to give a true verdict according to the evidence, according to that and to nothing else. Your responsibility ends there. As long as you do what your conscience dictates to you as being right and fair and proper on the result of the evidence that was laid before you, it is not for you to worry about the result. Rather retire from the Jury with a clear sense of duty well done, and an oath of office honestly lived up to.

You will now retire and select your foreman and I hope that you will be able to bring in a just verdict. May God help you. Gentlemen of the Jury, I leave the issue to you.

The Jury now retire, and after an interval of eighteen minutes returned and rendered a verdict of guilty of the murder of Otto Binder and guilty of the murder of Corporal Doak.

Accused was then advised, through the Court Interpreter, of the verdict of the Jury, and was remanded to receive sentence. The Judge thanks and dismisses Jury.

On the 11th. August 1923 the Court opened and prisoner Alikomiak was called for sentence.

Court:

Before passing sentence I wish to address a few words on this solemn occasion.

Gentlemen: We are here assembled again for the last time before our departure for the outside, and I am pleased to notice that the whole population has turned up to attend the closing of the Court on this great occasion. I have remanded the prisoners for sentence until this date in the expectation that we would have been able to try all the murder cases presented on the docket and I thought it better that the unpleasant duty of sentencing for capital punishment the many murderers found guilty should be postponed in order to spare your feelings and ours by reading the dreadful sentences which the law imposes upon me to pass on these unfortunate prisoners until it could be done all at one and the same time.

We have been waiting here for three weeks for the schooner "Macpherson" which was to come from Coronation Gulf. Some unforeseen delay, caused either by the ice, unfavourable winds or [accident] of some kind must unfortunately have happened; for, without any news of any kind of its whereabouts and on the advise of the authorities here we must leave you tomorrow. Our Party cannot very well wait any longer without itself endangering its return to civilization on account of the difficulties and uncertainty of travel [in the] North. If perchance this boat should turn up in the course of the next few days we have arranged that it shall proceed to Aklavik where we shall be waiting for the last boat to take us up the Mackenzie.

Before I pass sentence upon the prisoners however, I wish to express publicly my [thanks] and gratitude to every member of the Jury for the careful attention they have given to every care presented to them. They have left their home and posts up the river and here at this short summer season at a greater sacrifice. They have done their duty nobly and rendered their verdict fearlessly according to the evidence. You will notice how carefully the Jury

was selected among men of the north who represented every phase of northern life; traders, trappers, prospectors, Captains of ships.

Having lived here for so many years, [in daily] contact with the natives we also endeavoured to have men who understood the mentality, ways and customs of these primitive people, the Eskimo, and that may possibly have been the reason why in some cases they have showed a leniency which might not perhaps be properly understood outside, but, however in the main cases the verdict was a true and correct one.

Speaking for myself, and I am sure for every member of the Judicial Expedition, I wish to thank you all for the kind and generous hospitality received at your hands; you have done everything possible to make our sojourn here and the endless days of the midnight sun most pleasant, in fact I may say we have thoroughly enjoyed our stay. We are going back home with a greater knowledge of the north and with a sympathetic appreciation of the difficulties and hardships you have to endure here; but you have a duty also to perform on these Arctic shores surrounded as you as you are by these uncivilized and un-Christianized nomad tribes and I feel sure that you will continue by your actions, conduct and honest dealings with these people to uphold the superiority of the White race and show the benefit of Christianity to these less favoured people.

May I also be permitted to add a personal and friendly note to you on this occasion. Our daily, friendly and social intercourse for the last month around the same camp may allow me to do so. It is this, I think sometimes a little better feeling should exist between the few white men here and by this I include those in authority here. I know how petty jealousies, petty strife is ever present amongst a small population, which is more so accentuated here by the lack of outside news and information of any kind during the many months of isolation from the outside world. This may be remedied however when the Government instals [*sic*] a wireless station. I know how being cut off from the outside world as you are with every days hardship and privation, and struggle for existence one is too often apt to magnify his neighbour's petty faults and failings. I think, however, a greater solidarity should exist between you. You are just a handful of white men and life would be more cheerful in every way if each one endeavoured to throw a mantle of Christian charity on the other human's weakness, instead of spreading false news, calumny and slander; and it would be much better to help by words of friendly

advice your brother who may have gone to excesses due to human failing. I know full well that in a serious trouble and difficulty one will then help his neighbour generously, but it is often these petty jealousies and stringing critics which make life miserable.

I will now say farewell to you all. May prosperity and good health be ever yours, and may you retire later prosperous from your venture and return to your homes and friends to enjoy for many years yet the well earned comforts and rest which you deserve.

I will now call the name of Alikomiak found guilty of murder of Corporal Doak and Otto Binder:

Alikomiak stand up:

Q. Have you anything to say why the sentence of the Court should not be imposed upon you for the crime of murdering Corporal Doak and Otto Binder of which you have been found guilty?

A. I have nothing to say.

Court: I have no wish to add by any words of mine to the terrible position in which you find yourself. I will therefore content myself with passing the only sentence which under our laws a Judge has power to pass in such a case as this. The law of Canada does not allow the Judges any discretion at all in the matter of the sentence which he has to pass upon a conviction of murder. That sentence must be a death sentence, but I may say that before the sentence is executed your case will be given consideration by His Excellency the Governor General at Ottawa as representing the King.

Every word which has been uttered during the course of this trial shall be transcribed and sent to him together with my report, and it is in his power if he sees fit to commute your sentence. I have no right to hold out any hope to you that that will be done, I simply state that power rests in the Executive of the Country or rather His Excellency the Governor General as representing the King. My strong earnest [advice] to you is to prepare in the meantime to meet the sentence which it is my duty to impose upon you.

The sentence of the Court is that you be taken from this place to the place from where you came, that you be there detained until the seventh day of December A.D. 1923, and that on that date you be taken from your place of confinement to a place of execution on Herschel Island in the Yukon Territory, and that you be there hanged by the neck until you are dead. May God have mercy on your soul.

I, Richard S. Wild, the undersigned stenographer, make oath and say: That the foregoing is a true and correct transcript of the evidence, as taken by me the shorthand, during the foregoing investigation.

So help me God.

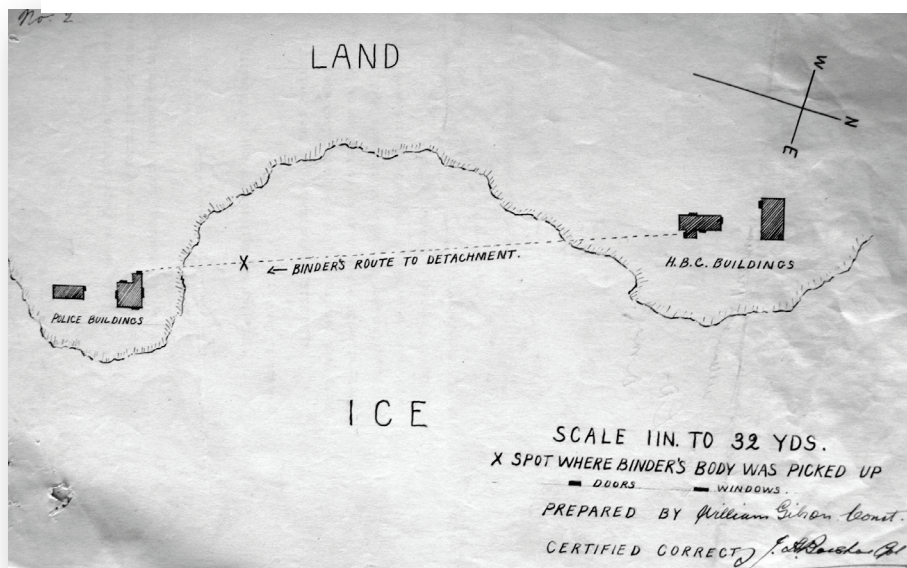
<Richard S. Wild>

sworn before me at [illegible]
this 25 day of August
A.D. 1923

<Lucien Dubuc>

A Stipendiary Magistrate in and for the North West Territories.

Figure 3: Exhibit - Plan of Tree River Detachment house.



**48. Letter, S.T. Wood to the Officer Commanding, RCMP,
Edmonton, 20 July 1923**

LAC, RG 18, vol. 3293; file 1922-HQ-681-G-1, vol. 1

Herschel Island, Y.T.

20th July 1923

Sir:-

I have the honour to report that the following seven cases were before His Honor Judge Dubuc and Jury and have been disposed of the date as follows:-

- Tatamigana --- Shooting with intent Eskimo Hannak (2) Eskimo Ikpukuwak
Found “guilty” on (1) and “not guilty” on (2) on 16th July and
remanded for sentence.
- Tatamigana ---- Murder of Pugnana. Found ‘Guilty’ and remanded for sentence.
July 17th
- Alikomiak----- Murder of Pugnana. Found ‘guilty’ with strong reccomendation
[sic] for mercy. Remanded for sentence. 17th July
- Alikomiak----- Murder of (1) Copl. Doak (2) Otto Binder. Found “guilty” on (1)
and (2) and remanded for sentence. July 18th.
- Olepsekak----- Murder of Ahkak. Found ‘not guilty’. July 19th
- Ekootuk (woman)—Murder of Ahkak. Found “guilty” of manslaughter” with
strongest recommendation for lightest sentence possible. July 19th.
Sentenced to one year I.H.L. on 19th July at Herschel Isl.
- Amokuk----- Murder of Ahkak. Found ‘not guilty’ on 20th July.

The Judicial party is now waiting for the arrival of the H.B.C. Aux. Sch. “Ft. McPherson” from Tree River with Cpl. Bonshor with prisoners Ikalukpiak charged with murder of his partner Hittak, a most brutal murder; also Kapokatchiak charged with murder of Ahkak. Sentence will not be passed in above mentioned cases until just before the Judicial party is ready to leave for Aklavik. Official C.R.s. will follow in due course. It appears certain that Tatamigana and Alicomiak will hang.

I have the honour to be

Sir

Your obedient servant,

<S.T. Wood> Inspector

Comd’g Arctic Sub-District

**49. Letter, S.T. Wood to the Officer Commanding, RCMP,
Edmonton, 20 July 1923**

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 1

Herschel Island, Y.T.

20th July 1923

Sir:-

I have the honour to advise you that Eskimos Tatamigana and Alicomiak were found guilty of murder on the 17th and 18th instants respectively and remanded for sentence. The Judicial party is now waiting for the arrival of two prisoners from Tree River. The latter should be here next week and I confidently expect to get a conviction against one of the two murder.

I have impressed upon His Honor Judge Dubuc that provided the depositions and his report on these murder cases is forwarded to Ottawa for the decision of the Governor in Council not later than the 15th September, then such decision could be forwarded to party should be back in Edmonton about Sept. 1st.

I would respectfully request that everything possible be done to expedite the forwarding of the decision of the Governor in Council in the case of capital sentences as the strain on all members of the Detachment here, where the prisoners will be confined, is very great and I am short of men. If a special patrol be sent down with canoe from Waterways or Smith, I would suggest stand longer hours and travel on less than our men. The same would apply should it become necessary to send a patrol in vis Ft. Yukon and Rampart House after freeze up. The latter should be able to get here (if consisting of Indians only) by November 10th. I am suggest to His Honor Judge Dubuc that the date of execution be set for October 17th at Herschel Island, but if the decision of the Governor in Council is not received by that date then the executions will not be carried out until such decision is received.

I have the honour to be

Sir

Your obedient servant,

<S.T. Wood> Inspector

Comd'g Arctic Sub-District

50. G.S. Worsley, Assistant Commissioner, RCMP, to O.S. Finnie, Director of the NWT, 26 July 1923

LAC, RG 85, vol. 607, file 2580

*Royal Canadian Mounted Police
Office of the Commissioner*

Ref. No. D. 478 D.L.

Ottawa
26 July 1923

Dear Sir,

Murder by Eskimos in the N.W.Territories.

As promised over the telephone yesterday, I quote below copy of a telegram which has been received from the Officer Commanding the Royal Canadian Mounted Police, Edmonton, with respect to the arrival at Aklavik of the judicial party which left Edmonton recently to proceed to Herschel Island to try the Eskimo incarcerated there for the murder of Corporal Doak and Mr Otto Binder of the Hudson's Bay Company:

"Edmonton, Alta.
July 23rd, 1923.

"No reports from Aklavik, but Mr West of the Alberta and Arctic Transportation Co. who went up with the Distributor has just returned and advises Judicial Party arrived. Aklavik Third July all well and everything satisfactory. Stop. Expected to proceed Herschel Island about Eleventh July. Stop. Considered ice conditions favourable Arctic Coast. Stop. West [h]eard reports before leaving Aklavik fourth July that seventeen witnesses coming from Tree River had not arrived owing to unfavourable ice conditions East of Mackenzie Delta."

(Sgd) "James Ritchie."

Yours very truly,
[G.S. Worsley]
G.S.Worsley,
Asst Commissioner.
Director of the N.W.Territories

51. Letter, S.T. Wood to Lucien Dubuc, 10 August 1923

LAC, RG 13, vol. 1526, file Alikomiak Tatamigana (CC207), vol.1

Herschel Island, Y.T.
10th August 1923

His Honor Judge Dubuc
Herschel Island.

Sir: -

Re: The King vs Alicomiak
The King vs. Tatamigana

I have the honour to advise you that after careful consideration, making ample allowance for possible delays, I would respectfully suggest that the date of execution be fixed for the 7th December next at Herschel Island.

I would request that everything possible be done to expedite the transmission of the decision of the Governor in Council as we have neither the accommodation of staff for holding condemned prisoners over a lengthy period not to mention the depressing effect on this small community.

I have the honour to be

Sir

Your obedient servant,
<S.T. Wood> Inspector

52. Inspector S.T. Wood to Commissioner, RCMP, Crime Report Re: Tatamigana – Shooting with Intent to Kill Hannak, Murder of Hannak, Ikialgagina, Pugnana, Ikpukuwak and Okolitana, 13 August 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1

Arctic Sub-District
Herschel Isl. Detachment
13th August 1923

CRIME REPORT

re

Tatamigana --- Shooting with intent to kill one, Hannak.

(Shooting affray at Kent Peninsula)

(Tatamigana -- Murder of Hannak, Ikialgagina, Pugnana, Ikpukuwak and Okolitana)

The accused, Tatamigana, Copper Eskimo of Kent Peninsula, appeared before S.T. Wood J.P. at Herschel Isl. on 25th day of April 1922 charged with murder (C.C.263) of Eskimos Hannak, Ikialgagina, Pugnana, Ikpukuwak and Okolitana in or about the month of June 1921 about 30 miles east of H.B.C. post in Walker Bay, Kent Peninsula.

As witnesses had not arrived from east, Alicomiak (prisoner) was called for the prosecution and stated under oath, vis that he was living with his parents at the time and there were ten families in camp. Binder had taken Ikialgagina's wife, Toktogan, and his cousin Hannak was helping him to get another wife. About May Ikialgagina had gone to Pugnana's tent and wanted to sleep with Agnaviak (Pugnana's wife) but she would not let him, thereupon he wanted to shoot her but was prevented from doing so by women. Later our family and Pugnana's moved away for fear of trouble in the camp but in June the rest of the camp joined us. Hannak and Ikialgagina continued to make trouble. One day I heard a shot and ran out, Agnavik was running toward his tent, he was wounded as Hannak has fired at him from inside his tent. The people rushed up to Ahnavik's tent. Hahalaak and my father Noanakhuk, seized Hannak and said to watch I kialgagins for fear he might go for his rifle. While Hahalaak was wrestling with Hannak, the accused, Tatamigana came up and shot him from the door of the tent only wounding Hannak. Hahalaak dropped Hannak and went out. Pugnana saw Ikialgagina running for his rifle, went home got his own and shot Ikialgagina. Latter feel and Pugnana went up and have him another shot to finish him. Tatamigana had been trying to get into Hannak's tent to kill him but was prevented by Hannak's wife (Pugnana) as she ran up and down in front of the tent. Pugnana came and shot her and Tatamigana then shot and wounded Hannak from the door of the tent. Hannak only wounded got up and started out of the tent toward my mother when my father and Hahalaak held him again until Pugnana came up and killed him with a knife. AT this time Tatamigana was shooting at Ikpukuwak from a distance. Pugnana, Agak and my father went over and Pugnana shot and wounded Ikpukuwak, then Agak fired and killed him After Pugnana had killed Hannak and his wife, Pugnana, he went into Hannak's tent and tied a rope on their daughter

Okolitana's neck to strangle her and she died eventually. Pugnana and Tatamigana carried the bodies and put them all in the lake nearby. Before the shooting took place, Hannak had told lies saying the Agnavik and Tatamigana were against him.

This was the only witness for the presecution [*sic*].

The accused, Tatamigana, after being duly warned made a full statement of the affair in the form of a confession. The facts of which were the same as above except that after Pugnana had tied the rope on the baby girl's neck to strangle her, Alicomiak came in while she was still alive and bashed her head in with a rock, killing her, (Alikcomiak admitted this). Accused stated his reason for his part in the shooting was that Hannak and Ikialgagina had told likes saying that he, Tatamigana, and Agnavik

were against them and the two had come to his tent and sat on each side of him with the evidence intention of killing him, but the entrance of the woman, Kaleguk, interfered with their plans and went away.

On the 16th July 1923, the accused, Tatamigana, appeared before His Honor Judge Dubuc at Herschel Isl., the charge being reduced to shooting with intent to kill Hannak. Alicimiak [*sic*] was called for the prosecution and INspr. Wood presented the confession of the accused which was accepted. The evidence was same as given at the preliminary hearing. No witnesses were called for the defence nor did the accused go in the box in his own defence.

Mr. I.B. Howatt appeared for the prosecution and Mr T.L. Cory for the defence.

The charge had been changed to shooting with intent to kill (1) Hannak (2) Ikpukuwak.

The jury were out 25 minutes and returned a verdict of guilty on (1) and not guilty on (2).

The accused was remanded from time to time until the 11th August 1923 when His Honor Judge Dubuc sentenced him to five (5) years I.H.I. at Herschel Isl. guardroom.

CASE CONCLUDED

<S.T. Wood> Inspector
Comd'g Arctic Sub-District

[Forwarded to The Commissioner, RCMP, in Ottawa, by Superintendent James Ritchie, Commanding "G" Division, Edmonton, on 21 September 1923.]

53. Inspector S.T. Wood to Commissioner, RCMP, Crime Report Re: Tatamigana – Murder of Pugnana, 13 August 1923

LAC, RG 18, vol. 3289, file HQ-681-G-3

Arctic Sub/District
Herschel Isl. Detachment
13th August 1923

CRIMEREPORT re Tatamigana – Murder of Pugnana.

