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William Renwick Riddell

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## ADMINISTRATION OF CRIMINAL LAW IN THE FAR NORTH OF CANADA

WILLIAM RENWICK RIDDELL\*

When in 1869, the Dominion of Canada acquired at the cost of £300,000 Sterling, the enormous territory known as Rupert's Land from the Hudson Bay Company, she was not blind to the very great responsibilities, she was assuming. While there was a magnificent stretch of land in the southern part, fitted for the highest kind of agriculture, and certain to attract the highest form of immigrant of the White Race, there was also known to be toward the North, an expanse of territory, apparently fit for nothing but the trapper and such forms of humanity and grades of civilization as were represented by the Esquimaux and the wandering Indian tribes. These had little conception of government by law, and seldom considered themselves to be bound by anything but their own desires. Amongst them, too, were degenerate members of the higher race, generally playing on their savage appetites and making profit of their vices.

We Canadians are a law-abiding people, we have no use for Lynch law or the rule of the gunman or Regulator: and it was recognized that some means must be taken to combat lawlessness in the new territory, a means not quite the same as such as were effective in the settled country. Accordingly, in 1873 was organized the Mounted Police Force with the specific purpose of establishing and maintaining law and order in that territory, theretofore controlled by the ancient trading Company from which Canada had bought, and which dated back to the times of the Second King Charles. For over thirty years, the jurisdiction of this force was limited to the Northwest Territories as the tremendous waste was called: and under the name of the Royal Northwest Mounted Police, its fame became world-wide.

By reason of new Provinces coming into existence, its functions were in course of time somewhat modified, but its general work continued, that is, to combat crime and vice among the Indians, the Esquimaux and also among the white immigrants who had come in in large numbers.

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\*Justice of Appeal, Toronto, Can.: Associate Editor of this Journal.

I have, in another place, given some account of the activities of this force up to the year 1919<sup>1</sup> and I have thought that it might be of interest to tell some of their doings in later years.

In November, 1919, their name was changed from the Royal Northwest Mounted Police to the Royal Canadian Mounted Police; in February, 1920, the Headquarters were transferred from Regina to Ottawa, and their functions somewhat enlarged: they have jurisdiction all over the Dominion, exercising the duties of a State Police—with that part of their duty, we have here no concern, very interesting and important as it is—I propose to speak only of their duties in the bleak North which have continued, notwithstanding change of name and extended jurisdiction.<sup>2</sup> One or two stories will suffice to indicate their devotion to duty and the difficulties in the way, while they will at the same time help to show how we Canadians insist upon our law being obeyed by all within our borders.

#### THE MURDER OF ROBERT S. JANES

In the northern part of Baffin's Island at Ponds Inlet, the Hudson Bay Company had a Post: in 1921, it was decided to station there a detachment of the R. C. M. P., as minerals were being discovered and immigration was to be expected—*Auri sacra famos* is as potent in the North as in the South, in Prince Rupert's Land as it ever was in old Rome. News had come that in the previous Spring, one Robert S. Janes, a Newfoundlander, had been murdered by an Esquimaux at Cape Crawford on Lancaster Sound, 400 miles within the Arctic Circle: and when Staff-Sergeant Joy, an experienced northern traveller, was sent in on the Hudson Bay Company's Steamer, *Baychimo*, to establish the Post, he received instructions to investigate the murder alleged: he received a Commission of Justice of the Peace so as to be able to hold a Preliminary Enquiry, a Commission as Coroner to hold an Inquest, as well as Commissions as Customs Officer and Postmaster for the performance of civil functions.

Sailing from Montreal, July 16, he reached Ponds Inlet, August 22, after the usual trouble with the ice. The alleged murderers were, however, at Cape Crawford at the extreme north of Baffin's Island, and had to be sought there. Joy, leaving a detachment at Ponds Inlet, set out, December 7, for Cape Crawford; arriving there December 21, he found the body of the white man five days thereafter: con-

<sup>1</sup>The Policeman's News (N. Y., Jan., Feb. and Aug., 1919).

