

**FINDING AID:** 73-5

**RECORD GROUP:** RG 73 - Solicitor General of Canada

**SERIES:** D-3 - National Parole Board

**VOLUMES:** 184-189, 191-197

**DESCRIPTION:** The finding aid is a file list indicating volume number, file description and outside dates.

Personal Information cannot be circulated.

The finding aid is **severed**. Please consult the archivist.

**INSTRUCTIONS:** The following information is required to order a volume:

RG No.:

Volume No.:

**DATE:** November 1994

Two copies of this book were kept because they differ slightly in format.

CAPITAL CASES

(1912-1924)

Finding Aid  
73-5

1. List of women whose death sentence has been commuted.
2. List of Women executed since Confederation.
3. Penitentiaries in Canada. - See note of Graphena Shulman, C.C. 102 re Kingston Penitentiary - no provisions for women prisoners at Prince Albert.
4. List of Capital Cases dealt with in January, 1918.
5. " " " " " " " " 1919.
6. " " " " " " " " 1920.
7. " " " " " " " " 1921.
8. " " " " " " " " 1922.
- 8A. " " " " " " " " 1923.
9. Letter to Deputy Attorney General, Victoria, requesting that in future, whenever proceedings are taken before Court of Appeal in your Province upon reserved cases in murder trial Dept. should advise Minister and transmit to him decision of Court.
10. Letter to N. Clarke Wallace, Toronto, from P.M. Cote stating that Minister is unable to give reasons which prompted G.G. in C. to commute death penalty.
11. Extract from a letter addressed to M. of J. by J.C. Knight - re J.F. Gallagher, C.C. 175 - in which he states it is remarkable that the accused should not be given benefit of doubt.
12. Further extract from letter addressed to M. of J. by J.C. Knight - re F.J. Gallagher - 'Personal illustration of circumstantial evidence.
13. Letter to J.E. Sears stating that Paulson's case will be considered in due course in light of evidence and Judge's report and all relevant material.
14. Letter to E. Bayly from Mr. Newcombe advising Deputy Att. General of Toronto to have usual preparations made for executions in case of George Cyr and stating that after examination he was found quite sane.
15. Remarks about hallucinations, whistling, singing and increase in weight which would not justify insanity. - George Cyr.
16. Lettre adressée à M.E. Simard re Philias Blouin au sujet de la nature des fonctions du Ministre de la Justice.
17. Letter to W.D. Carter, Deputy Attorney Gen., Victoria, re Robinson and Paulson advising him to have the usual preparations made for execution.
18. Extract from the Encyclopaedia of the Laws of England - page 559. 'The social and ethical aspect of capital punishment is beyond.
19. Lettre signée par Hon. Chas. J. Doherty, Ministre de la Justice au sujet de l'opinion du Juge dans la cause de [redacted] & [redacted] - Il ajoute qu'en écrivant cette lettre il ne prétend nullement lui communiquer la décision du Conseil.
20. Lettre signée par Lomer Gouin, Ministre de la Justice au sujet de la décision du Conseil. - Re. Mike Prosko.
21. Telegram to J.A. Russell, Vancouver, B.C., stating that question of proper trial is one for determination of Courts etc. - Re. [redacted] - (Transferred new trials.)
22. Telegram signed by Lomer Gouin, Minister of Justice, to Allyn Taschereau - Wire discloses no grounds upon which Minister would be justified in recommending the granting of a reprieve.

Re Mike Prosko.