The accused, Tatamigana, appeared before S.T. Wood J.P. at Herschel Isl. on 24th April 1923 for preliminary hearing and was committed for trial.

Alicomiak was only witness for the prosecution. Accused was charged under Sec. 263 with murder of Pugnana, Copper Eskimo, in or about the month of September 1921 on mainland some 30 miles from H.B.C. post on Kent Peninsula at Walker Bay. Alicomiak's evidence was to the effect that after the killing of the five Eskimo by Pugnana and Tatamigana in June of that year, they moved camp one days travel to the west; Pugnana was angry and wanting to kill more people, we were afraid of him. Tatamigana and I were fishing at a creek when accused told me that "one of us" better kill Pugnana before he killed us. We planned to get him away from camp. I wo [sic] follow close behind Pugnana and to have my rifle loaded. Accused gave me two men shells for my 30-30 rifle to kill him with as I had only reloaded shells. He kept kep [sic] new shells for himself also. Same day Pugnana asked us to go hunting squirrels and we left about midday and when half a mile from camp when accused was walking on Pugnana's right and I behind, accused dripped a little behind and made sign with his eyes for me to shoot. We went a few steps, then I shot Pugnana between the shoulders from behind, he fell at once and said nothing. He died quickly. We laid him out in a hollow and covered him with a moss. Accused told me not to tell my parents or anyone, because my father Noanakhuk might be angry because we killed his brother. We covered the body so no one would find him which is not the usual custom of burial. Accused told me to say that Pugnana had gone on hunting deer. We returned to camp and told the people this. The old woman Tauttiak got after men and made me tell the truth. My father was angry with me and said that if the whitemen came and took me that he would do nothing to help me. The accused after being properly warned, made a statement of his part in the affair which coincided with the above. That his reason for killing Pugnana was that Pugnana had said that he, Tatamigana, was no good and could not shoot. Accused was committed for trial. On the 17th July 1923, Tatamigana appeared before His Honor Judge Dubuc and jury charged as above. MR. I.B. Howatt for the prosecution and Mr Cory for the defence. Alicomiak was witness for prosecution and Insp. Wood submitted the confession. There was no defence. Jury were out 20 minutes and returned a verdict of "guilty" Accused was remanded from time to time until the 11th August when His Honor Judge Dubuc sentenced accused to be hanged at Herschel Isl. on the 7th December 1923.

<S.T. Wood> Inspector
Comd'g Arctic Sub-District

[Forwarded to The Commissioner, RCMP, in Ottawa, by Superintendent James Ritchie, Commanding "G" Division, Edmonton, on 21 September 1923.]

54. Inspector S.T. Wood to Commissioner, RCMP, Crime Report Re: Alicomiak – Murder of Pugnana ,13 August 1923

LAC, RG 18, vol. 3289, file HQ-681-G-3

Arctic Sub-District
Herschel Isl. Detachment
13th August 1923

CRIMEREPORT

re

Alicomiak – Murder of Pugnana.

The accused, Alicomiak, Copper Eskimo of Kent Peninsula, appeared before S.T. Wood J.P. at Herschel Isl. for preliminary hearing on the 24th April 1923. Prisoner Tatamigana was the only witness for the prosecution.

Accused was charged under Sec. 265 of C.C. with murder of Pugnana in or about the month of September 1921 near Kent Peninsula, N.W.T.

Tatamigana under oath said that after the killing of the five people in June of that year, they moved camp one day's travel to the west. There were Alicomiak's father's family, Pugnana's family and my father's family. Pugnana was still angry and said he would kill more people and asked me to help him but I had had enough. Pugnana was my uncle. When fishing at a creek Alicomiak and I agreed to kill Pugnana as Alicomiak wanted to kill him because he had killed Ikialgagina. I told Alicomiak that I would kill him if he did not as Pugnana had said I was no good. I asked Alicomiak to shoot Pugnana first and if he did not kill him I would. I gave him a new shell for his 30-30 and kept one myself to kill Pugnana with. The day after the fishing Pugnana asked us to go hunting squirrels, when ½ mile from camp. I made sign with my eyes to Alicomiak, who was behind and he shot Pugnana through the back. He died quickly. We had arranged this plan of attack before he went out, and I had told Alicomiak to walk behind. We covered the body with earth and moss so other people would not find it. I told Alicomiak not to tell anybody about it but to say that Pugnana had gone on hunting deer.

Accused was committed for trial after making a full statement, after usual warning, which coincided with the above.

On the 17th July 1923 accused appeared before His Honor Judge Dubuc and jury charged as above. Alicomiak was only witness for prosecution and Insp. Wood submitted the confession of accused. No defence was put in. Jury were out eight minutes and returned a verdict of 'guilty with recommendation for mercy'.

Mr I.B. Howatt appeared for the prosecution and Mr. T.L. Cory for the defence.

Accused was remanded from time to time until 11th August when he was sentenced to be hanged at Herschel Isl. on the 7th December 1923.

<S.T. Wood> Inspector
Comd'g Arctic Sub-District

[Forwarded to The Commissioner, RCMP, in Ottawa, by Superintendent James Ritchie, Commanding "G" Division, Edmonton, on 21 September 1923.]

55. Letter, Officer Commanding, RCMP, Edmonton to Cortlandt Starnes, 21 September 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 1

"G" DIVISION, EDMONTON.

EDMONTON, ALBERTA.
September 21st, 1923.

The Officer Commanding,
R. C. M. Police
EDMONTON, Alberta.

Sir :-

Re: Trip of Judicial Party from
Edmonton to Herschel Island
And return – re Murder cases.

I [have the] honour to report with regard to the above that a Judicial Party consisting of His Honour Judge Dubuc, Stipendiary Magistrate; I. B. Howatt Esq., K.C., T.L. Cory, Reg. No. 3546 Sergeant Spriggs F.E., Reg. No. 7536 Const. Wild R.S., Reg. No. 9632 Const. Grenville M.F. and Special Constable Gill F.L. left Edmonton on June 12th. 1923 by A. & G.W. Rly. For Waterways en route to Herschel Island.

Mr. Howatt was retained as Crown Prosecutor Mr. Cory sent from Ottawa as Counsel for the Defence, Sergeant Spriggs and Constable Greville as Escort, and Constable Wild as Court Stenographer.

From Waterways the Party proceeded by the Alberta & Arctic Transportation Company boat s.s. "Slave River" leaving on the 15th. June, arriving at Fitzgerald on the morning of the 17th. June, from which point transfer was made by auto across the Smith Portage to Fort Smith, N.W.T. Proceeding from Fort Smith by s.s. "Distributor" of the same Company on the 24th. June, and arrive at Aklavik on the 3rd. of July,, where we were met by Inspector Wood. The Party remained at Aklavik until the 11th. July when arrangements were made for our transfer to Herschel Island, by the Hudson Bay Company "Scow" and Schooner "Aklavik" arriving at Herschel Island on the 23th. July.

While en route from Fort Smith, as previously instructed, the following Jurymen were secured :- George Knapp and Paul Poirier at Norman and James Freeman at Good Hope. The remainder of the Jury were secured by Inspector Wood, three from Aklavik and four at Herschel Island.

At Herschel Island arrangements had been made by Inspector Wood for the use of the Mission House as our quarters, a tent being erected for the use of the Jury near by.

On the 16th. July Court was opened in the Police Detachment at 10.00 a.m. TATAMIGANA appeared charged with shooting with intent to kill HANNAK, another Eskimo, and also with shooting with intent to kill IKPUKUWAK, an Eskimo. After evidence had been submitted Jury retired and returned with a verdict of "Guilty" of the first charge and "Not Guilty" of the second charge. Sentence was postponed until the 11th. August 1923.

On the 17th. July TATAMIGANA again appeared charged with murder of PUGNANA, an Eskimo. Evidence submitted, Jury returned a verdict of "Guilty" and sentence was postponed until 11th. August 1923.

In the P.M. of the same date ALIKOMIAK appeared before the Court, charged with the murder of PUGNANA, on which charge he was found "Guilty", and remanded until the 11th. August 1923 for sentence.

On the 18th. July, ALIKOMIAK again appeared, charged with the murder of OTTO BINDER and CORPORAL W.A. DOAK, being found "Guilty" on both counts, sentence being postponed until the 11th. August 1923.

On the 19th. July, OLEPSEKAK appeared charged with murder of AHKAK, a Copper Eskimo, upon which charge he was found "Not Guilty" and was discharged.

In the P.M. of the same day, charge of murder against EKOOTUK, who was directly concerned in the murder of [AHKAK with] Olepselak. The Jury returned with a verdict of "Guilty" of manslaughter and accused was sentence to imprisonment for one year at Herschel Island.

On the 20th. July, AMOKUK appeared before the Court charged with the murder of AHKAK, and was found "Not Guilty" by the Jury. He was then discharged.

This concluded the Docket, and on the 11th. August 1923 Court was again re-opened when TATAMIGANA and ALIKOMIAK were called for sentence.

On the charge of shooting with intent to kill HANNAK, the accused TATAMIGANA was sentenced to five years imprisonment at Herschel Island; and on the charge of the murder of PUGNANA, TATAMIGANA was sentenced to be hung on the 7th. December 1923.

The accused ALIKOMIAK was sentenced to be hanged on the 7th. December 1923 for the murder of OTTO BINDER and CORPORAL W.A. DOAK; and also for the murder of PUGNANA.

The Court was then closed.

During the P.M. of the 12th. August 1923, the Party left Herschel Island by Hudson Bay Company schooner "Aklavik" for Aklavik, arriving there on the 14th. August 1923. Mr. Cory left the Party at Aklavik proceeding overland to Dawson, accompanied by Constable McIver.

On the 25th. August, the Party left Aklavik by A. & A. Co. s.s. "Distributor" and arrived at Fort Smith on the 7th. September, afterwards crossing the Portage to meet the s.s. "Slave River" leaving Fitzgerald on the 12th. September en route to Waterways, where we arrived on the 16th. September.

The Party was held at Waterways until the arrival of the train from Edmonton, and left that point on the 20th. September, returning to Edmonton on the 21st. instant.

Throughout the trip, the members of the Force accompanying the Party gave me every assistance.

I have the honour to be,

Sir,

Your obedient servant,

<F.E. Springs> Sergeant,
Reg. No. 3546.

[Forwarded to The Commissioner, RCMP, in Ottawa, by Superintendent James Ritchie, Commanding "G" Division, Edmonton, on 21 September 1923.]

56. Letter, Lucien Dubuc to the Secretary of State, Ottawa, 22 September 1923

LAC, RG 13, vol. 1526, file Alikomiak Tatamigana (CC207), vol.1

Edmonton, Alberta.

September 22, 1923.

Sir : -

Re : Eskimo Trials at Herschel Island,
Alikomiak and Tatamigana.

In accordance with Section 1063 (Sub sections 3 and 4) of the Criminal Code which requires the Presiding Judge to report to you on all Murder Trials in the North West Territories and Yukon Territory, I beg to enclose full notes on the above Trials held at Herschel Island in the Yukon Territory in July 1923, and this report.

This was the first Canadian Court held in the regions of the Polar Sea. The accused were all Copper Eskimos from the Coppermine District and Coronation Gulf; there were seven charges of Murder, and two of shooting with intent to kill.

It was with great apprehension that I accepted the high honour conferred upon me by the Department of Justice or presiding at these important Trials of the North, and felt that a tremendous responsibility rested upon me in accepting such an important duty.

We left Edmonton on the 12th. June in company of Mr. I.B. Howatt, K.C., of Edmonton as Counsel for the Crown, and Mr. L.T. Cory of Ottawa representing the accused and the Department of Indian Affairs. The Party was in charge of the Royal Canadian Mounted Police consisting of one Sergeant, one Constable and a Court Reporter. We arrived at Herschel Island on July 12th.

A Jury of ten men was picked from Norman (2), Good Hope (1), Aklavik (3) and Hershel Island (4). They were selected with the advice of the local Police authorities, having regard to their knowledge of the ways and customs of the Eskimo.

The Trial was conducted with all the solemnity and dignity possible in these primitive regions of Canada in order to impress the original inhabitants with the Majesty of British Law, and as far as possible with the manner in which British Justice is administered. The Court was held in the Police Barracks at Herschel, being the only suitable building on the Island. AT the opening of the Court, after the Jury had been called, I addressed the Eskimos present at great length, through an Interpreter, explaining the different functions of the different Officials comprising the Court and Jury, and the purpose of these Trials, laying special stress on the carefullness [sic] with which, under our law, an accused is tried, and the watchfulness and care which permeates our whole proceedings in order that no innocent person should ever be wronged or aggrieved by our Criminal Courts.

Mr. Howatt, K.C., of Edmonton conducted the Prosecution in a manner which reflects the greatest credit of his fairness, his dignity and his thoroughness. Mr. Cory in a masterly manner defended the accused to the best of his ability, but his efforts were obviously curtailed by the previous admissions and confessions of the prisoners. A word of appreciative comment and words of praise should also be made to the traditional efficiency of the distinguished Royal Canadian Mounted Police who, through our escort, Messrs. Sergeant Spriggs and Constables Wild and Greville of the Edmonton Detachment, attended to our accommodations during our long trip, as usual, in a thorough and most satisfactory manner.

We all had a very pleasant journey and we return with a greater knowledge of the resources and possibilities of our vast country. I have not traversed twice the North West Territories from South to North and the knowledge acquired de visu of its people shall always be of great benefit to me in my divers functions as Judge of those immense Territories.

I believe the accused had a very fair and just Trial. The jurymen by the close attention given to each Trial sometimes long and tedious, showed that they were fully cognizant of the important duty imposed upon them.

The Jury in three cases of Murder between the Eskimos themselves, rendered a verdict rather lenient. It was clearly a case of cold-blooded murder, I made my charge accordingly. The facts are : these Eskimo had never been in touch with the Police, and were then a long distance from the Police; a committee of Eskimo had decided that another Eskimo was a “bad man” and should be killed; a special committee of three composed of two men and a woman was appointed to do the killing; they eventually went to the “igloo” of the “bad man”, and there in a cool, deliberate way, carried out the object of their visit. It must be noted in passing that, when this unfortunate man saw the three of them, he understood in a moment the reason of their visit and calmly told them not to kill him with a knife but to take a cord lying under the bed cover. While the two men held his arms the woman, Ekootuk, did the actual strangling with the rope. – The Jury took the view that they were only following the ancient custom of their tribe and accordingly acquitted the two men; they found however, the woman Ekootuk, an old “medicine woman”, guilty of manslaughter. I sentenced her to one year’s imprisonment at Herschel Island.

The verdict in all cases seemed to have met with the general approval of both the whites and the natives of the district.

I feel sure that the whole Court proceedings will have a salutary effect for Law and order in the far North. We have apparently probed into and cleared almost every murder (with the exception of one) that has happened in that region for the last three or four years, and if the verdict of the Jurh [*sic*] and the sentence of the Court is carried out, the Eskimo will henceforth understand that they must not take the law into their own hands and that murder must stop.

I cannot conscientiously end this report without mentioning, if I am permitted to do so, that in my opinion no clemency or reprieve should be given in these two cases of Alikmoiak and Tatamigana, having in view the effect such a reprieve would necessarily have on the uncultured mind of these people.

Imprisonment in the North for the Eskimos is nearly impossible and is not taken seriously by them compared with the effect Penitentiaries have outside in other parts of Canada. For the Eskimo, every day of his life is a fight and struggle for good and existence under the most rigorous [*sic*] climatic conditions; so that, being fed and housed with the Police {which word “Police” translated into their language means “rich man”) is not only a reward, but an honour envied by the others apparently less fortunate who still have to carry on the struggle. Close confinement in our Penitentiaries outside would mean to them sure death within a very short time.

It is my opinion that the Criminal Code be amended if possible, empowering the Judge to sentence a criminal Eskimo to imprisonment on bread and water and inflict the lash; that this form of punishment be continued in effect for a

few years until these people are more civilized. To be whipped is to be treated like a dog and is to them the greatest humiliation; such a sentence would be real punishment and one they could understand. If this cannot be done, and long terms of useless goal have to continue to be administered, power should be given the Judge to see to it that the family of the man sentenced does not suffer (for they are nomads, have no chiefs, and do not live in groups) and to leave their families unprovided for is to sentence them to perish.

It has been the custom amongst the Eskimos to kill each other under the least provocation, and until now they have known and respected only "La loi du talion". I may say that in the Arctic they have not appreciated the reprieve given a few years ago to the two Eskimos found guilty of murder, and apparently it has not had the effect expected.

With my experience and the study of the character of the Eskimo, and having in view the protection of the white man visiting the North country; explorers, men of science, Missionaries, traders and others, and lastly the brutal and cowardly murder of Otto Binder and Corporal Doak, I feel it my duty, although very painful to me, to recommend most respectfully, but most earnestly, that the Law follow its course in the case of Alikomiak accused of the murder of Otto Binder and Corporal Doak.

As to Tatamigana found guilty of the murder of Pugnana, he was the one who premediated and planned, coldly and deliberately, the murder of an Eskimo named Pugnana. I respectfully submit also in this case that the sentence be carried out.

There are therefore two capital punishments to be effected in the Arctic on the 7th. day of December, the one of Alikomiak for the murder of two white men, Otto Binder and Corporal Doak; and the other of Tatamigana for the murder of an Eskimo named Pugnana. This same Tatamigana was also found guilty of shooting another Eskimo by the name of Hannak with the intent to kill, and was sentenced by me for five years on this charge. This same Alikomiak was also found guilty, with Tatamigana, of the murder of Pugnana.

I fixed tentatively the 7th. day of December as the date of execution after consultation with, and at the request of, the Police Inspector and Herschel Island as you will note by his letter attached. I had thought of a date fixed after the arrival of the regular mail in February, but the Inspector assured me that a special dispatch could be sent from Rampart House overland at a reasonable cost, to arrive on time. I realize that this date does not leave much margin for any unavoidable delay, but I thought to leave it to the Authorities in Ottawa, who can always defer a date of execution, as is done in most cases.

Our Judicial expedition, which left Edmonton on June 12th. returned by the earliest opportunity in September.

Respectfully submitted,

Lucien Dubuc

57. Governor in Council Report: Case of Tatamigana, 6 October 1923

LAC, RG 13, vol. 1526, file Alikomiak Tatamigana (CC207), vol.2

P.C. 2040

At the Government House, Ottawa

SATURDAY, the 6th day of OCTOBER, 1923.

Present:

HIS EXCELLENCY

The Governor General

In Council.

The Governor General has been pleased to lay before the Privy Council the Report and notes of evidence of the Honourable Mr. Justice Dubuc in the case of Tatamigana

Who was tried before him at Sittings of the Court held at Herschel in the Yukon Territory on the 17th day of July, 1923.