<sup>2</sup>Everything contained in this paper is to be found in the official reports, which I owe to the courtesy of the Commissioner of the R. C. M. P.

ducting an autopsy, he found two bullet wounds and conclusive evidence of a violent death. He removed the body to Ponds Inlet, and, as Coroner, held an Inquest, finding a jury of three among the traders and swearing in another as Special Constable: the Inquisition, found February 11, declared a murder by Noo-kud-lah, alias Ki-wat-soo, with abettors, Oo-roo-re-ung-nak and Ah-tee-tah, all Esquimaux. Joy issued Warrants for the arrest of the accused but Noo-kud-lah was five hundred miles away. The rest of the winter and the spring were spent in the arrest of the three men and in collecting the witnesses: they were scattered all over the north part of Baffin's Island, an area of some 300 miles long and 200 miles wide—moreover, the task was made the more heavy and slow by the scarcity of dogs. Oo-roo-re-ung-nak was arrested, May, 1922, Ah-tee-tah, June 12 and the main offender, July 10. He had come in voluntarily but Joy with that meticulous regard for the rights of the accused which characterizes our administration of Criminal Justice, he delayed a week to arrest him until he could secure the services of an interpreter who, he was satisfied, could explain clearly to the accused the warning to be given before he was interrogated.

Noo-kud-lah being arrested, Joy as Justice of the Peace, opened the Court of Preliminary Enquiry, July 10: it was continued till July 20, eight witnesses being examined, one white man and seven Esquimaux; Statutory Declarations (having the force of Affidavits) were read of eight other Esquimaux at distant places; and the three men made statements. It appeared that Janes was claiming from the natives payment for goods supplied and had more than once threatened violence, to shoot the dogs—which is equivalent to causing starvation—and even to shoot some of the men: at length, the three Esquimaux formed a plot and the trader was shot. The men were, of course, committed for trial.

The Judicial party to hold the trial left Quebec, July 7, 1923, on the S. S. *Arctic*, being composed of His Honor Judge L. A. Rivet of Montreal, Mr. A. Falardeau of Quebec, Crown Prosecutor, Mr. Leopold Tellier of Montreal, provided as Counsel for the Prisoners and F. X. Biron of Montreal as Clerk of the Court. The party arrived at Ponds Inlet, August 21, a forty-five day trip: Court was opened, August 25: Ah-tee-tah was acquitted, Noo-kud-lah found Guilty of Manslaughter and sentenced to ten years' imprisonment at Stony Mountain Penitentiary, while Oo-roo-re-ung-nak, found Guilty of Manslaughter was sentenced to two years at the Barracks of the R. C. M. P.

Guardroom at Ponds Inlet. The trial was conducted with all the formality and decorum of a Supreme Court in the civilized parts of Canada, the Judge, Counsel and Clerk were robed as they would have been in Montreal or Toronto; two fully uniformed men were detailed as prisoners' escorts and one as the Judge's Usher. The defense was conducted with great skill, and Crown Counsel said that while in a more civilized part, he would ask for a verdict of murder as justified by the evidence, yet, taking into consideration the ignorance of the prisoners, he would be content with a verdict of Manslaughter. Noo-kud-lah was led away at once and entered the Penitentiary October 8.

#### THE CASE OF OU-ANG-WAK

In the winter of 1919-1920, Sergeant W. O. Douglas was in charge of the detachment of the R. C. M. P. at Fullerton over 400 miles north of Churchill and 100 miles up the coast from Chesterfield Inlet: going down to the Hudson Bay Company Post at Chesterfield Inlet in December, 1919, he found awaiting him a letter from the Manager of the Hudson Bay Company's Post at Baker Lake, 150 miles inland up Chesterfield Inlet informing him that two of his hunters were murdered by another native who was at large to the great terror of the native population. Douglas, of course, determined to go up to Baker Lake at once, and arrived there, January 8—he found that Ou-ang-wak, was accused of shooting two brothers of the same tribe, Angalook-you-ak and Ale-summick, all living some 150 miles south: the murdered had also appropriated the wife of the former. The natives were so afraid of the murderer that it was with very great difficulty that the Officer was able to get anyone to make the trip with him to arrest the accused. But at length he succeeded and, January 27, he left Baker Lake with a party of four Esquimaux and the wife of one of them. Having arrived, February 7, at a native camp, about half-way to that of Ou-ang-wak, Douglas persuaded Edjogajuch, the Headman, to go and try to bring in the murderer. The Headman was much frightened, as he undoubtedly believed that the Sergeant intended to shoot the offender as soon as he saw him. But being assured that nothing of the kind was meant, he left on his quest, February 8, and late in the afternoon of February 9, he returned with the quarry.