- 23. Memo regarding the evidence of the witness Cunningham ruled by Judge Murphy inadmissible at new trial of Robinson relating to the admission made by the accused after first conviction for murder.
- 24. Letter to John Kidman re Harry Fraser - informing him of the decision of His Excellency 'that the law be allowed to take its course'.
- 25. Reprieve by O.C. - Re Allen Robinson.
- 26. Telegram to the Editor of the Vancouver Sun, signed by Mr. Newcombe stating that reprieve was granted to Robinson to afford same opportunities for consideration as to Paulson who was reprieved by Court.
- 27. Telegram to Hon. J.P. Byrne, signed by M.P. Gallagher - requesting Att. Gen. to apply for a reprieve under Sec. 1023 Sub-Sec. 2 C.C. so as to permit the examination of Swim.
- 28. Letter signed by Mr. Clarke to E. Bayly, D. Att. Gen., Toronto, requesting that the every facility possible be given to expert alienist for the examination of [redacted].
- 29. Memo for Prime Minister re Fred L. Davis - names of eminent alienists recommended to report upon the mental condition of the accused.
- 30. Letter to J.H. Clarke informing him that a prisoner sentenced to a life term does not earn any remission for good conduct and industry.
- 30. Letter to J.H. Clarke, U.S. Comm. of Imm. stating that a prisoner sentenced to a life term does not earn any remission for good conduct and industry.
- 31. Letter to J.D. Clarke, C. of R.B. Re [redacted] - insanity of accused - instructions to gaoler re examination of Fountain.
- 32. Letter to W.S. Brewster, re Harry Dent, stating that accused has been examined by an expert alienist and found sound of mind and that all relevant material will be submitted to Council when case is under final review.
- 33. Minister's order recommending commutation of sentence in case of Francisco Raffaele.
- 34. Letter to D. Att. Gen., Toronto, re [redacted] - stating that in view of Dr. Glare's statement he considers the importance of having accused examined by another expert alienist.
- 35. Minister's order recommending commutation of sentence in case of Fritz Eberts.
- 36. Telegram to W.P. Jones, N.B., stating that case of Swim was considered by Governor in Council and that the law will be allowed to take its course. Execution will be under direction of Local Authorities and M. of J. cannot interfere.
- 37. Letter to Albion Foster, Sheriff, N.B. stating that Department of Justice has no connection whatever with any hangman, the carrying out of death penalty being entirely under control of Provincial Authorities. - Re Swim.
- 38. Letter to D.M. of Justice from E. Bayly, informing him that Cyr is found to be suffering from mental disease; and stating that further action should be undertaken and any further expense paid by Dominion Authorities.

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39. Letter to D. Atto. Gen. Toronto, requesting that every facility possible be given to Dr. Phelan for examination of prisoner - Re Cyr.
40. Letter to Dr. D. Phelan requesting him to report upon mental condition of Cyr.
41. Letter to R. S. McKay, N.S. stating that carrying out of death penalty is under the control of Local Authorities, and that the usual preparations, erection of scaffold, etc., should not be delayed pending announcement of decision of His Excellency in Council.
42. Letter to D. Atto. Gen. Toronto, re Frank MacCullough - enquiring if Dept. has taken necessary steps to have accused reprieved under Sec. 1063 C.C.
43. Letter to D. Att. Gen. N.S., re Garfield Thibeau - requesting him that certain alleged facts investigated and reported upon im. for information of M. of J.
44. Letter to Hon. Wm. A. MacCorkle re comment of sections of Press re commutation of death sentence in case of John Hogue.
45. Letter to F. C. Blair - deportation to Canada of anyone convicted of murder and found insane subsequently.
46. Re. Frank Bianchi - Letter to F. W. Wilson, certain facts and circumstances which in opinion of individual have a bearing upon exercise of clemency should be communicated to M. of Justice without awaiting any special invitation to do so.
47. Letter to Hon. H. M. Mowatt re error made in transcript of evidence - 1922 transcribed instead of 1923.
48. Letter to W. Tracy, Que. by Chas. J. Doherty, M. of J. stating that the necessity of his being heard is a matter of course, entirely for his own judgment.
49. Telegram to Hon. Mr. Justice Hutchinson by M. of J. requesting postponement of sentence for thirty days.
50. Letter to W. C. Tracy refusing to entertain application for release for purpose of enlistment in army - Re. Francesco Raffaele.
51. Letter re material submitted to Council at late hour - delay occasioned in view of obtaining Trial Judge's views, - Re. Raffaele.
52. Letter to Hon. Haughton Lennox requesting personal notes taken at trial - Re. Bianchi.
53. Letter to P. Pelletier stating that in future he should apply to Central Office, Osgoode Hall, Toronto, for exhibits - re Baldwin.
54. Memo re Eberts - Att. Gen. satisfied that Hasbec, accomplice is not guilty of any offence connected with the murder, but will be detained in custody in case his testimony be further required.
55. Order in Council recommending that execution of death penalty in case of Fritz Eberts be postponed.
56. Letter from Arthur F. Sladen stating that the Duke considers it rather inhuman, having regard to postponements, to allow death penalty to take place.
57. Memo re Chew Tong - recommendation re release for purpose of deportation to China. (Signed by Mr. Newcombe).