For the Crime of MURDER

and having been convicted thereof, was sentenced to Death – such sentence to be carried into execution on the 7th day of December, 1923.

The Governor General has also laid before the Privy Council a transcript of the evidence adduced at the trial, positions in favour of clemency and other documents relating to the case.

The circumstances of the case having been fully Considered by the Governor General in Council, together with the Report of the Minister of Justice adverse to the commutation of said sentence.

The Governor General is unable to order any Interference with the sentence of the Court.

<E. J. Lemaire>

Clerk of the Privy Council.

58. The Governor in Council Report: Case of Alikomiak, 6 October 1923

LAC, RG 13, vol. 1526, file Alikomiak Tatamigana (CC207), vol.2

P.C. 2041

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 6th day of OCTOBER, 1923

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The Governor General has been pleased to lay before the Privy Council the Report and notes of evidence of the Honourable Mr. Justice Dubuc, a Stipendiary Magistrate in and for the North West Territories, in the case of Alikomiak convicted of the murder of Corporal Doak and Otto Binder, at a sitting of the Court held at Herschel in the Yukon Territory, and on the 11th day of August, 1923, sentenced to be executed on the 7th day of December, 1923, the same Alikomiak having been previously convicted of the murder of Pugnana at sittings of the same Court on the 17th day of July, 1923, and on the 17th day of July, 1923, sentenced to be executed on the 7th day of December, 1923.

The Governor General has also laid before the Privy Council a transcript of the evidence adduced at the trial, petitions in favour of clemency and other documents relating to the case.

The circumstances of the case having been fully considered by the Governor General in Council, together with the Report of the Minister of Justice adverse to the commutation of said sentence.

The Governor General is unable to order any interference with the sentence of the court.

<E. J. Lemaire>

Clerk of the Privy Council.

59. Telegram, Cortlandt Starnes to S.T. Wood, 8 October 1923

LAC, RG 18, vo. 3293, file HQ-681-G-1, vol. 1

Ottawa, Ont.

Oct. 8th 1923.

Inspector Wood,
R.C.M. Police,
Deputy Sheriff,
Herschel Island Y.T.
Care of the Officer Commanding,
R.C.M. Police, Vancouver, B.C.

To be taken by Sergeant Thorne courier Stop. In the case of Alikomiak tried before Stipendiary Magistrate Dubuc for murder of Corporal Doak and Otto Binder at sitting of Court at Herschel, Yukon-Territory on eleventh Augustm [sic] 1923, and sentenced to be executed on Seventh December, 1923, the same Alikomiak having been previously convicted of murder of Pugnana at the sittings of same Court on Seventeenth July, 1923, and sentenced to be executed on Seventh December, 1923, His Excellency Governor General is unable to order any interference with sentence of Court. Stop.

In the case of Tatamigana tried before same judge at Herschel Yukon-Territory, on seventeenth July, 1923, for murder and sentenced to death, execution to take place seventh December, 1923, His Excellency Governor General unable to order any interference in the sentence of Court. Stop.

You will therefore proceed with execution of Alikomiak and Tatamigana on seventh day of December, 1923.

Cortlandt Starnes.
Commissioner R.C.M. Police and
Sheriff North-West Territories.

60. Telegram, Thomas Mulvey to Lucien Dubuc, 8 October 1923

LAC, RG 13, vol. 1526, file Alikomiak Tatamigana (CC207), vol.1

Ottawa, October 8th, 1923.

His Honour Judge Dubuc
Edmonton, Alberta.

Your report 22nd ultimo. Governor General has considered Capital Cases of Alikomiak and Tatamigana and is unable to order interference with the sentence of the Court. Officials notified. Will confirm by mail.

Thomas Mulvey.
Under-Secretary of State.

61. Telegram, Cortlandt Starnes to S.T. Wood, 8 October 1923

LAC, RG 18, vo. 3293, file HQ-681-G-1, vol. 1

Ottawa, Ont.

Oct. 8th 1923.

Inspector Wood ... Care of the Officer Commanding, R.C.M.Police, Vancouver, B.C.

To be taken by Sergeant Thorne courier stop. In the case of Alikomiak tried before Stipendiary Magistrate Dubuc for murder of Corporal Doak and Otto Binder at sitting of Court at Herschel, Yukon-Territory on eleventh August, 1923, and sentenced to be executed on Seventh December, 1923, the same Alikomiak having been previously convicted of murder of Pugnana at the sittings of same Court on Seventeenth July, 1923, and sentenced to be executed on Seventh December, 1923, His Excellency Governor General is unable to order any interference with sentence of Court. Stop.

In the case of Tatamigana tried before same judge at Herschel Yukon-Territory, on seventeenth July, 1923, for murder and sentenced to death, execution to take place seventh December, 1923, His Excellency Governor General unable to order any interference in the sentence of Court. Stop.

You will therefore proceed with execution of Alikomiak and Tatamigana on seventh day of December, 1923.

Cortlandt Starnes
Commissioner R.C.M.Police and
Sheriff North-West Territories.

62. Letter, Thomas Mulvey, Under-Secretary of State, to Cortlandt Starnes, Commissioner, RCMP, 8 October 1923

LAC, RG 18, vo. 3293, file HQ-681-G-1, vol. 1

NO. 24861
CAPITAL CASE
REGISTER.

Ottawa, October 8th, 1923.

Sir:

I am commanded to inform you that His Excellency the Governor General has had under his consideration the case of Tatamigana, who was tried before Lucien Dubuc, Esquire a Stipendiary Magistrate, in and for the Northwest Territories, at the sittings of the Court held at Herschel in the Yukon Territory on the 17th day of July, 1923, for the crime of murder, and having been convicted thereof, was sentenced to

death—such sentence to be carried into execution on the 7th day of December, 1923, and to state that His Excellency is unable to order any interference with the sentence of the Court.

Kindly acknowledge the receipt of this communication, immediately after the same has reached you.

I have the honour to be,
Sir,
Your obedient servant,
<Thomas Mulvey>
Under-Secretary of State.

63. Letter, Thomas Mulvey, Under-Secretary of State, to Cortlandt Starnes, Commissioner, RCMP, 8 October 1923

LAC, RG 18, vo. 3293, file HQ-681-G-1, vol. 1⁶

CAPITAL CASE
REGISTER
NO. 24861.

Ottawa, October 8th, 1923.

Sir:

I am commanded to inform you that His Excellency the Governor General has had under his consideration the case of Alikomiak who was tried before Lucien Dubuc, Esquire, a Stipendary Magistrate in and for the Northwest Territories, for the murder of Corporal Doak and Otto Binder at a sitting of the Court at Herschel in the Yukon Territory, and on the 11th day of August, 1923, sentenced to be executed on the 7th day of December, 1923, the same Alikomiak having been previously convicted of the murder of Pugnana at sittings of the same Court on the 17th day of July, 1923, and on the 18th day of July, 1923, sentenced to be executed on the 7th day of December, 1923, and to state that His Excellency is unable to order any interference with the sentence of the Court.

Kindly acknowledge the receipt of this communication, immediately after the same has reached you.

I have the honour to be,
Sir,
Your obedient servant.
<Thomas Mulvey>
Under-Secretary of State.

⁶ *Editors' note:* A nearly identical letter was sent from Mulvey to the Commissioner of the Northwest Territories, Department of the Interior, the following day. See LAC, RG 85, vol. 607, file 2580.

64. Letter, Thomas Mulvey, Under-Secretary of State, to Hon. Lucien Dubuc, 10 October 1923

LAC, RG 13, vol. 1526, file Alikomiak Tatamigana (CC207), vol.1

NO. 24861
CAPITAL CASE
REGISTER.

Ottawa, October 10th, 1923.

Sir:

I beg to confirm hereby my telegram of the 8th instant, which reads as follows;--

“Your report 22nd ultimo, Governor General has considered Capital Cases of Alikomiak and Tatamigana and is unable to order interference with the sentence of the Court. Officials notified. Will confirm by mail.”

I have the honour to be,

Sir,

Your obedient servant,

<Thomas Mulvey>

Under-Secretary of State.

65. “Execution of Eskimos,” *Montreal Gazette*, 10 October 1923

EXECUTION OF ESKIMOS

Mounted Policeman Goes North With Death Warrant

Vancouver, B.C., Oct. 9.—Whether the Herschel Island Eskimos sentenced to death for the murder of a constable of the R. C. M. P. and a Hudson's Bay Company trapper, and a fellow Eskimo, will be hanged on December 7, the day appointed for their execution, depends on the speed with which Sergt. Thorne is able to make the trip to the Arctic post. He is the bearer of the death warrant of the Department of Justice, and will start for the north from Seattle next Saturday.

The first stages of the trip will be easy—boat to Seward, then by rail to Kamohatka, from which point there is a small mail stage to Circle City. It is at the latter place that the real hardship will begin.

The five hundred or more miles between there and Rampart House, which is the destination of Sergeant Thorne, will be covered by dog team, and, unless there has been an early freeze-up, will tax every ounce of the endurance and grit of both men

and dogs. There is only one stopping place on this stage of the trip, Fort Yukon, and, except this break, the journey is •through a territory which speaks the last word in desolation.

66. “The Doomed Eskimos,” *Toronto Globe*, 10 October 1923

THE DOOMED ESKIMOS.

To the Editor of The Globe: I note with amazement and humiliation the announcement that the Federal Cabinet has decided against commutation of the sentences of the Eskimos, Tatanigana and Aliomiak, condemned to death for enforcing the law of the tribe.

This man and boy, as it seems to me, occupy the position in the tribe that our law enforcement officials occupy with us. Might I ask what impression would be made on us were some higher power to step in and execute our officials on the ground that they had violated a supposedly superior code, not ours?

Surely no good purpose can be served by the execution of these Eskimos, who in the eyes of the tribe are not malefactors.

If we lack the good sense to prevent us applying a highly developed and complex code to a simple and primitive people, surely we have sufficient self-respect to prevent commission of this contemplated act, which cannot fall to prove a lasting disgrace to Canada.

F. W. Johnston.

Toronto, Ont.

67. Editorial, “The Two Eskimos,” *Toronto Star*, 11 October 1923

The Two Eskimos

There are two reasons for the going of white men among the Eskimos of Herschel Island and other places in the far north. One is to carry the benefits of civilization to the natives; the other is to carry furs back to civilization.

The Ottawa government has just made the announcement that the two Eskimos who were sentenced to hang on the 7th of December will not be pardoned and that their executions will take place on the date named.

It is, let us admit, a good deal to ask of the government that pardon should be granted, or sentence commuted in the case of an Eskimo who murdered Corporal Doak of the mounted police and another white man. The officer was shot while asleep by his prisoner whom he trusted, and Otto Binder, the other white man, was shot as he approached the hut to visit the officer of whose murder he was unaware. The federal authorities naturally feel that the killing of white men, and especially of

officers of the law, cannot lightly be condoned or influence over the natives in the far north will be lost.

Those who asked clemency for the Eskimo who shot the officer say of him that he was but a boy of sixteen obeying the traditions of his tribe. The other Eskimo, Tatamigana, who is to hang on December 7, did not shoot a white man, but was involved with Pugnania [*sic*] in a tribal shooting scrape, and then, along with Alikomiak, killed Pugnana to prevent his killing others.

Some more searching enquiry than any that has yet taken place should be made on behalf of the people of Canada into what is going on and what are the results of the white man's invasion of the Eskimo country. The intentions of it are supposed to be benevolent, and the effects of it beneficial. It would be well to enquire thoroughly if such is the case. What are the benefits which Canada sends the Eskimo in exchange for the furs we bring away?

All the killings, which began in 1921 and which are to end with the hanging of two Eskimos on December 7, seem to have had their origin in the fact that a white trader took to himself the wife of an Eskimo. Among the natives this is a capital offense; the man who does it is supposed to be insane, as is the man who kills another, and his is put to death before his insanity causes him to kill others. Women are scarce among the natives, they are expensive and hard to raise because they cannot hunt, and, when food is scarce, as it generally is, girl babies are left to die. When a man wants a wife and cannot find one, he must not on pain of death steal the wife of another or kill her husband, but go to the other man and agree to become a joint husband of the woman and work and hunt for the family. Into this crude, tribal society the Canadian policeman seems to go with the same criminal code which we enforce in Newmarket and Aurora. We sell the natives rifles and build gallows on which to hang them and we seem to hang impartially the natives who break the tribal laws and the natives who enforce them.

When Otto Binder took away the wife of a native[,] tribal law was afraid to punish him, and apparently white man's law too no notice of the affair. So the friends of the deserted husband proceeded to secure him a wife by shooting the husband of a suitable woman—then everyone got rifles and began shooting.

Nearly all the natives are now armed with guns and the bows and arrows of ten years ago are little used. The natives are dependent for ammunition; they must kill game in larger numbers; they are finding deer very scarce.

It seems to us that Canada should send more doctors and missionaries up there as well as the police—a few doctors and missionaries who could furnish a white public opinion that would back up the police in giving a square deal to the natives.

68. Commissioner of the NWT, to Under Secretary of State, 11 October 1923

LAC, RG 85, vol. 607, file 2580

DEPARTMENT OF THE INTERIOR
CANADA
OFFICE OF DEPARTMENTAL SOLICITOR

OTTAWA 11th October, 1923.

Capital Case
Register
No. 24861.

Sir:

I have the honour to acknowledge receipt of your letter of the 9th instant, informing me that His Excellency the Governor General has had under his consideration the case of Alikomiak, who was tried before Lucien Dubuc, Esquire, a stipendiary magistrate in and for the northwest Territories, at the sittings of the Court held at Herschel in the Yukon Territory on the 17th day of July, 1923, for the crime of murder, and having been convicted thereof, was sentenced to death, such sentence to be carried into execution on the 7th day of December, 1923, and that His Excellency is unable to order any interference with the sentence of the Court.

I have the honour to be,

Sir,

Your obedient servant,

[signature illegible]

Commissioner of Northwest Territories.

69. "Through North's White Waste Under the Shimmering Aurora Speeds Messenger of Death," *The Globe*, 18 October 1923

THROUGH NORTH'S WHITE WASTE UNDER THE
SHIMMERING AURORA SPEEDS MESSENGER OF DEATH

Doom Pronounced by Canadian Law Will Be Fulfilled When Lone Police
Officer Reaches Most Northerly Post, Where Law's Representatives Await His
Coming to Proceed to Execution of Two Eskimos Convicted of Murder in
Course of Blood Feud

TWO MEN WILL DIE AT END OF JOURNEY, AND CANADA'S RULE WILL BE VINDICATED

(Special Despatch to The Globe.)

Vancouver, Oct. 16.—“I’ll be back in January. Goodbye!” casually remarked Sergeant Hubert Thorne of that famous Canadian frontier force, the Royal Canadian Mounted Police (formerly the Royal North-west Mounted Police), as he bade farewell to his wife on leaving Vancouver for Seattle on the first stretch of a 5,000-mile round trip, by boat, train, horse stage and dog sled, to the most northerly police post in Canada – On Herschel Island, in the western Arctic.

Thorne carries a message of death for two Eskimo men convicted of murder. They are the first Eskimos ever to pay the death penalty for breach of the white man’s law, “Though shalt not kill.” One of them, Alikomiak, only 17 years old, is a double murderer, having shot Corporal Doak of the R.C.M.P. as he lay asleep, and they killed, in cold blood, Otto Binder, a white trader. The other man, Tatamigana, murdered a fellow-Eskimo, and also took part in several other killings among the natives.

Woman Incites Crimes.

Ekootuk, aged woman sorceress of the tribe, who led a band of Eskimo avengers against one Ahkak, tribal “bad man,” and who is alleged to have strangled the offender with his own rawhide rope while the others held him, is already serving a year’s imprisonment for her share in the affair. Her advanced age, and the circumstances, account for the lightness of the sentence. A judge of the Canadian courts, who made the long trip north in the short Arctic summer tried the cases. A jury of traders, whalers, steamboat men and trappers found the two men guilty of murder. The judge set the date of the execution for December 7, subject to confirmation of the death sentence by the Canadian Government being delivered at the lonely post before that time.

It is this message of death which Thorne carries with him in his dash through the trackless wastes of snow and ice from Form Yukon to Herschel Island. Already, the wild geese honk their way south to the Everglades of Florida, as the Frost King sets his icy fingers at the throat of the Northland. Already, floe ice roars and grinds in the grim old Arctic Ocean, and pounds the stout oil-soaked timbers of the San Francisco whaler homeward bound through Bering Straits for the lazy and sun-kissed rollers of the Pacific.

Into the White Silence.

One Week more, and the inland waters will be frozen solid, while the first snows of winter will be driving gently down, burying the green Arctic moss in a deep, white mantle. Only the grey, gaunt timber wolf, the skulking coyote and the little yapping

white fox will be left to share with the caribou and the muskox the unheeded glories of the flaming Northern Lights, or the diamond sheen of the stars in a sky of steely blue.

And into the white silence goes Thorne, his six husky dogs straining at the rawhide tugs, and his snowshoes crunching through the frozen upper crust on the uncharted trail. He has left behind the comfortable boat that brought him to Saward. He has parted with the railway at Fairbanks, recently officially opened by the late President Harding; he has jogged over the trail to Rampart House and old Fort Yukon, landing-marks in the memorable Klondike gold rush of '96, in a stage-coach reminiscent of Bret Harte and the "roarin' forties."

At Fort Yukon he has outfitted for the dash to Herschel, and from the time his ten-foot dog whip cracks its farewell to the handful of white men and breed until he sights the log shacks of Aklavik, in the Mackenzie delta, he will be gone from the ken of his fellows, with only his own strength, sagacity and endurance to win through in the fight against daily dangers that would probably down the inexperienced man the first day out.

Far From White Man's Haunt.

The frozen watercourses of the Yukon and Porcupine Rivers will echo to his cry of "Mush! mush!" as he urges the straining dogs ever northward and east. It may be two weeks, three weeks, six weeks, even ere his leader dog picks up white man scent down the wind from Aklavik. He travels light. Frozen fish for the dogs; a little concentrated food for himself; his rifle for the chance shot at such game as he may flush his hurried journey; a sleeping bag and a pair of blankets.

With fine weather, the scurrying dogs will mush 60 miles in the ever-shortening hours which form a day in winter "north of 55." But if blizzard and drifting snow come, it is another story. The long trail must wait the fury of the howling Arctic winds, and Thorne and his dogs, their breath rising in a white fog to the whistling gale that screams overhead just above their rough snow wall, must possess themselves in patience as best they may.