Through the interpreter, the usual warning was given the accused, and he was arrested and told that he must go with the Officer to the

White Man's land as the Big Chief there wanted to see him: he at first refused, fearing speedy death, but by showing the natives that unless they obeyed the White Man's laws, they would not be allowed to trade at the White Man's stores, and promising him fair treatment, consent was obtained and the prisoner taken to Baker Lake, arriving, February 18, after experiencing very bad weather: then the trip was made to Chesterfield which, owing to an exceptionally heavy storm, took fifteen days instead of ten usually taken. As indicating the perils of that country, it may be said that on this trip, at a place called Igloo, the Sergeant found the natives suffering from starvation, once child dead and two adults too weak to stand: Douglas left with them as much food as he could spare and on arriving at Chesterfield, March 8, he sent a relief party. Then to Churchill, arriving, April 13, to Fort Nelson, April 23 and The Pas, Manitoba. At The Pas, a Preliminary Enquiry was held before a Justice of the Peace, and the prisoner committed for trial, after a statement had been made by him. From this statement, it appears that he was "old enough to have a wife," that the wife who had been given him was "only a child . . . and still living with her own people." that he wanted a wife and killed Ang-alook-you-ak for his, and Ale-cummick for fear of vengeance.

Of course, the accused was entitled to be tried in the regular way, and in the jurisdiction where the crime was committed: accordingly he was taken back to Baker Lake, to await the arrival, on the opening of navigation, of a Coroner, a Justice of the Peace (the proceedings at The Pas, Manitoba being quashed) and a Court with a Commission of Oyer and Terminer, Counsel for the Crown and the Prisoner, and Clerk. These officials were to leave Montreal on the Hudson Bay Company's S. S. *Nascopic*; and it was expected that a jury could be furnished from the crew. July 25, 1920, Inspector A. E. O. Reames with a Commission as Coroner and also one as Justice of the Peace left Montreal and arrived at Chesterfield Inlet, September 17: difficulties in obtaining an interpreter, dog-feed, etc., detained him, so that he could not leave for Baker Lake until early in January, 1921: he there held an Inquest, but the arrangements for the trial became nugatory, as the prisoner got frightened and escaped, only to perish in a supervening blizzard. It may be worth mentioning that the offender had been subjected to the tribal penalties for murder, the religious or magical discipline directed by the Angekok

of his tribe—he was not to handle rocks; he could eat only “straight” meat; when he ate, he must be under cover from the sun, etc.

#### THE CASE OF ULUKSAK

In a former article, I gave an account of the shocking murder in 1915, of two Missionary Priests by two natives, Uluksak and Sinnisiak:<sup>3</sup> the former, Uluksak (or Ulukschack—he was not particular as to the orthography, and there is no reason why we should be more particular) “boasted much of his Shamanistic powers such as living under water two or three days at a time, bringing dead men to life, turning men and women into wolves and musk-oxen, seeing white men with mouths on their chests and dogs with four tails, etc., etc.”: but these magic powers did not save him from being convicted at Calgary in the White Man’s Court, August 24, 1917. The sentence of death, however, was commuted to imprisonment for life: the same was the fate of his comrade, Sinnisiak. They were released after a short term of imprisonment and came back to the Tree River district, down the Mackenzie. Uluksak had not been benefited by his punishment, he boasted that he was not afraid of the Police and that he would not mind killing a White man, as he would only be taken outside and given a good time, to be returned to his own country again after a little while. He had three wives and sold one of them together with their six year old boy to Sinnisiak for a 22-calibre rifle. This was “an Injin trade”; Uluksak rued it and took back the boy: Sinnisiak and the woman appealed to the Police and the boy was returned, only to be seized again in the spring of 1924: Sinnisiak went to Tree River to complain, and on Uluksak being looked for, it was found that he had gone to a distant part of the Arctic regions. But at this very time, a report came that Uluksak had been murdered by one Ikayena on the Parry River, east of the Kent Peninsula and Bathurst Inlet; and two Mounted Police with two natives set off to arrest Ikayena. The party was held up three days by a blizzard, the supply of coal oil ran out, four of the dogs died through the excessive cold; but Ikayena was found and arrested. From the account given by him and others, it appeared that he and Uluksak had not been on good terms, Uluksak was inclined to bully him, he shot one of Uluksak’s dogs, a highly unfriendly act in that region, and replacing it with one of his own did not atone for the wrong thus done Uluksak: Uluksak continued to threaten, and Ikayena formed a plot with his

<sup>3</sup>The Policeman’s News (Jan., 1919).

tentmate, Punewyuk, to kill him—at all events, this seems the more likely story, although Ikayena insisted that he shot Uluksak in self-defense. The accused was brought to Aklavik, Yukon Territory and after a Preliminary Hearing before Inspector T. B. Caulkin, acting as J. P.; he was committed for trial.