Then the wind drops, and the journey is resumed. The dogs sink to the muzzle in the soft and drifted snow. Progress is impossible unless a trail is broken for them, and Thorne must go ahead, tramping down the snow with his broad shoes. A few miles of this, and physical exhaustion intervenes. The traveller, too tired himself to eat, throws a frozen fish to each of the panting dogs, digs a hollow in the drifted snow with his shoe, rolls into his sleeping bag, and is fast asleep in an instant.

Death Riding at His Elbow.

Round him, in a whimpering, whining group, lie the dogs, too tired to quarrel. Overhead flame the vivid, rainbow-tinted Northern Lights, flashing across the northern sky like shimmering veils of silk. One by one, the cold white stars wheel out

into the velvety space of the sky, and in the underbrush the wolf and the coyote voice their eternal plaint to the Arctic solitudes.

Up and away with the first faint flush of morn, with day following day and night succeeding night – Death riding ever at the elbow of the lone wayfarer; Duty beckoning imperiously round every twist and turn in the long trail. Then, in the dusk of evening, the scent of white men's houses at Aklavik, and the mad rush of the huskies for the dim-lit group of log shacks and Eskimo igloo. A last stage down the Mackenzie delta, and the flag on the mast at the police barracks at Herschel is sighted.

A week or so on the Island. The two Eskimo duly and officially pay the penalty for their crimes. Then up and away once more, on the back trail to civilization and the pretty little wife, sharer of many of his Arctic joys and sorrows, who awaits his return.

A laconic report: "By boat to Seward; train to Fairbanks; stage to Fort Yukon; dog sled to Herschel Island. The two Eskimo hanged December 7. All well at post. Report ready for duty."

An unemotional orderly sergeant at Edmonton headquarters adds a red-ink footnote, "Case concluded," and the final curtain is rung down on the Arctic's worst drama of bloodshed, hate, revenge and murder.

70. Letter, Cortlandt Starnes to Duncan C. Scott, Deputy Superintendent General, Dept. of Indian Affairs, 20 October 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 1

Oct. 20th 1923.

Dear Mr Scott,

I send you the attached clipping from the Toronto Daily Star's editorial, dated October 11th, 1923, in case you have not seen it, as I think it may be of interest to you.

You will remember that I discussed with you the case of the murder of three eskimos in the Kent Peninsula, where frenzy, superstition and Christianity were all hopelessly mixed and lead to murder, which would seem to show that a little Christianity, without someone to guide and direct permanently, is most dangerous for the people.

Yours faithfully,
Cortlandt Starnes,
Commissioner.

**71. “Five Toronto Petitioners Ask Stay in Eskimo Hangings,”
Toronto Sunday World, 21 October 1923**

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

**FIVE TORONTO PETITIONS ASK STAY IN ESKIMO
HANGINGS**

Quick Action Urged On Ottawa to Delay Executions in Arctic

**White Man’s Possession of Eskimo’s Wife Declared to be Real Cause of Series of
Crimes – Statements by Bishop Lucas and Others Throw New Light on
Situation Following Herschel Island Trial – How Western Press Tells the Story**

Shall the two Eskimos, Alih Omiak, and Tatanagame, now under death sentence at Herschel Island, be hanged as prescribed by the court’s decree, on December 7 next?

Crystallizing a sentiment in opposition to the imposition of the death penalty on the date set, five or more petitions have been placed in circulation in Toronto within the last two days.

These petitions, which The Sunday World is informed are being rapidly signed, urge upon the Department of Justice in Ottawa that a stay of execution, at least until the re-opening of Arctic communications in the spring, be granted immediately.

...

One a Boy of Sixteen.

The general ground advanced for the granting of the stay is the extreme youth of one of the condemned. Alih Omiak, a boy of sixteen; the unexampled circumstances surrounding the case and the ignorance of the prisoners of the laws and customs of the white man.

... For several weeks past, the proposed executions of the two men have been the subject of discussion in Toronto. Opposition to the carrying out of the death penalty has found expression through various channels – notably through letters to the newspapers and appeals to the Minister of Justice. Many individual requests, it appears, were sent forward to Ottawa, before the petitions were placed in circulation.

Dramatic in the extreme in the situation brought about by the action of the petitioners. No matter what new facts may be brought out; or what more merciful course the law might take, all would be too late, it is pointed out, even should a few days be lost. Winter’s relentless hand is closing rapidly upon the long trails through the Northland waste. A week ago, Ottawa announced that the execution would be proceeded with. Unless, even at this last moment it can be stayed, the hanging will

take place almost as soon as the government's official messenger now on his way, can get through to the Arctic.

Who are Alih Omiak and Tatanagama? What is their story? And why, in a world of white men in which they might feel surprised to find a friend or defender have they now so many?

...

New Information Received.

"Fresh information which has reached us within the last few days has strengthened our conviction that we should put forward every effort within our power to bring about the stay of execution." Said one of the Toronto men behind the petition to-day.

"For instance, we have just learned from Edmonton and Calgary newspapers of the amazing information brought back from Herschel Island by Bishop Lucas, of Chipewyan (Anglican).

Astounding, almost incredible, in fact – are the details given by the Bishop regarding the circumstances surrounding the trial at Herschel Island.

"The official hangman traveled with the judicial party, that is, the judge, prosecuting attorney, etc., who went north to Herschel Island to try the Eskimos. The material for the gallows was also a part of the luggage of the judicial party.

"This created a bad impression throughout the Arctic. And so strong was the feeling that residents at Herschel Island insisted that Special Constable Gill, the hangman, be removed to Aklavik, to await the carrying out of his task."

Have Own Criminal Code.

Alih Omiak and Tatanagama are Eskimos of the Coronation Gulf and King Peninsula," said one of the petitioners, "For them there have been no schools and missions, such as those on Herschel Island. They are wholly uncivilized; and, like all uncivilized peoples they have their own evil customs. They have also their own sense of justice and their own criminal code. For certain things – one being the taking of another man's wife – they exact the death penalty. But such penalty has been little needed. And any one who has read Stefanson's account of his years among them will know that they are simple, generous, honest and kindly to the last degree. They have never been able to understand what the Royal Mounted desire in their country. But they regard them, and they regard all white men, 'as about half-way to gods.'

"The Hudson Bay Company factor is especially powerful, because it is from him they obtain those guns and cartridges without which – for they have given up their bows and arrows – they would soon starve. The Company factor at Rree River was a newly arrived German-American. Otto Binder, by name, and a man for whom in no account of the case has a good word been said. Two years ago he proceeded to possess himself of the wife of Eskimo....

Embroided in Feud.

“The Eskimos behaved – at first – in a way which, outside of positive psychology, would seem inexplicable.

“They did not touch Binder. And they seem simply to have divided into two factions, those who were willing to submit to the outrage, and follow the example set – by seizing the wives of other tribesmen – and those to whom it was exactly the same outrage it would have been with us. Enough that very soon they were fighting over it. And it was fighting which ended in a general butchery – the ‘feud’ we have heard so much about. In all four men were killed, a woman and a child.

“They what they had been doing began to bring them to their senses. If only it would seem, because, so far, nothing whatever had happened to the white man, Otto Binder, the one person to whom something should have happened. That ‘fued’ had been with the wrong people. It is said that one of the ‘feudists,’ the boy Alih Omiak, was even delegated by his elders to do justice.

“In any case, ‘Woe to him by whom the offence cometh,’ is probably as good a maxim of natural law with the Eskimo as it is with us. And it was through the intervention of the white man, and the white man law, that the next step came. For at that juncture Corporal Doak, of the R.C.M.P., reached the Eskimo hunting grounds with warrants for the arrest of Alih Omiak and another ‘feudist,’ Tatanagama.

Binders Meets His Death.

“Of Tatanagama’s attitude we learn nothing. But that of the boy Alih was soon very plain. Doak was taking him to that Tree River post, where the white man Binder still kept the Eskimo woman. And, a few days after they had reached it, young Alih seized Doak’s rifle, shot his way to freedom – killing Doak to do it – and then had his reckoning with Otto Binder. Once he had killed him, too, he appears to have been quite content, and was easily taken into custody again. The woman went back to her own people. In July, of the present year, at the Herschel Island post, Alih and Tatanagama were brought to trial.

Bishop Lucas Speaks.

“Of that trial much has been written. We have been told that in the frozen vastness of the icy north the stern justice of the white man has at last been vindicated’ – and more of the same, if you enjoy that sort of rhetoric. Suppose we save time by omitting it, and adduce certain facts which our blurb artists seem for some reason willing to leave out. ON September 13, there returned to Edmonton Bishop Lucas of Chipewyan, the Anglican “Bishop of the Far North.” He had witnessed the trial. And what he had to say about it is reported in the Edmonton Journal of September 14.

“According to Bishop Lucas, a first point is this: The judicial party, consisting of Judge Dubuc of the Alberta Courts; Irving B. Howatt, Crown Prosecutor, and their assistants took that famous 1700-mile journey into the icy nort,

the official hangman travelling with them. Well may the Bishop tell us, as reported by the Journal, that “this created a bad impression throughout the Arctic.”

Trial of the Eskimos.

“It was a trial by jury, but on the jury was no one who in any sense could be classed as belonging among the accuseds’ peers or equals.

“The jury consisted of a law student, a steamboat captain, and for the rest, of trappers, and Hudson Bay Company traders, one of them being Otto Binder’s fellow factor at Tree River.”

“When Alih Omiak was arrested, Corporal Doak reported that he could not make him understand why he had been arrested, and that at first he was very indignant. At the trial none of the prisoners put into the dock – for others were tried also, and given lesser sentences – could seem to understand what it was all about. Two who were acquitted insisted on shaking hands with the prosecuting attorney. Alih Omiak laughed and joked. And both he and Tatanagama gave the evidence quite freely which convicted them.”

No Evidence of the Eskimos.

(Here the Sunday World was directed again to the issue of Edmonton Journal of September 13).

“Bishop Lucas,” says the Journal, “comments particularly on the frank and honest evidence of all the Eskimos, and even goes so far as to say that so frank was the evidence of both accused men, who, at one stage of the trial were alternatively principle witnesses for the crown and the accused persons, each giving evidence against the other as the roles changed, that each man practically convicted himself.

“The Bishop thinks that had these men been white men there would not have been sufficient evidence adducted to warrant the conviction of either.”

The Toronto petitioner next pointed out that while the haste in making the final cabinet decision had been great, and seemingly without explanation, time that might very well have made an appeal possible was lost after the trial. In this way, according to the Edmonton Journal’s statement:

“The death sentences were not announced by Judge Dubuc until some weeks after the conclusion of the trials, when the judge was already to leave the island. Meanwhile, however, the gallows had been erected and a grave had been dug for the reception of the bodies of any persons later hanged.”

Grave Already Awaits Them.

Into that grave, prepared before the sentence was pronounced, the boy Alih Omiak and his older companion, Tatanagama, are, on December 7, to go. That is

unless the petitions prevail on through other means a stay of execution is brought about.

"But there is still another thing to add," said the Toronto petitioner, above quoted:

"We have been told repeatedly that these executions will be of inestimable value in the lesson they will bring to the Eskimo, in the respect they will inspire in him for this justice of the white man!"

"The Eskimos, primitive people that they are, have their own code and their own laws. They know nothing of ours. They do not pretend to understand them." "In the meantime," to quote more of one sort of thing that has been written about these trials, "the gallows yawns on the already ice-locked shores of the Arctic, and in many an igloo this winter will be discussed the white man's law "Thou Shalt Not Kill."

"Nothing could be more probable. And it is as well for us that we shall be neither able to hear nor understand what those simple people say."

72. "Ask for Clemency Condemned Eskimos," *Ottawa Citizen*, 22 October 1923

ASK FOR CLEMENCY CONDEMNED ESKIMOS

At Least Seven Petitions Have Been Opened in Toronto

TORONTO, Oct. 21. — Petitions are being circulated in Toronto addressed to the Canadian minister of justice asking for stay of execution in the case of the two Eskimo men, Alih Omiak and Tatanagarne [*sic*], under sentence to be hanged at Herschel Island on December 7 next. At least seven petitions have been opened for signatures. One of them says in part:

"Having in view the unexampled circumstances which surround the case, the complete ignorance on the part of the prisoners of all white man law and custom, the extreme youth of the prisoner Alih Omiak, a boy of 16. and above all the fact that at any day all communication with Herschel Island may be cut off for the remainder of the winter, thus rendering of no avail any further facts or mitigating circumstances that may hereafter be brought out, we, the undersigned do most earnestly petition, that before it is too late, the final order for the said execution will at least be withheld until the re-opening of Arctic communications in the spring."

In the absence of Senator Dandurand, acting minister of justice, it is difficult to ascertain whether or not petitions asking for a stay of [execution] in the case of the two Eskimos sentenced to be hanged on December 7, at Herschel Island, will be considered. A special messenger was despatched about a week ago from Vancouver

bearing the decision of the government which was that the sentence should not be interfered with. This decision was arrived at after most careful consideration of the case, it is stated. It is understood that there is nothing in the evidence to show that one of the convicted Eskimos is but sixteen years of age.

Should the government decide to accede to requests that a stay of execution be granted, it will be necessary either to communicate with the messenger now on his way up to Herschel Island, or despatch another messenger immediately. The messenger who was despatched has not yet reached Dawson City, and it is still possible to reach him by telegraph at that point.

73. "Hanging Eskimos," *Toronto Globe*, 22 October 1923

HANGING ESKIMOS.

To the Editor of The Globe: In a recent issue of The Globe you publish a group photograph from Herschel Island, showing, among others, one Alih Omiak, aged 16, "who is to be hanged for murder on December 7." And I think many people must have read that sentence twice to be sure these words were there.

Does Canada truly intend to execute a boy of that age, an Eskimo, too, who, by any fair inference, must possess about the mentality of the ordinary Canadian child of eight? The case itself is one that might well give justice pause. The killings are said to have been the direct consequence of the criminal actions of a local German-American trader. But no Americans of any sort put to death boys of 16. Only two years ago the Governor of New York commuted, on the ground of age, the death sentence of Theodore Dixon, colored, who was 17. And anyone who tries to persuade himself that capital punishment can ever be justified at such an age should simply sit down and remember how mature he was at 16 or 17 himself.

It is not so long since the last pages in the record of Leo Rogers of North Bay told us what tares of tears and blood we can sow when we give a boy—Leo was 14—a sentence of seven years in the penitentiary. And we now propose, because it would appear to be legally correct, to do something far more atrocious—solemnly hang by the neck till he is dead, "and may God have mercy on his soul," a youngster who in Toronto would be playing in a vacant lot. The Almighty would probably answer us with scorn that, before calling upon Him, we might show a little common, understanding mercy ourselves. But this seems to be a case for the human friends of the friendless. Of them, too, in Canada there has, thank Heaven, never been any lack. And in the matter of small, half-grown Alih Omiak in his death cell, may they soon begin to make themselves most powerfully heard.

Arthur E. McFarlane.

133 Yorkville avenue, Toronto.

74. Letter, Duncan Campbell Scott, Deputy Superintendent General, Department of Indian Affairs, to Cortlandt Starnes, Commissioner, RCMP, 23 October 1923

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 1

October 23, 1923

Dear Colonel Starnes,

I have to thank you for clipping from the Toronto Daily Star.

I intend to discuss this matter with Mr. Stewart as soon as he returns. If we are going to ask for special legislation to bring the Eskimos under this Department we must have some definite policy with reference to them. Missionaries will, I presume, continue their work but they are not sustained or assisted by Government funds and our educational schemes are not very extensive. My own idea is to administer through your officers and staff in these far away districts in order to promote economy and to have a consistent and continuous policy.

Yours faithfully,

<Duncan Campbell Scott>

Deputy Superintendent General.

75. Letter, Cortlandt Starnes, Commissioner, RCMP, to James Ritchie, Officer Commanding, RCMP, Edmonton, 23 October 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 1

Oct. 23rd 1923.

Referring to your letter of the 15th of September 1st. on the subject of Special Constable Gill, F.L., to which you attached a clipping from the Edmonton Journal, dated the 14th of September, 1923, giving an interview with Bishop Lucas, from which the following is an extract:

“Meantime, however, the gallows had been erected in the bone house, an old building used in earlier days by the whalers for the drying of whale bone, and a grave had been dug for the reception of the bodies of any persons later hanged.”

There is nothing in [the official] reports to confirm the newspaper report with regard to the digging of the grave referred to above, but as this matter is being given considerable significance in the East, I should like you to ascertain from the members of the party who accompanied Judge Dubuc whether this is rumour or not. Surely Inspector Wood did not go so far as to dig the grave, I expect the Seafford at such an early date.

Please wire me in cipher as early as possible.

76. "The Condemned Eskimos," *Ottawa Citizen*, 23 October 1923

THE CONDEMNED ESKIMOS.

If he has not already done so, the minister of justice should exercise official clemency in the case of the condemned Eskimos Alih Omiak and Tatanagama to the extent at least of withholding the order for execution until the reopening of Arctic communications next spring. It is not usual that such demonstrations of public feeling against the execution of native wrongdoers manifest themselves as in the case of the two Eskimos who are under sentence of death at Herschell Island, which seems to suggest extenuating circumstances, apart from the ethical factors in the case.

A survey of the events leading up to the condemnation of Omiak and Tatanagama shows this to be true. The series of killings for which the Eskimos are held arose over the action of one Otto Binder, a Hudson Bay factor in the Coronation Gulf region, who took possession of an Eskimo's young wife. A feud arose among the natives concerning the affair and six were killed in a general melee. The R.C.M.P. became active and Corporal Doak arrested the two natives now condemned. They were taken to Tree River post and after a few days Omiak made a desperate escape, in which he murdered the police corporal, and afterwards took Otto Binder's life. He was easily taken again.

A judicial party left Edmonton early this summer to try the men. A trial by jury was held and the two men sentenced to hang. The story of the trial has since been given publicity. On the face of it there appears to be a strong case against the natives, but several important considerations enter in. One is that it was through the lust of a white man that the trouble originally arose. Another is that the Eskimos belong to a remote region which has lived by its own primitive laws and knows little of "the stern justice of the white man." The jury consisted of white men—not "peers" of the accused—and the trial was laughed and joked through by the two prisoners, who themselves gave the evidence which brought about their conviction.

The fact that the judicial party took with them material for gallows and dug the graves of the accused before sentence was passed seems to indicate that their guilt was taken for granted long before it was proven, and that the carrying out of "white men's law" was intended to strike terror as well as to serve the ends of British justice. It is not a case of vindicating the law that has principally to be weighed. The Eskimos are probably unconscious of any sense of guilt. They probably have but the vaguest notions of the process of reasoning which brought about their doom. Their primitive minds cannot grasp the great moral forces behind civilized law. Their hanging may strike terror in simple hearts, it may bring a realization of the inexorable law of the white man and it may teach the meaning of the commandment "Thou shalt not kill". But it will not bring an understanding of elementary justice nor lead them to distinguish between murder and legal killing. For this reason alone there is ground for delaying execution. Apart from this, however, post-ponement would be justified in

order that I time may be taken to sift more thoroughly all the factors surrounding the affair and about which grave doubts revolve.

77. "Unfair to Hang Condemned Eskimos," *Ottawa Journal*, 23 October 1923

UNFAIR TO HANG CONDEMNED ESKIMOS

Lieutenant Governor of Ontario Moves Against It.

HAMILTON, Oct. 22. — In the course of his address to members of the Canadian Club tonight, Col. H. Cockshutt, Lieutenant Governor of Ontario made reference to the case of the two Eskimos under sentence of death at Herschel Island. Considering that these unfortunates had never been taught the principles of British law and had never been trianed to realize that might was not right, it seemed unfair, said the Lieutenant Governor, for the law to pick them up and send them to eternity.

"I do not believe it is right" added His Honor.

Referring to the development of Northern Ontario, His Honor predicted that the present generation would see Hudsons [*sic*] Bay one of the great commercial sections of the Dominion. ...

78. "A Case for Investigation," *Toronto Globe*, 24 October 1923

A CASE FOR INVESTIGATION.

Petitions are being signed for a stay of execution in the case of the two Eskimos sentenced to be hanged on Herschel Island on December 7 next. The ground taken is not opposition to capital punishment, nor is there merely a plea for clemency; but it is contended that the prisoners, one a boy of sixteen, did not receive a fair trial. Bishop Lucas of Chippewyan (Anglican) comments upon the fact that the official hangman travelled with the judicial party, and this is said to have created a bad impression throughout the Arctic. He speaks also of the graves being dug before sentence was pronounced. The jury can hardly be said to have been composed of the peers of the accused men. It consisted of a law student, a steamboat captain, a trapper and Hudson's Bay traders, one of the latter being a fellow-factor of Otto Binder, a German-American trader, whose designs upon an Eskimo woman are said to have begun the trouble.

The accounts given of the slaying are not very clear. They seem to point to a feud, arising out of the designs upon the woman, and out of the very strict Eskimo code relating to such offenses. What is asked is not a commutation of the sentence, but a

fair and full investigation. Nothing would be lost by such a course, and much is to be gained by preventing even the possibility of a serious miscarriage of justice. A good deal has been said about the effect of the execution upon the Eskimo mind. Clearly, the lesson of British justice will be all the more impressive if the case is very carefully considered, and the Eskimos are made to realize that the taking of human life, even by law, is regarded by the authorities of Canada as a matter of the utmost gravity, requiring great deliberation.

Eskimos should receive the same justice as white men, and in this case, owing to the enormous distance and the other peculiar conditions. It is doubtful whether this has been done. The prisoners were totally unacquainted with the procedure of our courts, and probably took no steps to have their defense properly presented. Nothing need be asked for but a fair trial, conducted on British principles.

79. "Eskimos to Pay Death Penalty for their Crime," *Guelph Mercury*, 24 October 1923

ESKIMOS TO PAY DEATH PENALTY FOR THEIR CRIME

Not Likely That Gov't Will Now Grant Reprieve To Murderers

LAW MUST BE OBEYED

Feeling That Commutation of Sentence Would Have a Bad Effect

(Special to The Mercury)

OTTAWA, Oct. 24.—While there is undoubtedly a strong sentiment throughout the Dominion against the hanging of the two Eskimos of the Coronation Gulf district who committed double murder, the prospects of ultimate reprieve is by no means bright. That some consideration should be given to the fact that the condemned men are a primitive people, with little or no knowledge of the white man's law, and to the further fact that there was some provocation for the first killing, is realized, but, on the other hand, it is pointed out that murder must not be allowed to go unpunished in a civilized land, wherein the law exists, and that the murder of the mounted policeman could not have been done without knowledge of wrong doing upon the part of the perpetrator.

Other Case Recalled

It is recalled that in the case of the two Oblate fathers in the north some years ago, the Eskimos who did the deed, after trial and conviction at Edmonton, were sent north and released after instruction. It was hoped these men, appreciative of the

mercy shown them, would, at the same time, spread among their people information regarding the long arm of British law, and would do good missionary work in that respect. What the result has been is difficult to appreciate, but there have been more murders since then, and men who travel in the north bring word from time to time of growing danger to those who mix with the Eskimo.

Did Not Take Trial Seriously

It is a notable fact that the two Eskimos now waiting death at Herschel Island regarded their trial as something of a joke. Commutation of sentence in their case would practically mean release, in as much as it would be little mercy to such men to change the present sentence to life imprisonment. Should release occur after all the ceremony of the long trial, and the expense connected therewith, their contempt for the law might very well increase.

The report of the trial was carefully perused by the justice department here. After consideration by the Cabinet Council it was decided that the law should take its course. A messenger carrying the order-in-council is even now on his way, via Porcupine, to Herschel island, and the impression here today is that there is likelihood of a countermanding order. The general feeling is that an example must be shown if murders are to cease in the north.

80. "Eskimo Murders," *Hamilton Herald*, 24 October 1923

ESKIMO MURDERS

In his address to the Canadian Club here on Monday evening Lieutenant-Governor Cockshutt made an allusion to the conviction of two Eskimos of murder in the far north, and the sentence of death pronounced upon them after due trial at Herschell Island. He protested against the execution of the sentence, his main plea being that the murderers didn't know any better. Similar protests and pleas for executive clemency for the murderers are being made in numerous letters to the [press].

It is impossible for any humane person not to feel pity for the two unfortunate Eskimos awaiting execution in December. It is true that they are ignorant and mentally undeveloped. It would be a real relief if some way could be rowed of disposing of their cases otherwise than by execution, if it would be safe to do so.

But in view of the facts of the case and the conditions which have to be faced by those responsible for the protection of life and property under the Arctic circle, it is very doubtful if it would be wise to extend executive clemency to these poor wretches and commute their sentences to long terms of imprisonment. In the past few years there have been many murders committed by Eskimos—at least twenty-four recorded, and doubtless there are many not known. Of the victims seven were white men—two Roman Catholic missionaries, two traders, two explorers, and one an officer of the Mounted Police. Tribal customs apparently cause the Eskimos to regard

murder as a natural and legitimate way to express dissent. Hitherto no attempt has been made by the constituted authorities to suppress the practice by dealing with it as a capital crime. Imprisonment is of no use for the Eskimos court imprisonment; they regard it as a luxury and an honor to be maintained by the white officials at public expense, and the man who has served a short term of imprisonment and goes back to his tribe is regarded as a hero. Prolonged imprisonment means death for the prisoner; he cannot survive long confinement.

The number of missionaries, explorers and traders going into Canada's Arctic region is annually increasing, and it is necessary that their lives be protected. The question is whether Canadian law shall prevail under the Arctic circle or whether Eskimo tribal custom and practice shall be allowed when such custom and practice include promiscuous homicide.

One of the two prisoners awaiting execution has been represented as a youth of sixteen. The Department of Justice at Ottawa says he is a man of 25. He murdered Sergt. Doak, who had him in charge and who (on his own confession) had treated him kindly, while the officer was asleep; and he shot another white man to death because he feared the other white man would avenge the murder of Doak. Unless the Eskimos are taught by stern example that crimes like these cannot go unpunished, it is all too probable that such crimes will be even more common than they have been.

Would it then be a wise exercise of clemency to pardon these criminals or to subject them to a penalty which would be no real punishment? Human life is precious—even the lives of these two Eskimo savages; but the public welfare is of more importance.

81. "Reprieve for Eskimos Might Mean Release," *Peterborough Examiner*, 25 October 1923

REPRIEVE FOR ESKIMOS MIGHT MEAN RELEASE

Slight Chance For the Murderers of Mounted Policemen to Escape the Gallows.

MURDER INCREASES.

OTTAWA, Oct. 25.—While there is undoubtedly a strong sentiment throughout the dominion against the hanging of the two Eskimos, of the Coronation Gulf district, who committed double murder, the prospect of ultimate [reprieve] is by no means bright. That some consideration should be given to the fact that the condemned men are a primitive people with little or no knowledge of the white man's law and to the further fact that there was some provocation for the first killing is realized, but on the other hand it is pointed out here that murder must not be allowed

to go unpunished and that the murder of the mounted policeman could not have been done without knowledge of wrong doing upon the part of the perpetrator.

It is recalled that in the case of the killing of the two Oblate fathers in the north some years ago, the Eskimos, who did the deed, after trial and conviction at Edmonton, were sent north and released after instruction. It was hoped that these men, appreciative of the mercy shown them, would spread among their people information regarding the long arm of British law, and would do good missionary work in that respect. What the result has been is difficult to appreciate, but there have been more murders since then, and men who travel in the north, bring word from time to time of the growing danger to those who mix with the Eskimo people.

Commutation of the death sentence in this case would practically mean release of the Eskimos in as much as it would be little mercy to such men to impose life imprisonment. Should release occur after all the ceremony of the long trial, and the expense connected therewith, it is feared here their contempt for the law might very well increase.

The report of the trial was carefully perused by the department of justice authorities here, and after consideration by cabinet council it was decided that the law should take its course. A messenger carrying the order-in-council is even now on his way via Porcupine to Herschel Island and the impression here today is there is little likelihood of a countermanding order.

82. "Educating the Eskimos," *Toronto Globe*, 25 October 1923

EDUCATING THE ESKIMOS.

There can be no disagreement with the proposition that Canadian law, and not tribal customs, must prevail among the Eskimos. At the same time there is cast upon the Canadian authorities the duty not only of administering the law, but of educating the people up to British and Canadian standards. The case is not quite the same as that of immigrants who leave their own countries and settle in a country where British and Canadian law and sentiment prevail. The Eskimo region is to all intents and purposes a colony of which Canadians have taken over the administration; and while we must enforce our own laws there we must consider the Eskimo point of view. Eskimos are not deliberately defying our laws, but following customs in which they grew up in total ignorance of those laws.

It follows that the administration of our laws should be educative, and that trials should be conducted with gravity and scrupulous regard to justice. Even the appearance of injustice should be avoided. If it is true that the judicial party was accompanied by a hangman, that the parts of the gallows were carried up, and that even the graves were dug before sentence was given, the influence upon the Eskimos must have been very bad. If the Eskimos have lax ideas as to the taking of life, they

must not be left in any doubt as to our determination to hold life sacred, but severity alone is not enough. The impression that we must seek to convey is one of absolute determination to do justice. There must be nothing slipshod or hasty in our proceedings. In addition to the administration of justice, the Dominion Government should have an agent in the region whose duty it would be to explain the general principles of Canadian law to the people.

83. Letter, Cortlandt Starnes to E.L. Newcombe, Deputy Minister, Department of Justice, 26 October 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 1

Oct. 26th 1923.

Dear Mr Newcombe,

I quote below a telegram just received from Sergeant Thorne, the courier, from Fairbanks, Alaska, who is taking the instructions to Inspector Wood, of the Royal Canadian Mounted Police, Herschel Island, with regard to the execution of the sentences imposed upon Eskimos Alikomiak and Tatamigana :-

“Fairbanks, Alaska.

Oct. 25th 1923.

“Commissioner Starnes,

R.C.M.Police,

Ottawa, Ontario.

“Thermometers fifty six above here this morning. No signs of snow or rivers closing. No boats or stages leaving Chatanika end railroad November second despite trail conditions. Yukon river train and crossings questionable. Respectfully request date reset to December 28th, in case cannot make Herschel by December 7th.

(Sgd) Sergeant Thorne.”

Under these circumstances, I would suggest that the date be reset to January 7th, 1924, i.e. one full month later than at first proposed.

Yours very truly,

<Cortlandt Starnes>

84. "Whites and Eskimos," *London Advertiser*, 26 October 1923

WHITES AND ESKIMOS.

Two Eskimos await the carrying out of the death sentence at Herschel Island, and a mounted police officer is on his way with word that the case cannot be reopened.

In a review of the occurrence sent out from Ottawa it is stated that murders are becoming too frequent among the Eskimo communities in the Arctic. In fact there are many more of them now than there used to be.

The natural question to ask is "Why?"

Two years ago a sergeant of the mounted police wrote to his superiors, urging that medical missionaries should be sent to the Eskimos in order that they might learn some of the good qualities of the whites.

Bishop Lucas, who was present at the trial, says that the evidence, if traced back, shows that the series of crimes started because a white man decided to take an Eskimo woman for his wife, despite the fact that she was the wife of an Eskimo. According to tribal law this is a capital offence. The whites who were trading up there seemed to consider this was not a serious offence when committed by a white man. The Eskimos are at a loss to see why there should not be the same laws for all, or why they should be punished for doing what the white man does.

The Toronto Star aptly sums up the influence of the whites on these people when it says:

"Rifles, with which these simple people can kill game faster than they need it—rifles with which they can kill each other on impulse; handcuffs with which to arrest them, and gallows on which to hang them—white traders who transgress the morality of whites and Eskimos alike—these do not adequately recommend civilization to these remote people in their hard-scrabble efforts to keep alive."

Surely it would be the part of wisdom and certainly the role of justice to stay the executions until all these facts have been thoroughly investigated.

85. "The Case of the Eskimos," *Peterborough Examiner*, 26 October 1923

THE CASE OF THE ESKIMOS.

The movement to secure a stay of execution in the case of the two Herschel Island Eskimos convicted of murder is gathering momentum and there is hope that the authorities at Ottawa will be prevailed upon to withhold the final order for the execution until communication with the Arctic is re-opened in the spring.

There is much about the case that suggests the wisdom of not being in too great a hurry to carry out the sentence.

The Eskimos, of course, must be taught to respect the law of Canada, but at the same time there is a duty upon the Government of educating them to understand that law, and to recognize that Canada stands not only for the sacredness of human life but for justice, calmly and impartially and fearlessly administered.

It may be that those on the spot know much more about the case than the rest of us can possibly ever know and that the ends of justice will be best served by the carrying out of the death sentence.

But no harm will have been done in staying the execution until the spring.

The report that a hangman accompanied the judicial party and that part of the gallows were carried along ready to be set up as soon as the sentence was passed grates upon the ears of Canadians generally.

86. "Protection or None?," *Ottawa Citizen*, 27 October 1923

PROTECTION OR NONE?

Governor Cockshutt of Ontario thinks it would not be right to hang those two Eskimos at Herschell Island, because they do not understand the ways of the white man. The Governor lives a long way from the Eskimo country, and can afford to take a more charitable view of such matters than the men who spend their lives administering law and carrying on business inside the Arctic Circle. If he had to spend the long winter on the lonely shores of Coronation Gulf he would perhaps want his native neighbors to know in a very definite and positive way that if they killed him they would be hanged. And the Eskimo knows a good deal more about the white man and his ways and laws than the Governor gives him credit for. He at least knows well enough that he should not kill people. What he needs to be taught is that if he does not heed the moral obligation he will be subjected to the same treatment he metes out to his victim.

As he is interested in the question of capital punishment, may it be suggested that Governor Cockshutt would be better employed if he were advocating the hanging of the hold-ups who are killing and robbing people with a free hand in the province where he is supposed to represent protection for the lives and property of law-abiding citizen. These miscreants are not benighted Eskimos, and even a sob artist can hardly warm up on their behalf. Because they find it a safe pastime they are carrying on a campaign of murder and plunder in defiance of all authority, and are increasing in numbers, activity and impudence. The primary purpose of law is to protect life. If it does not do that it does not matter materially what else it may do. The Ontario Governor would be doing better service if he were trying to make life safer in Ontario, instead of trying to make it less safe on the remote Northern fringe of things.

87. "The Gallows in the Arctic," *Ottawa Citizen*, 27 October 1923

THE GALLOWS IN THE ARCTIC.

It was not altogether unexpected that, when the feeling was expressed that an official clemency should be exercised in the case of the two Eskimos now awaiting the hangman at Herschell Island, there should arise those who oppose such action and ascribe to anyone advocating it mawkish sentimentality and "well-meaning but mistaken motives." One can afford to ignore such platitudinous speculations regarding the signers of the petitions for clemency or delay, but when one prominent newspaper goes on to say that it is "most necessary to curb their (the Eskimos') murderous proclivities" and that "the government has a stern duty to perform," it reveals an innocence regarding the real character of the Eskimo and the duties of a government which calls for reply.

To call the Eskimos persons of "murderous proclivities" is to misunderstand totally the nature and psychology of the natives in Canada's far north. Travellers, explorers, police and missionaries, in fact all who have ever come in contact with the Eskimos—especially if the Eskimos have not come very much in contact with their white "protectors"—speak of their charming, likeable and inoffensive character. A correspondent draws attention to the fact that seemingly the knowledge of Eskimo customs and morality possessed by men in the service of the Canadian government who have spent years among them was never consulted by those who had anything to do with the trial and condemnation of the two Eskimos. A purely extraneous set of ideas was brought to bear upon the judgment of the accused natives, and little account taken of the codes or canons of the Eskimos themselves, simple and foolish as they may be.

Had the, latest government report—that on The Copper Eskimos, by Mr. D. Jenness—been studied, much valuable information which would have led to a better understanding of Eskimo psychology would have been discovered. The evidence in this report is too voluminous to go into, but throughout his narrative Mr. Jenness emphasizes the naive simplicity of the Eskimo's rules of conduct, his circumscribed range of ideas, his ignorance (and fear) of the outside world, his primitive religious beliefs and his simple ideas of justice. They cannot count more than three, which is "many". They have little independence of thought or action. Their superstitions have stunted their intellectual growth. They have a deficient sense of responsibility and their conduct almost on all occasions is marked by a "naive childishness." Their pliant natures quickly yield to evil outside influences. "Some of them are quick-tempered," he says, "and the majority of murders that occur are committed in a momentary heat of passion provoked by some scornful or sarcastic remark."

In other words, the majesty and might of Canada, the "stern law of the white man", has been evoked to teach adult children that killing is murder wherever or by whom it is committed, and that for an act arising out of momentary passion, the full

and utmost penalty of the White Man's law must be exacted. But if sentiment cannot enter in, neither should doubt. There is doubt in the affair. The hanging should be delayed. Otherwise the shadow of the gallows will fall across the Arctic as a symbol of the white man's might and the white man's civilization. But it will terrorize more than it will teach.

88. "Protests Eskimo Hanging as Illogical and Unjust," *Vancouver Sun*, 29 October 1923

Protests Eskimo Hanging As Illogical and Unjust

Editor The Vancouver Sun: Sir.—Why should two Eskimos be hanged for the crime of murder, under a white man's law of which probably they had never heard and certainly, if they had heard of it, regarded as something quite foreign and not in the least affecting themselves? By what process of logic can the death sentences passed by a white judge in a white man's court upon two men who are clearly children in the eyes of the law be justified?