The Yukon Territory is an organized country with its own Supreme Court: the Court sat at Aklavik in June, 1926, Mr. Justice Dubuc presiding. Ikayena came on for trial, June 24: under the circumstances of the case, the Crown Counsel reduced the charge to Manslaughter; but the Jury, after a deliberation of fifteen minutes, found the prisoner Not Guilty, and he went free.

#### THE CASE OF TEKAK, TOONGNALIK OR TOONGNAAK

In 1925, Sergeant Barnes at Tree River Post received news of a murder said to have been committed on Adelaide Peninsula: and, April 1, he set off with a Patrol to investigate: he travelled to various places in King William's Island and Adelaide Peninsula, and at length found that the culprit one Tekak had gone up to the Back River: not having time to pursue him there, the Sergeant returned to Tree River, leaving word that he would return the following year: he arrived at Tree River, June 3, after 64 days' absence and traveling 1,357 miles. The information that the Policeman was to return to the Peninsula the following year was brought to the accused: these promises, the natives have found, are always kept, and Tekak came with the witnesses to Tree River, voluntarily, in a trading schooner and there surrendered. During the winter, they were sent to Herschel Island over the ice and later to Aklavik, Yukon Territory, where Tekak was tried at the same Court in June, 1926, as the fortunate Ikayena: the charge was reduced to Manslaughter, the prisoner pleaded Guilty, and was sentenced to one year's imprisonment at Herschel Island.

This crime was of a kind all too common among the Esquimaux—and, perhaps, among some races who believe themselves to be higher in the scale of humanity. Puwyatuck had two wives, and Tekak had none; Tekak lived with the polygamist and became enamored of one of his wives—it does not appear whether it was Cardlakeetow, the elder, or Goongnow, the younger, called in one of the official Reports, "the spare wife." About New Years of 1921, the two men and the "spare wife" were sitting in the snowhouse engaged in various do-

mestic duties, when Tekak suddenly shot the other man through the head and killed him on the spot. It was supposed that he had been urged to commit this crime by another native who wanted—and, after the murder, got the “spare wife,” this, however, Tekak denied. His story is interesting: he says: “At a dance the night before . . . Puwyatuck watched me and I did not like the way he looked. He looked like he wanted to kill me, and did not smile. We had never quarrelled before, but he watched me for a long time before that. I went to my igloo and loaded my .44 rifle. Next morning I was sitting in the snowhouse with Goongnow and Puwyatuck: Cardlakeetow came in and went out again: Puwyatuck was fixing a snow shovel, and Goongnow was fixing sinew. I picked up my rifle and shot Puwyatuck through the head: then I went outside, followed by Goongnow. After awhile, I went back into the house and saw that Puwyatuck was dead. I took Cardlakeetow for my wife then.” The view of the Police was that the murder was from jealousy probably fomented by the wife who was fonder of the killer than of her husband.

When the trial was about to come off, it looked as though the accused would be called before a Higher Court than that of the Yukon: about ten days before the Sittings, the prisoner was taken ill with double pneumonia and it seemed likely to be fatal: but he recovered and was tried as has been told.

These are but a sample of the tragedies occurring in our North and of the work, admirable in every way, of the Splendid Corps of which the world hears but little. Perhaps, these stories will indicate the reverence we Canadians have for law and the due administration of Justice.

Some of the crimes arise from tribal customs: for example, in some parts, as the Coast east of Tree River district and particularly in the neighborhood of the Kent Peninsula, the natives hold human life very cheaply: in such cases as we have an account of, the usual cause is in regard of women. Women are few in number owing to the custom of infanticide of female children the boy is brought up because he will soon be of use in support of the family, but the girl dies because she will be of no use, at least, for a long time—on the trail, especially in winter, a child born of either sex is made away with as interfering with the march. In the scarcity of women, it is usual for a woman to have more husbands than one not unusually three. This custom does not seem to be as successful as the corres-

ponding polyandry of Tibet and some parts of Arabia; and murder for a wife or for the exclusive use of a wife is not at all uncommon.

In some parts, it would appear that falling in love with the wife of another is considered an infallible symptom of insanity, justifying the putting to death of the lover; while in some parts, looking at anyone without smiling is a certain sign of deadly enmity.