Granted that the reign of law on the bleak northern shores of Canada must be established in due time. Can Canadian law be justified in demanding the extreme penalty for crimes which, in the present state of civilization in these far northern outposts, are not crimes at all, but merely occurrences in the ordinary course of life as it is lived?

The wisdom of the death sentence for murder by white men or women may be, and often is, questioned. It is commuted at least as frequently as it is carried out. What possible excuse can be presented for imposing it in the case of these uncivilized, primitive fishermen, who merely carried out a custom which is traditional with them?

When Canada has performed her duty of civilizing and Christianizing these wards will be time enough to establish law among them. They will not be taught by terror.

L. M.

89. "The Two Eskimos," *London Advertiser*, 30 October 1923

Editor of The Advertiser:

Sir,—I was pleased to see that your paper made editorial reference to the case of the two Eskimos who are under sentence of death. I happened to be in Ottawa when the first story came out about the trial, and it was felt there at 'that time that the influence of the white men who had penetrated to that far country for the purpose of trading with these tribes had not been for the best.

It is a fact, as far as I can learn[,] that the people who undertook to carry out this trial, took it for granted that there was going to be an execution, for they took with them all the material for the building of a scaffold, and near the scaffold had gone

along with the digging of the graves before the trial had ever concluded, or even well under way. It may have been done with the idea of scaring these people, but even so it was not the way in which we like to see the ideas of the whites interpreted in that country.

I believe the mounted policeman was right when he wrote to his superior officers saying that what was needed up there was some medical missionaries who could show the Eskimos some of the devotion and love of the whites as well as some of their cunning and meanness when they seek, to go in there and take away the wife of an Eskimo.

It would be a good thing for Ottawa to take this whole cash up again, and get a finding that would mean something.

JUSTICE.

90. "Eskimo Sentences to be Considered," *Ottawa Citizen*, 30 October 1923

ESKIMO SENTENCES TO BE CONSIDERED

Further Petitions for Stay of Execution Coming Before Acting Minister.

(Canadian Press Despatch.)

Ottawa, Oct. 29.—Further consideration of the case of two Eskimos condemned to death at Herschel Island, on December 7, will probably be given by Cabinet this week. A petition for a stay of execution was presented at the Justice Department this morning, and it is understood that several more are to follow.

Hon. Senator Dandurand, Acting Minister of Justice, will be in Ottawa tomorrow, and the petitions doubtless will be brought to his attention, and by him to the attention of the Cabinet. It is unusual for the Governor-in-Council to alter a decision once given, but there is always a possibility of a stay of execution being granted, should it be represented that certain material facts were not brought out in evidence. A member of the Royal Canadian Mounted Police is now on his way to Herschel Island bearing the tidings that the Governor-in-Council has refused commutation in the case. If the Cabinet should decide to grant a stay of execution, it will I be necessary to communicate with this messenger by telegraph before he leaves Dawson City on the last leg of his journey.

91. "Cabinet Reconsiders Case of Two Eskimos," *Ottawa Citizen*, 1 November 1923

CABINET RECONSIDERS CASE OF TWO ESKIMOS

Widespread Demand Causes Action, and Reprieve May be Granted.

Cabinet will meet for the first time this week on Friday afternoon. It is understood that one of the matters which will occupy the attention of the ministers is the case of the two Eskimos who will, unless the Governor-in-council interferes, be executed on December 7th next. The widespread demand for a stay of execution evidenced by the circulation of petitions to the minister of justice, has resulted in a decision to reconsider the case, and it is now considered quite possible that a reprieve may be granted. Hon. Senator [Raoul] Dandurand, acting minister of justice, is not in town at present, but will, it is understood, attend the cabinet meeting. ...

92. "Educating the Eskimos," *Toronto Globe*, 1 November 1923

EDUCATING THE ESKIMOS.

The St. John Globe, after urging a commutation of the death sentences on the Eskimos, says: "There must follow a practical and well-directed effort to make people living in the outlying sections of the Dominion understand the white man's laws."

This is the right view. Canada has in the far North practically a mandate to govern a people who are only partly civilized. Much is said of the duty of Canadianizing the foreigners, but in the case of immigrants organized efforts at education are assisted by environment. The newcomers learn through association with Canadians and others who are familiar with our laws and institutions. The Eskimos are isolated. Good work is done by missionaries, but the State also should have its missionaries of civilization, men and women who would take up their residence in these far regions and teach the people our laws and customs. The Dominion Police are efficient and respected, but it is not enough to arrest Eskimos who have violated the laws. They must be taught what the laws are, the reasons behind them, and the basic ideas of citizenship.

93. "States Eskimos Had a Fair Trial," *Ottawa Journal*, 2 November 1923

STATES ESKIMOS HAD A FAIR TRIAL

WINNIPEG, Nov. 1.—That the Eskimos tried at Herschel Island for murder had been given a thoroughly fair trial and that everything was in accordance with best traditions of a British court of justice, was the statement made last night by Thomas L. Cory, Ottawa, counsel for the defence, who reached Winnipeg yesterday, after leaving Herschel Island August 12.

Mr. Cory declined to discuss the movement on foot for getting the condemned Eskimos reprieved on the ground that they were not familiar with the laws of civilization.

94. "Cabinet Refuses to Interfere in Case of Eskimos," *Ottawa Citizen*, 3 November 1923

CABINET REFUSES TO INTERFERE IN CASE OF ESKIMOS

Two Natives of North to be Executed. Claim Petitioners Misled by Erroneous Reports.

After considering petitions asking for the postponement of the execution of the death sentence in the case of the two Eskimos at Herschel Island, the cabinet yesterday re-affirmed its decision not to interfere with the due course of the law.

In commenting upon the decision of the council the department of justice expressed the view that a number of representations had been addressed to the government by persons evidently misled by erroneous reports of facts.

"The evidence taken at the trials," it was stated by the department, "leaves no room for doubt as to the guilt of the prisoners and investigation has shown that they were properly and fairly tried by a jury of representative men thoroughly acquainted with the ways and customs of the Eskimo. The confessions of the accused were corroborated by native witnesses and clearly establishes that the motives for the commission of the crimes were totally different from those generally ascribed.

Previous Clemency.

"Alikomiak, the prisoner around whom special interest has centered, is the Eskimo who in a most deliberate and cowardly manner murdered three men, first a native Eskimo, then six months later an officer of the Mounted Police, and finally an employee of the [Hudson's] Bay Company.

"The belief that the Eskimo knows nothing of our law," the departmental statement continues, "is absolutely unfounded in this connection it may be recalled that only a few years ago two other Eskimos were convicted for murdering two priests; the death sentences were commuted but the clemency does not appear to have had any beneficial effect; the number of murders now committed by the Eskimos is surprising and in the opinion of those conversant with conditions in the north it is in the best interest of law and order that the present sentences be carried out.

Not a Young Boy.

"Popular indignation has been aroused, particularly in Toronto, by totally unwarranted statements. For instance, it has been repeated that one of the prisoners, is a young boy of sixteen, whereas according to the consensus of reliable opinion from the north he must be between 20 and 25 years of age. It [has] also been specially claimed that graves were dug for the condemned Eskimos before sentence of death was pronounced; such is not the case; the graves referred to were dug for the re-interment of the remains of the late Sergeant Selig and the late Corporal Doak, both members of the R.C.M.P."

The statement closes by saying that: "Council has considered at length all relevant material submitted and, in the light of the trial judge's report and of the investigation by the department of Justice, fails to discover any justification for recommending interference with the due course of the law."

95. S.S. Sainsbury, "White Men Usually to Blame When the Eskimos Slay Them," *Toronto Star Weekly*, 3 November 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

White Men Usually to Blame When the Eskimos Slay Them

SHOULD the Eskimos in the Hershel Island case hang for the murder for which they have been condemned?

It is a question which has been exercising the mind of the Canadian people recently. Personally I should as soon think of hanging a ten-year-old boy if he had slain some one. And there is a much closer analogy here than one would think.

The question is best answered by reviewing the knowledge I have gained of the Eskimos through ten years living with them and learning their customs and ways.

I shall begin by making the statement that in cases of trouble between the white man and the Eskimo, the white man is always to blame. I think I can prove this.

The Hudson's Bay Company have been established for two centuries and a half. They have posts all up the Labrador coast, along the straits, on the shores of Hudson Bay, hundreds of miles into the interior, within a few hundred miles of the pole. Yet

no mention is made in the records of the company of their servants being murdered by the Eskimo. There is only one case of violence that I can recall where over a century ago the natives wiped out the spot [post] at Little Whale River.

This immunity of servants of the company is due solely to the fact that their system had made it possible for them to understand the Eskimo as he is and has been.

Following the Hudson's Bay Company came the explorers, expedition after expedition. There is no record that I know of where there was serious trouble. In some cases we find the Eskimo came to the assistance and rescue of exploring parties.

Following these again, before them in fact and contemporaneous with them, came the long-shore whalers who stole into the far reaches of these northern waters every summer to hunt whales. They were in constant contact with the Eskimo. Often, a whaler would take as many as thirty or forty families on board. There are no records of trouble, murders or fights. On the other hand whaling captains have frequently paid tribute to the Eskimo as a worker, calling him a genius in his way.

THEN, in more modern times came the traveler of a more romantic type possibly, the scientist, the exploiter, who had little knowledge and no training, and who frequently by temperament was not able to adjust himself to conditions. He does not know the language. He engages the Eskimo as guides. The Eskimo almost in every case will not travel without his wife. And that is frequently where the trouble begins in some form or other.

A case in point. In the summer of 1912, Street and Bradley, two American biologists engaged in Eskimos to guide them from Wagen inlet to the American side of Siberia. After traveling some 200 miles the wife of one of the Eskimos fell ill. The Eskimos were loath to leave camp but one of the white men taking the bone handle of his whip tried to drive them to loading the sleigh and harnessing the dogs. They resented this attack and one of them drew his harpoon from his sleigh to protect himself. In the scuffle the sharp barb pierced the white man's abdomen and he fell to the ground. His white comrade reached for his rifle. But another Eskimo, quicker than he, watching him, shot him before he could pull his from its case.

Later I brought out the collections of these men so I know the case. They lost their lives through ignorance and brutality.

... There are cases where the Eskimo goes mad, chiefly in the spring after a hard winter. Some are subject to growths in the head. I was once several days journey in the interior alone with an Eskimo. We had no trouble together. Suddenly heavy fog and snow arose and I had occasion to ask him the way. He said he did not know. "Try and find out," I said.

"I can't think," he replied. "The only thing I am thinking of is my meat caches on the coast."

His manner was queer. Within ten minutes he was running round the rocks and hills, foaming at the mouth and screaming. He did this for an hour and a half. Then the fit passed as suddenly as it came. But while he was in that rage he might have

done anything. Luckily he had no weapon. I had a revolver. It was very trying but I did not meddle with him until he recovered. So that no harm resulted to either of us in a situation which was beyond the poor fellow's control.

The Eskimo in his tribal and personal relations behaves in a way that many white people might well follow. His community life is ideal. I have sat in an Eskimo camp and heard a mother command a grown-up married son to do something. He has obeyed instantly without question. Grown-up daughters obey their parents in a way that would make some of us in our home lives feel pretty cheap. Never in all my experience have I heard an Eskimo woman behave towards her children in an angry way or use a weapon or threat to compel obedience. All their lives are ruled by love.

There have been stories about the Eskimos trading their wives. That is not the case. Year after year I have visited the Eskimos in Hudson Bay, Wager Inlet, Baffin's Land and the Ungava region. I have never heard or known of a case where the Eskimos exchanged wives. I have known cases though where an Eskimo has stolen another man's wife.

The Eskimo is more kind to his brethren than most whites. I have known tribes on the verge of starvation. A man succeeds in killing a seal. He brings it into camp and it is divided among the whole tribe equally. His own family receives an amount equal only to that received by everyone else.

In all my searches, and I could not go back further than sixty years, I have not found a single case of cannibalism, popular statements to the contrary. Wild stories are sometimes told of the Eskimo abandoning old people and children to die of starvation. All these are untrue. In my ten years' experience I have had ample opportunity to find out. I have seen, thought, Eskimo men taking the mother and father, frequently unable to see, unable to walk, and spending days transporting them in a [kayak] to some other place to which they were moving.

Coming to the trials which have recently been conducted among the Eskimo in so-called murder cases. Most of them are conducted by men from the outside who know nothing of the Eskimo life or language. Judge and jury are equally ignorant. There has to be an interpreter, frequently not too well educated, whose knowledge of Eskimo is not perfect and who does not know enough English to give the right interpretation.

In sitting at one of these trials one is confronted with the fact that the Eskimos never tell the whole truth. They do not intentionally lie as we understand it but they have a habit inherent in them of holding back information. It is their custom to impart only part of the truth. The probe for facts must be deep and long. The Eskimo is a slow talker. Fear is a big element in these trials as well and adds to the difficulty in reaching the facts. This makes the Eskimo an even more difficult subject than usual to question. I have spent days trying to get a woman to tell what she had seen. If she had been prepared to talk she could have told me in ten minutes.

Evidence given, statements made, may be construed in a dozen different ways. Then above all is the Eskimo's ignorance. He has absolutely no conception of a trial. No word in their language describes it. Councils are held, it is true, but not to make laws. In by-gone days conjurers were called on in case of sickness or starvation but these have gone and nothing has come in their place. A trial, a judge, a jury, is beyond their comprehension. Punishment is without meaning to them, for they fail to grasp what it is given for. Hanging is absurd except to give these poor primitives an unreasonable fear of the white man. You might as well hang a white man for doing something wrong, because he had the misfortune to have the mentality of a ten-year-old child.

Some years ago I made thirty mental tests of thirty Eskimo men and women between twenty and forty years of age. Two of them showed an intelligence equal to that of a twelve-year-old schoolboy, while the remainder averaged less than fifty per cent of the intelligence found among schoolboys of ten. The questions asked them were simply based on their surroundings, history and make-up. Twenty questions were asked of each and they were given an hour to answer. All that was required by way of answer was a yes or no. In the majority of cases after thirty-five minutes thinking the natives fell down under the mental strain and admitted that they could not think any further. It was evident, too, that they could not, their faces giving every indication of the great and unusual effort they had undergone in brining every particle of mental energy to the task of thinking.

In spite of their primitive mentality they are a splendid people. I have taken the Eskimo hundreds of miles on trips. I have lived with him and eaten with him. And I wouldn't exchange him for any kind of Indian in the country. He is superior to any Indian. One would naturally think that civilization had improved the Indian far beyond the Eskimo but in manner, behaviour and capacity for work the Eskimo is a far finer type.

96. "Eskimos Must Hang," *Calgary Herald*, 3 November 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

ESKIMOS MUST HANG; CABINET MAINTAINS ITS FORMER STAND

Evidence at Trials Leaves no Room for Doubt As to Guilt of Prisoners
Execution Takes Place December 7

Properly and Fairly Tried By Jury Acquainted with Customs of Tribe
(By Canadian Press)

OTTAWA, Nov. 3 – After considering petitions asking for the postponement of the execution of the death sentence in the case of the two Eskimos

at Herschel Island, the cabinet yesterday reaffirmed its decision not to interfere with the due course of the law.

The hanging is set for December 7, at Herschel Island.

In commenting upon the decision of the council, the department of justice expressed the view that a number of representations had been addressed to the government by persons evidently misled by erroneous reports of facts.

No Room for Doubt

"The evidence taken at the trials," it was stated by the department, "leaves no room for doubt as to the guilt of the prisoners, and investigation has shown that they were properly and fairly tried by a jury of representatives thoroughly acquainted with the ways and customs of the Eskimos. The confessions of the accused were corroborated by native witnesses and clearly established that the motives for the commission of the crimes were totally different from those generally ascribed.

Murdered Three Men

"Alikomiak, the prisoner around whom special interest has centred, is the Eskimo who in a most deliberate and cowardly manner murdered three men, first a native Eskimo, then an officer of the mounted police, and finally an employe [sic] of the Hudson's Bay Company.

"the belief that the Eskimo knows nothing of our law," the department statement continues, "is absolutely unfounded. In this connection it may be recalled that only a few years ago two other Eskimos were convicted for murdering two priests, on which death sentences were commuted, but clemency does not appears to have had any beneficial affects the number of murders [...]"

Indignation Aroused

"Popular indignation has been aroused, particularly in Toronto, by totally unwarranted statements. For instance, it has been repeated that one of the prisoners is a young boy of 16, whereas, according to the concensus of reliable opinion from the north, he must be between 20 and 25 years of age. It has also been specially claimed that graves were dug for the condemned Eskimos before sentence of death was pronounced; such is not the case; the graves referred to were dug for the re-interment of the remains of the late Sergeant Zilig and the late Corporal Doak, both members of the R.C.M.P."

The statement closes by saying that counsel "has considered at length all relevant material submitted, and in the light of the trial judge's report and of the investigation by the department of justice, fails to discover any justification for recommending interference with the due course of the law."

97. “Favor Execution of the Eskimos,” *Calgary Herald*, 3 November 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

FAVOR EXECUTION OF THE ESKIMOS

White Settlers in the North Believe Natives Are Familiar With the Law

Eskimo natives as well as white settlers in the vicinity of Coronation Gulf, 600 miles east of Herschel Island, favor the execution of the two Eskimo murderers who were recently convicted and sentenced to death for the slaying of Corpl. Doak, and Otto Binder, a Hudson’s Bay Co. trader. This is the statement brought back to Calgary by Rev. G. Eldon Meritt, a missionary of the frozen north, who is here visiting his brother C.R. Meritt, en route to St. John, N.B.

Mr. Merritt says the natives of the north want to see the law enforced. He says that the Eskimos are all familiar with the law and realize that killing is the greatest of crimes. While clemency is uppermost in the minds of the whites who have settled in that area, they believe that the execution of the slayers of the two white men will have the effect of deterring others from such lawlessness.

With Mr. Merritt is his wife and son Edward, the first white child [sic] born in the frozen north, who is just a year old. It was in 1919 that Mr. Merritt last came out of the north, and on this occasion he went by dog sled to open water forty miles from the mission and then by boat to Herschel Island, a distance of 600 miles. From there he took the Hudson’s Bay boat out to Vancouver. It was on August 18 that the party left Coronation Gulf and reached Vancouver on October 18.

98. “Death Sentence to be Imposed on Two Eskimos,” *Ottawa Morning Journal*, 3 November 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

**DEATH SENTENCE TO BE
IMPOSED ON TWO ESKIMOS**

Cabinet Decide Not to Interfere With The Due Course Of The Law.

ACTS OF CLEMENCY BEFORE NO EFFECT ON ESKIMOS

In the Best Interests of Law and Order
Sentences be Carried Out.

After considering petitions asking for the postponement of the execution of the death sentence in the case of the two Eskimos at Herschell [sic] Island, the Cabinet yesterday re-affirmed its decision not to interfere with the due course of the law.

In commenting upon the decision of the council the Department of Justice expressed the view that a number of representations had been addressed to the Government by persons evidently misled by erroneous reports of facts.

"The evidence taken at the trials," it was stated by the department, "leaves no room for doubt as to the guilt of the prisoners and investigation has shown that they were properly and fairly tried by a jury of representative men thoroughly acquainted with the ways and customs of the Eskimo. The confessions of the accused were corroborated by native witnesses and clearly establishes that the motives for the commission of the crimes were totally different from those generally ascribed.

COWARDLY MURDER.

"Alikomiak, the prisoner around whom special interest has centered, is the Eskimo who in a most deliberate and cowardly manner murdered three men, first a native Eskimo, then six months later an officer of the Mounted Police, and finally an employee of the Hudson's Bay Company.

"The belief that the Eskimo knows nothing of our law," the departmental statement continues, "is absolutely unfounded. It may be recalled that only a few years ago two other Eskimos were convicted of murdering two priests; the death sentences were commuted, but the clemency does not appear to have had any beneficial effect; the number of murders now committed by the Eskimos is surprising and in the opinion of those conversant with conditions in the north it is in the best interest of law and order that the present sentences be carried out.

UNWARRANTED STATEMENTS.

"Popular indignation has been aroused, particularly in Toronto, but totally unwarranted statements. For instance, it was been repeated that one of the prisoners is a young boy of 16, whereas according to the consensus of reliable opinion from the north he must be between 20 and 25 years of age. It has also been specially claimed that graves were dug for the condemned Eskimos before sentence of death was pronounced; such is not the case; the graves referred to were dug for the re-interment of the remains of the late Sergeant Selig and the late Corporal Doak, both members of the R.C.M.P."

The statement closes by saying that "Council has considered at length all relevant material submitted, and, in the light of the trial judge's report and of the investigation by the Department of Justice, fails to discover any justification for recommending interference with the due course of the law."

99. Letter, Acting Minister of Justice, Ottawa to the Governor General in Council, Ottawa, 9 November 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

9th November, [1923].

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to state that one Tatamigana, tried before His Honour Judge Dubuc, a stipendiary magistrate in and for the North West Territories, with a jury, at a sitting of the stipendiary's court held at Herschel Island, in the Yukon Territory, on 17th July, 1923, was convicted of murdering one Pugnana, and on 11th August, 1923, sentenced to be executed on 7th December, 1923.

The undersigned further reports that by Order-in-Council of 6th October, 1923, it was determined that the law should be permitted to take its course.

The undersigned observes however that insasmuch as the execution is to be stayed until the pleasure of Your Excellency is communicated to the competent authority at Herschel Island, and as the courier, who is now on his way bearing the said message of no interference has met with unavoidable delay, and reports that he is not likely to reach his destination or to communicate the said decision until after the date now set for execution, it becomes necessary to respite the execution for a period sufficient to enable Your Excellency's decision to be communicated.

The undersigned therefore has the honour to recommend that the execution of the aforesaid sentence of the said Tatamigana be respited and postponed until the first day of February, 1923.

Respectfully submitted,

Acting Minister of Justice.

100. "Executions Postponed," *Montreal Gazette*, 12 November 1923

EXECUTIONS POSTPONED

Governor-General's Decision Awaited in Eskimo Case

Ottawa, November 10 —The date of the execution of the two Eskimos, sentenced to be hanged at Herschell Island on December 7, has been postponed until February 7. A courier is now awaiting instructions at Fort Yukon, and on receipt of the decision

of the governor-general will leave for Herschell Island. The reason for the postponement of the execution is that the courier, who started on his journey when the Government decided not to interfere with the sentence of death, has been unavoidably detained by weather conditions, and would be unable to reach Herschell Island by the date originally set for the execution. Under a law specially applicable to the Northwest Territories a capital sentence is not carried out until the pleasure of the Governor-General has been received in regard to it.

Alikomiak and Tatamigana, the two Eskimos awaiting execution, were found guilty last July of the murder of another Eskimo, Pugana, while Alikomiak was held responsible for the deaths of Corporal Doak and Otto Binder. An appeal was made for clemency for the two Eskimos, and the subject was twice considered by the cabinet, which decided not to interfere with the sentence. The new date set for the execution will be communicated by telegraph to the courier at Fort Yukon, who will then set out upon his 500-mile journey to Herschell Island, most the distance being covered by dog sled.

101. Letter to the Editor, "The Doomed Eskimos," *Toronto Globe*, 12 November 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

THE DOOMED ESKIMOS.

To the Editor of The Globe: The two Eskimos are to be hanged. The department of Justice announces that they were "properly and fairly tried," and that "popular indignation has been aroused by totally unwarranted statements." May I give your readers a chance of deciding that for themselves?

The documents in the case may be said to be four: The R.C.M. Police Reports for 1921 and 1922, The Edmonton Journal statement of Bishop Lucas, who attended the trial, and a long, illustrated account of which was published, plainly in good faith, in a Toronto weekly of October 27. Its writer is described as "having been in close touch with the judicial expedition." Long transcripts of evidence are given. In Ottawa it was offered to me by a high official of the Department of Justice as being fair, accurate and substantially complete. That is, nothing of real moment could possibly be left out.

But, from first to last, the chief count against all the official stories lies precisely in what they do leave out.

The whole series of killings goes back to the taking by the Hudson's Bay Company trader, Otto Binder of the wife of the Eskimo Ikialgagina. And almost at once the chief concern of the officials involved would seem to be to save the face of the company by leaving its trader out of it. He does get a line in the 1921 Report:

“Otto Binder, Hudson’s Bay Company trader at Tree River, had taken Ikialgagain’s wife to live with him.” But by the 1922 Report, as a *causa causans*, he has already disappeared. He is merely living “with a native woman.” And, in some way, the dead Eskimo husband, and his dead friend, Hannak, who tried to help him, have become the villains of the piece. Ikialgagaina is now “a worthless trouble maker, who couldn’t keep a wife when he had one.” And his dead friend is a person “whose main object in life was to secure an extra wife or two for himself.” Who wrote that part of the report? Corporal Doak, the policeman whom the Eskimo Boy, Alik Omiak, later killed – with Binder – for which he is to be hanged.

It is the same at the trial. Although but for that first outrage of Binder’s there would have been no occasion for that trial, and although the trial court was filled with listening Eskimos, called there to witness justice done, from beginning to end, if we are to trust to our semi-official narrative, at no time was Binder mentioned save as an unoffending victim.

We are charged with attempting to arouse sympathy for Alik Omiak by representing him “to be a young boy of 16” whereas he “must be between 20 and 25.” It was the Department of Justice’s own despatches that first described him as 16, and from his photograph one would take him to be no more than that.

To repeat from the Edmonton Journal of September 14, though this also is left out of our quasi-official account:

“The fact that the official hangman travelled with the judicial party and that material for the gallows was also brought along in the baggage of the judicial party created a bad impression throughout the Arctic, states Bishop Lucas, and so strong was the feeling that residents on Herschel Island (where, it may be said, there is at least plenty of gallows material in the rough) insisted that Special Constable Gill, the hangman, be removed to Aklavik to await the carrying out of his task.

“The death sentences were not announced by Judge Dubuc until some weeks after the conclusion of the trials, when the Judge was ready to leave the island. Meanwhile, however, the gallows had been erected ... and a grave dug for the reception of the bodies of any person later hanged.”

In the last month, both by letter and by word of mouth, these statements by Bishop Lucas, and all others made in this present letter, have been repeatedly brought to the attention of the Department of Justice. But the only denial or explanation made is in the matter of the grave, or graves – which we are now told were for the re-interment of two dead police officers.

The trial was made a jury trial. Upon that jury was placed no merely other Hudson’s Bay Company traders, as may have been necessary, but also Otto Binder’s fellow-trader at Tree River, C. H. Clay. And it cannot be discovered, though this surely must be wrong, that the former civil servant, Mr. T. R. Cory, detailed by the department for the defence of the accused, either challenged the said Clay or made his presence on the jury the grounds for an appeal for a new trial. Again, too, in our full and officially recommended chronicle, there is nothing whatever about Mr. C. H.

Clay. But, to say it here for good and all, in that whole page-and-a-half story, with the two poor wretches already condemned, there is hardly a word to give them, at any rate, their fair day in the court a readerdom.

The Department of Justice claims finally that “the belief that the Eskimo knows nothing of our law is absolutely unfounded.” And no doubt every attempt was made to make the accused realize what was taking place. But whether they really did is a different matter. “They are children,” says Bishop Breynat, the Roman Catholic Bishop of the Arctic, “children of the wild, who remain always children.” And, again to quote from Bishop Lucas: “So frank and honest was the evidence of both the accused, who at one stage of the trial were alternately witnesses for the Crown and for the defense” – it would be a bit hard to imagine this in any Ontario court – “that each practically convicted himself.” And just before their trial, two fellow-Eskimo, acquitted on another charge, insisted upon showing their gratitude by shaking hands with the prosecuting attorney.

Said Judge Dubuc in his address to the jury:

“Gentlemen, this is the first Canadian court held in the Polar Sea. We are here to administer justice according to the laws of Canada: by that I mean that British justice and fair play which we have inherited from our forefathers, and which is the envy of other nations. By it the humble and weak feel that their rights will be respected, and the innocent man can rest assured that justice will be on his side. “

“And, on December 7, Alik Omiak and Tatamagama are to be hanged. One can only hope that their deaths may be the means of bringing some measure of good to their fellows, and, for the rest, in the great words of Burke, “appeal to the common conscience of mankind.”

Toronto, Ont.

Arthur F. McFarlane

102. Letter, P. Pelletier, Department of the Secretary of State, to Cortlandt Starnes, 13 November 1923

LAC, RG 18, vol. 3289, file HQ-681-G-3

No. 24861.

Ottawa, November 13th, 1923.

Sir:

With reference to Mr. Mulvey’s letter of the 8th October last, advising you of the decision of His Excellency the Governor General in the Capital Case of one Tatamigana, who, in course of July, 1923, was convicted of murder at a sitting of the Magistrate’s Court held at Herschel Island in the Yukon Territory and sentenced to be executed on 7th December, 1923, I am commanded to inform you that His Excellency the Governor General, in view of the fact that the courier who is now on

the way bearing the said message of no interference, has met with unavoidable delay and reports that he is not likely to reach his destination or to communicate the said decision until after the date now set for execution has thought fit to order that the execution of the sentence of death passed upon the said Tatamigana be respited and postponed until the first day of February, 1924. Kindly acknowledge receipt of this communication.

I have the honour to be,
Sir,
Your obedient servant,
<P. Pelletier>
Acting Under-Secretary of State.

103. P. Pelletier, Acting Under-Secretary of State, to William J. Cory, Commissioner of the Northwest Territories, Department of the Interior, 14 November 1923

LAC, RG 85, vol. 607, file 2580

CAPITAL CASE

REGISTER

NO. 2486

Ottawa, November 14th, 1923.

Sir:

With reference to Mr. Mulvey's letter of the 9th October last, I am commanded to inform you that His Excellency the Governor General has had again under consideration the Capital Cases of Alikomiak and Tatamigana, who were sentenced to be executed on the 7th December, 1923, and to state that, in view of the fact that the messenger who is now on the way bearing the said message of no interference has met with unavoidable delay and reports that he is not likely to reach his destination or to communicate the said decision until after the date now set for execution, His Excellency has thought fit to order that the execution of the sentence of death in both cases be respited and postponed until the first day of February, 1924.

Kindly acknowledge receipt of this communication.

I have the honour to be,
Sir,
Your obedient servant,
[P. Pelletier]
Acting Under-Secretary of State.

104. "White Man's Law and Eskimo," *Ottawa Citizen*, 14 November 1923

WHITE MAN'S LAW AND ESKIMO.

Editor Citizen: There are various catch words used by the unthinking public, and one of them is "sentimentalist," as applied to those who for any reason, however well considered, incline to the side of mercy in dealing with certain criminals. So your correspondent of the 6th inst., Mr. Henry Munn, names us, who believe that the condemned Eskimos are not accountable for their deed in the same way that those brought up to know and understand the white man's law would be. It seems to me that the rule that those who knew should be beaten with many stripes, and those who knew not should be beaten with few, may well hold good here. But as there are no degrees in hanging these ignorant savages must take the full measure of stripes [*sic*!]! Your correspondent thinks many lives may be saved by allowing the law to take its course. Two missionaries, now in Ottawa, one of whom has lived among the Eskimos for some five years, and the other over 40 years, think otherwise. They tell me they fear that the effect may be to make the Eskimos suspicious of all white men and thus to bring about the very evils which it is intended to prevent. May I suggest to your correspondent that this view is based upon experience, not upon sentimentality. — M. G. HUNT, Ottawa, Nov. 8. 1923.

105. Letter, Cortlandt Starnes to R.G. Rev. MacBeth,⁷ 15 November 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

15th November, 1923.

Dear Mr. MacBeth,

I am obliged for your letter of 8th instant, and clipping of your very timely and appropriate article in the Vancouver Sun. I shall see that this is brought to the notice of the press here.

It is often very difficult to discharge the responsible duty which is committed to the Executive in capital cases, but with the relation to these unfortunate Eskimos who are under sentence at Herschel Island, I think that the circumstances of the case and past experience in the effort to administer justice to the Eskimos make it clear that the decision to leave the law to its course is to be preferred to the lenient measures which have been adopted in the former cases. There is not only the protection of the natives as against each other to be considered, but increasingly they

⁷ Convener Synod's Foreign Mission Committee, St. Paul's Presbyterian Church, Vancouver, BC.

are coming into contact with white men who for purposes of business, exploration or adventure are visiting the North, and it is obviously the duty of the State to afford all such security for the observance of the elementary principles of law and order as the circumstances and conditions of the country will permit.

There has been a good deal of local discussions about these cases, especially in the Province of Ontario, and the ignorance and simplicity of the untutored savage has been emphasized; one might infer that in the opinion of some of the contributors to the Eskimo should be regarded as immune from responsibility until he shall have emerged from his barbarous state and been brought through the influence of Christianity and education to a fine perception of moral obligations and to appreciate the system of government under which he lives. I do not doubt however that the natives have a sense of right and wrong sufficient to enable them to comprehend that the capital crimes for which the two under sentence are to suffer are such as would be visited by extreme punishment under any systems of Government which is well regulated according to the simplest conception, and unless the sentence of the law be executed there is a real danger that the non enforcement may cause still greater lack of respect.

Yours very truly,
[no signature, but likely Commissioner, RCMP]

106. Telegram, Cortlandt Starnes to H. Thome, 19 November 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

Ottawa Ont.

Nov. 19th 1923.

Sergeant Thorne,
R.C.M. Police,
Fort Yukon, Alaska,
Via Seattle, U.S.A.

Your telegram eighteenth instant. Stop. Proceed to Herschel and deliver following further instructions to Inspector Wood. Begins: Referring my telegram seventeenth instant. Stop. Take great care to see that all necessary formalities required by law are carried out prior to during and after execution of sentences. Ends.

Cortlandt Starnes,
Commissioner R.C.M. Police and
Sheriff Northwest Territories.

**107. Letter, H. Thorne to the Officer Commanding, RCMP,
Edmonton, 19 November 1923**

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

HUDSON STUCK MEMORIAL HOSPITAL.
FORT YUKON, ALASKA
Nov. 19th, 1923.

Sir:-

I have the honour to report that I received instructions tonight (19-11-23) to proceed forthwith to Herschel Island. I am leaving here for Herschel tomorrow morning (20-11-23).

I have every confidence that weather permitting I shall reach Herschel Island by 6-12-23.

As you are aware the execution has been postponed till Feb. 1st, 1924, no doubt because of my late arrival.

On my arrival at Circle I found that the Yukon River was still open for 60 miles to the North. This being so, the guide arranged for me Mr. H. Anthony of Fort Yukon, has been held up; and in order to reach Herschel Island by the 6-11-23 I had to travel by Birch Creek so have missed him, and cannot wait any longer for him to catch me up.

I have taken another guide Peter Moses also Const. McCormick of Rampart House Detachment, who is down here on a patrol.

I have the honour to be,
Sir,
Your obedient servant,
(Sgd) H. Thorne, Sergt.,
Reg. No. 4290.

[Transmitted to the Commissioner, RCMP, by Superintendent James Ritchie, Commanding "G" Division, Edmonton, on 18 December 1923.]

**108. "To Hang Eskimos Would Be Unjust, Says Dr. Grenfell,"
Toronto Daily Star, 21 November 1923**

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 2

TO HANG ESKIMOS WOULD BE UNJUST, SAYS DR. GRENFELL

Like Hanging a Little Child of Seven Years, He Declares

PRAISES LABRADOR

Special to The Star

London, Ont., Nov. 21. – "To hang an Eskimo for murder is the same as hanging a little child for murder. The penalties of Canadian law should not be imposed on the far northern inhabitants of Canada. They are ignorant of civilization's basic principles and when they commit crime they know not what they do."

Dr. Wilfred Grenfell, distinguished Labrador missionary, thus expressed himself in connection with the conviction of Eskimos charged with the murder of their fellows at Fort Herschel recently.

In an interview he said he thought the carrying out of the punishment ordered by the court would be "unwise and unjust."

Are Ignorant of Law

"The Eskimos are an extraordinarily intelligent people," Dr. Grenfell stated, "but they are totally ignorant of law and the consequences of its violation. Ethically, the Eskimo is just like a child of seven years. You would not hang a child of seven years, would you?"

The famous head of the Grenfell mission in Labrador, looking as keen and active as ever, arrived in the city from St. Thomas this morning to deliver a series of lectures in London. The message he will deliver this evening, briefly stated, is that Labrador, with all its tremendous potential resources, is being virtually ignored by the remainder of the dominion. It is his life work to bring to the Canadian public and the world generally, the untold possibilities of the vast land, to the development of which he has devoted his life's efforts.

Is Habitable Country

"Vilhjalmur Stefansson, the Arctic explorer, and myself are vitally interested in the breeding of the musk ox throughout Canada," Dr. Grenfell said. "I have a herd of my own. The tool from the musk ox is the finest in the world. Recently King George was given a coat made entirely of this material. It is the one he wears constantly."

"The thought I wish to get across in connection with Labrador, is that it is a habitable country, which offers great things for young men and women with courage

to accept its challenge. You do not feel the cold in Labrador any more than you do in London, Ontario. The average Canadian's ignorance of this great country is appalling.

**109. Personal Letter, Cortlandt Starnes to M.F. Gallagher,
Department of Justice, 28 November 1923**

LAC, RG 18, vol. 3289, file HQ-681-G-1, vol. 2

Nov. 28th 1923

Personal.

My dear Mr Gallagher,

Captain O'Kelly, a prominent official of the Hudson's Bay Company, who has been North every year with the Steamship "Kindersley" on Hudson's Bay Company business, came to see me this morning, and I asked him what he knew in connection with the story which the "uplifters" had used so much to the effect that the feud amongst the Eskimos was apparently caused by the stealing of the woman, and that the killing was probably in consequence of this.

Captain O'Kelly gives the facts as these: This girl, whose father lived on Victoria Land, was, when very young, sold by her father to an Eskimo who lived in East,- towards Repulse Bay. This man took her away to his own part of the country. Apparently she did not get along with him and left him. He has never been heard of and apparently being satisfied, never came West again. The young woman, travelling with different tribes, gradually made her way back to her father's estates on Victoria Land.

Some few years ago, Binder went to Victoria Land on business for the Company and for himself, and there stayed with the girl's father, with whom he had business. The father, who had known him from a long time, offered the girl to him. He hesitated at first, being a white man and a Hudson's Bay employee, but was finally persuaded by the father to take the girl. He took her with him, and she had lived with him ever since, and appears to have been very well treated by him. It is quite clear from Captain O'Kelly's story that the fact of this woman living with Binder had no [word illegible] whatever with any of the killings.

I send you this story as it may be useful to have, and perhaps not a bad idea if it was given to the Press in some way or another.

Yours sincerely,
Cortlandt Starnes

110. Letter, S.T. Wood to James Ritchie, Officer Commanding, RCMP, Edmonton, 8 December 1923

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

Herschel Island, Y.T.

8th December 1923

The Officer Commanding,

R. C. M. Police

Edmonton

Sir:-

I have the honour to inform you that Sergt. Thorne arrived here on the 5th December from Edmonton and showed me the following telegrams containing instructions to me from the Commissioner as under:- Ottawa, Nov. 17th 1923 begins "referring my telegram 8th Oct. 1923 regarding cases of Alicomiak and Tatamigana informing you Governor General unable order any interference in carrying out sentence on 7th Dec. 1923 respective sentences imposed stop. On account of uncertain courier reaching Herschel Isl. By that date His Excellency has ordered respite in both cases and has postponed [sic] date of execution of sentences until 1st February 1924 stop. My instructions to you in telegram of 8th Oct. last are therefore amended insofar as the date of execution in concerned stop. You will therefore comply with my previous order to take effect on 1st February 1924 instead of 7th December 1923 stop ends" (sgn) Cortlandt Starnes

Ottawa, 19th Nov. 1923 begins "Referring my telegram 17th instant stop. Take great care to see that all necessary formalities seg regarding by law are carried out prior to during and after execution of sentences ends" (sgn) Cortlandt Starnes.

The telegram referred to above under date of 8th October was also received and contained instructions as above except for date of execution to be on 7th December 1923.

In accordance with the instructions received per Sergt. Thorne the execution of Alicomiak and Tatamigana will not take place until the first day of February 1924.

Sergt. Thorne experienced a hard trip owing to an exceptionally late freeze up on the Yukon and coast. At his request, he will remain here until after the executions in February when the days will be longer and the travelling better. All credit is due Sergt. Thorne for making the trip in the time specified.

I have the honour to be

Sir

Your obedient servant,

<S.T. Wood> Inspector

[Transmitted to the Commissioner, RCMP, by Superintendent James Ritchie, Commanding "G" Division, Edmonton, on 2 February 1924.]

111. Letter, S.T. Wood to James Ritchie, Officer Commanding, RCMP, Edmonton, 9 January 1924

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

Herschel Island, Y.T.

9th January 1924

Sir:-

Re: Otto Binder – Deceased.

I have the honour to acknowledge the receipt of your letter of the 3rd March 1923. I had hoped to investigate this matter myself this past summer, but unfortunately did not get east to Tree River. I have therefore sent a copy of your letter to that Detachment for full report. In the meantime I am able to supply the following information as requested in your letter.

The woman is not implicated in any way with the murder of Binder.

The woman, Toktogan, claims she had two children by Binder, both boys, ages 2 years 1 month and 2 years 10 months respectively.

Binder was not legally married to the woman nor did he go through any form of marriage with her.

The woman is now married to native Cyril Uingnek, interpreter for the H.B.C. at Tree River and is therefore provided for. She has no claim upon Binder for his estate.

I have inquired from the H.B.C. regarding the personal effects of deceased and am informed by Mr Hall, District Manager, that Binder had traded off most of his personal belongings while at Tree River with the exception of a revolver and perhaps a rifle. They have no detailed information on the subject but this should be received from our Detachment in due course. I am aware of no other assets of the estate.

I have the honour to be

Sir

Your obedient servant,

<S.T. Wood> Inspector

Comd'g Arctic Sub-District

112. Inquisition: Tatamigana, 1 February 1924

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

INQUISITION.

CANADA: } An inquisition indented taken for our Sovereign Lord the King Northwest Territories at the R.C.M. Police Barracks at Herschel Island, Yukon Territory on the 1st day of February 1924 before S.T. Wood one of the Coroners of our said Lord the King for the said Northwest Territories on view of the body of Tatamigana (Eskimo) then and there lying dead, upon the oath or affirmation of A.A. Carroll; H. Thorne; good and lawful men of the said Northwest Territories, duly chosen, and who being then and there duly sworn, and charged to inquire for our said Lord the King, when, where, how and by what means the said Tatamigana came to his death, do upon their oath say: That the said Tatamigana, being a prisoner confined in the R.C.M. Police Guardroom at Herschel Isl., Yukon Ter'y, under legal sentence that he be hanged by the neck until he be dead, was, on the first day of February A.D. 1924, within the walls of the said Guardroom, legally hanged by the neck until he was dead, in pursuance and in accordance with such sentence; and the jury aforesaid, upon their oath aforesaid, do say, that having inquired into the identity of the body, of which they have had a view, and upon which this inquest has been held with that of the said prisoner, Tatamigana, so under sentence of death, aforesaid, they have ascertained the identity of the same, and that judgement of death was duly executed upon the said offender. And the jurors aforesaid, upon their oath aforesaid, do further say, that the said Tatamigana, in manner and by means aforesaid, came to his death, and not otherwise. In witness whereof, as well the said Coroner as the jurors aforesaid, have hereunto set and subscribed their hands and seals the day and year first above written.

In witness whereof as well the said Coroners the jurors aforesaid have hereunto set and subscribed their hands and seats the day and year first above written.

S.T. Wood	Coroner
H. Thorne	Juror
A.A. Carroll	“

113. Inspector S.T. Wood, Crime Report Re: Alicomiak – Murder of W.A. Doak and Otto Binder, 2 February 1924

LAC, RG 18, vol. 3293, file 1922-HQ-681-G-1, vol. 2

Arctic Sub-District
Herschel Is. Detachment
2nd February 1924

CRIMEREPORT

re

Alicomiak – Murder of Cpl. W.A. Doak and Otto Binder.

At 3.25am on the 1st February 1924, condemned prisoner Alicomiak was taken from the cell in the Detachment to the scaffold erected in the Police transport shed nearby and there hanged by the neck until he was pronounced dead fourteen minutes later by the Doctor.

Spl. Cst. Gill acted as executioner.

Dr. Doyle, Sergt. Thorne, Rev. Mr. W.A. Geddes and Inspector Wood being only others present.

The same morning a Coroner's inquest was held on the body of Alicomiak before S.T. Wood, Coroner. Only two men were available for the jury.

The body was viewed by the jury and heard evidence as to the identification of body by Cpl. Pennefather and as to the cause of dearg [sic] by Dr. Doyle.

The verdict was that "the prisoner Alicomiak confined in the Guardroom at Herschel Isl. Under legal sentence that he be hanged by the neck until he be dead, was, on 1st February 1924, within the walls of the said Guardroom legally hanged by the neck until he was dead, in pursuance and in accordance with such sentence and that the said Alicomiak, in the manner and means aforesaid, came to his death and not otherwise".

All papers in connection with the inequest are forwarded herewith.

The condemned prisoner made no statement, was quite composed and gave no trouble whatever.

A rough coffin was made and body taken to the burying ground and put on a stage until spring. A grave had been commenced last fall but had to be abandoned owing to filling up with water. At present the ground is frozen too hard to dig.

The prisoner had no property except his clothing.

CASE CONCLUDED

<S.T. Wood> Inspector
Comd'g Arctic Sub-District

114. Crime Report Re: Tatamigana – Murder of Pugnana, 2 February 1924

LAC, RG 18, vol. 3289, file HQ-681-G-3

Arctic Sub-District
Herschel Isl. Detachment
2nd February 1924

CRIMEREPORT

re

Tatamigana – Murder of Pugnana.

At 3.55am on the 1st February, condemned prisoner Tatamigana was taken from the cell in the Detachment to the scaffold erected in the Police transport shed nearby and there hanged by the neck until pronounced dead nine minutes later by A/Asst. Surgeon P.E. Doyle. Everything in connection with the execution was carried out in a satisfactory manner. The prisoner was quite composed and gave no trouble whatever. The Rev. Mr. W.A. Geddes of Shingle Point Mission was present and witnessed the execution.

Spl. Const. Gill acted as executioner.

Dr. Doyle, Serg.t Thorne and Inspector Wood being the only others present, also Cpl. Pennefather.

On the morning of the 1st February a Coroner's inquest was held on the body of Tatamigana. I was only able to secure a jury of two. At this inquest before S.T. Wood, Coroner, the body was identified by Cpl. Pennefather and Dr. Doyle gave evidence as to cause of death.

The jury returned a verdict that "the prisoner Tatamigana confined in the Guardroom at Herschel Isl. Under legal sentence that he be hanged by the neck until he be dead, was, on 1st February 1924, within the walls of the said Guardroom, legally hanged by the neck until he was dead, in pursuance and in accordance with such sentence and that the said Tatamigana, in the manner and means aforesaid, came to his death and not otherwise".

All papers in connection with the inquest are forwarded herewith.

A rough coffin was made and the body taken to the burying ground and put on a stage where it will remain until spring. A grave was commenced last fall but had to be abandoned owing to filling up with water. At present the ground is frozen to [sic] hard to dig.

The prisoner had no property except his clothing.

CASE CONCLUDED.

<S.T. Wood> Inspector
Comd'g Arctic Sub-District

[Supt. James Ritchie, Commanding "G" District, Edmonton, received the report on 3 April 1924 ("having been mailed by Sgt. Thorne at Vancouver on his arrival at that point from Herschel Island, Y.T.") and he promptly forwarded it as well as accompanying documents to headquarters in Ottawa.]

115. "Eskimos on Scaffold Blame Mounted Police," *Toronto Globe*, 10 March 1924

ESKIMOS ON SCAFFOLD BLAME MOUNTED POLICE

Herschel Islanders Charge Constables With Being Enemies of Their Race

(Canadian Press Despatch.)

Fairbanks, Alaska, March 9.—Declaring on the scaffold that the police had long been enemies of their people, two Eskimos, Alik Omiak and "Esquimo" Tetamangma, met death without fear at Herschel Island, on Feb. 1, according to advices received here. They were convicted several months ago of the murder of Corporal Doak of the R.C.M.P. and Otto Binder, a white fur trader of Coronation Gulf.

Sergeant Thorne of the R.C.M.P. arrived yesterday at Fort Yuko[n], 150 miles north of here, and reported that he had executed the two men. Thorne's assistants in the execution remained at Herschel Island to go out by way of the Mackenzie River, after navigation opens. Sergt. Thorne stated that the two Eskimos had remained in good spirits until the hour of their death.

116. Cortlandt Starnes, Commissioner, RCMP, to Director of Northwest & Yukon Territories, 8 April 1924

LAC, RG 85, vol. 607, file 2580

File No. D4734V-1

Sir,-

Re – Murders by Eskimos in Northwest Territories.

I have the honour to enclose, herewith, for your information, copy of a report, dated the 2nd february last, which has come to hand from the Officer Commanding Northern Alberta District, together with copies of enclosures referred to therein concerning the Coroner's inquests held on the bodies of Alicomiak and Tatamigana.

I have the honour to be,

Sir,

Your obedient servant,

[Cortlandt Starnes]

Cortlandt Starnes,

COMMISSIONER.

DECLARATION OF SHERIFF AND OTHERS.

We, the undersigned, hereby declare that judgement of death was this day executed on Alicomiak (Eskimo), in the Guardroom at Herschel Island, Yukon Territory, in our presence.

Dated this 1st day of February, the year 1924.

[S. T. Wood]

Deputy Sheriff for N.W.T.

[J.P. Pennefather Cpl.]

i/c Herschel Isl. Guardroom

.....

Constable, R.C.M.Police

[(Rev.) W.A. Geddes]

DECLARATION OF SHERIFF AND OTHERS.

We, the undersigned, hereby declare that judgement of death was this day executed on Tatamigana (Eskimo), in the Guardroom at Herschel Island, Yukon Territory, in our presence.

Dated this 1st day of February, the year 1924.

[S. T. Wood]

Deputy Sheriff for N.W.T.

[J.P. Pennefather Cpl.]

i/c Herschel Isl. Guardroom

.....

Constable, R.C.M.Police

[(Rev.) W.A. Geddes]

117. "Declares Eskimos Prepared to Die," *Ottawa Citizen*, 5 May 1924

DECLARES ESKIMOS PREPARED TO DIE

TORONTO, May 4. — John G. M. Christie, Spadina avenue, is in receipt of a letter from his brother, Charles Christie, accountant of the Aklavik Post, Western Arctic district, in which he refers to the hanging of the Eskimos at Herschell Island on Feb. 1. These Eskimos, writes Mr. Christie, as the hour approached for the execution, claimed that they had nothing to say, but that they deserved their fate and were prepared to die for their crime.

Aklavik is situated about 100 miles from the Herschell Islands [*sic*] and the letter written by the accountant told of raging gales, snowdrifts piled 20 and 30 feet high, with the temperature registering 50 degrees below zero.

118. "Execution of Two Eskimos a Costly Matter to Canada," *Ottawa Citizen*, 9 May 1925

EXECUTION OF TWO ESKIMOS A COSTLY MATTER TO
CANADA

Knud Rasmussen Contrasts \$75,000 Spent In That Work To \$1,000 Needed
For Missionary.

BIG PERCENTAGE OF MALES MURDERERS

Popular Way of Winning Wife Is To Slay Her Present Husband.

(Canadian Press.)

MONTREAL, May 8.--It cost the Canadian government between \$50,000 and \$75,000 to execute two Eskimos at Herschell Island about a year ago, said Dr. Knud Rasmussen, world-famed Danish explorer, in an interview here this afternoon, and it was figured that medical missionaries at around \$1,000 a year would do much better work among these primitive people than hanging them for infraction of laws of whose moral import they were totally ignorant.

Dr. Rasmussen was here from Ottawa, where his advice had been sought by the federal government in regard to projects for the education and elevation of the living standards of the Canadian Eskimos.

Many interesting features of Dr. Rasmussen's twenty years of investigation among the inhabitants of the Far North were revealed by the distinguished explorer today. He spoke of traces he had discovered of the ill-fated expedition of Sir John Franklin which was lost in the Victoria Straits in 1848, and of conversing with natives whose forebears had told them of the destruction of the Franklin party. He himself had seen skeletons and parts of clothing that had belonged to Franklin's men.

Eskimo folk-lore had been collected by Dr. Rasmussen to the extent of 2,000 different legends and songs, and in regard to these the explorer said that the natives of the interior of the Canadian northland had the same sagas and the same speech as the Eskimos of Greenland and all over the fringe of the Arctic circle. An interesting point stressed by Dr. Rasmussen in this connection was that none of the legends or poetry dealt with the sea, indicating, he believed, that the Eskimos were originally an inland people.

A Depressing Picture.

Dr. Rasmussen painted a depressing picture of the social life of these people and their summary manner of disposing of surplus population. Their practice is to kill female children, he repeated, but this works adversely on the social system of the Eskimo, for it tends to a surplusage [*sic*] of men in the community, hence when the male Eskimo of marriageable age desires to espouse himself his chief part in the ceremony is to murder the husband of the woman he wants to marry. In one community he visited he had estimated that 65 per cent of the males were murderers.

The federal government desires to do something for these people, and to this end the project of importing herds of reindeer from Alaska has been mooted. It is also intended to maintain trading posts throughout the country and to have Mounted Police stations established at frequented places so that law may gradually be taught the Eskimo. At present the great northern plains still produce great herds of caribou, which are hunted by the Eskimo in addition to fishing and seal hunting.

Dr. Rasmussen thinks that the Eskimo population is decreasing.

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About the Contributors

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Dr. **KEN COATES** is Canada Research Chair in Regional Innovation, Johnson-Shoyama Graduate School of Public Policy, University of Saskatchewan. He has also worked at the University of Waterloo, the University of New Brunswick at Saint John, Waikato University and the University of Northern British Columbia, where he was the Founding Vice-President (Academic).



They have written and edited over a dozen books on aspects of Northern Canadian history, including *Land of the Midnight Sun: A History of the Yukon*, *The Sinking of the Princess Sophia: Taking the North Down With Her*, *Strange Things Done: Murder in Yukon History*, and *The Alaska Highway in World War II*. They are currently working on a book on the continental significance of the Klondike Gold Rush.

P. WHITNEY LACKENBAUER, Ph.D., is a professor in the department of history at St. Jerome's University (University of Waterloo) and Honorary Lieutenant-Colonel of the 1st Canadian Ranger Patrol Group based in Yellowknife. He is a fellow with the Canadian Global Affairs Institute, the Arctic Institute of North America, and the Frost Centre for Canadian and Indigenous Studies. His recent books include *Vigilans: A Short History of 1st Canadian Ranger Patrol Group* (2015), *A Historical and Legal Study of Sovereignty in the Canadian North, 1870-1942* (edited 2014), *The Canadian Rangers: A Living History, 1942-2012* (2013, shortlisted for the Dafoe prize), *Canada and the Changing Arctic: Sovereignty, Security and Stewardship* (co-authored 2011), and *Arctic Front: Defending Canada in the Far North* (co-authored 2008).



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Arctic Show Trial: The Trial of Alikomiak and Tatamigana, 1923

Introduced by Ken Coates and

William R. Morrison

Documents compiled by P. Whitney

Lackenbauer and Kristopher Kinsinger

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