- Q.
58. In reply to a request for reconsideration of commutation of death sentence Sir Lomer Gouin wires that no lesson as suggested should be taught at expense of true justice and British fair play.
  59. Letter to Frank W. Wilson re payment of a copy of evidence taken at preliminary hearing - Reasons in support of application for commutation will receive Minister's careful consideration.
  60. Telegram to T.A. Thompson, Thorold, Ont. signed by Sir Lomer Gouin, stating that there exists no constitutional means of revoking the exercise of Royal Prerogative of mercy in this case; that he personally perused the evidence and has no doubt that the conclusion reached was the proper one. - Re Rutka.
  61. Letter transmitting to Hon. W.E. Raney, Toronto, material addressed to M. of J. for consideration of Att. General. - re Fred Baldwin.
  62. Telegram re Fred Deal requesting D. Att. Gen. Victoria, to ascertain when judgment in appeal may be expected.
  63. Letter addressed to Rev. J. Reibel, stating that representations will receive Minister's best consideration - Re Henry Stahman.
  64. Letter to Clerk of Privy Council requesting that announcement of decision in case of Picariello & Lassandra be withheld.
  65. Letter to Warden of Penitentiary, Stony Mountain, stating that Minister cannot hold out any hope to prisoner. - Re Patrick Spain.
  66. Letter to Archbishop O.E. Mathieu in which Sir Lomer Gouin states that case will receive due consideration and representations as to mental condition duly noted.
  67. Letter to W.T. Vincent signed by Mr. Cote stating that case of Spain will receive due consideration.
  68. Letter to Dr. Hicks in which same is requested to examine Spain in joint examination with Dr. Gordon.
  69. List of Expert Alienists in Western Provinces.
  70. Telegram from His Hon. J. Masten in which he states that an appeal for a reprieve has been presented on the ground that an application is to be made to Minister of Justice to grant new trial. Trial Judge wishes to be informed as to granting of new trial and postponement of sentence.
  - 71.
  72. Letter to Mr. L.C. Belanger, Quebec, in which it is stated that case of Cemimero was attentively dealt with; that a new trial was refused and that although facts were not quite sufficient to conclude that the accused should not have been found guilty they are sufficient to grant exercised of clemency.
  - 73.
  74. Letter to A. Fitzpatrick in which Minister of Justice states that under Article 1063 of C.G. jurisdiction with regard to granting of reprieves is given to Judge,
  - 75.
  76. Letter to A. Fitzpatrick in which Mr. Cote states that he would like to know if proceedings to have a reserved case submitted to the Court of Appeal in case of Cemimero had been instituted; that Minister of Justice should know this as it is necessary that he should examine the papers and submit them to Council.

77. Memo to Mr. Newcombe re authorities as to hanging of children under 16 years old.
78. Same memo to Mr. Emond.
79. Letter to E. Bayly in the case of Fred Fountain in which Deputy Minister of Justice states that he cannot give any information as to the grounds upon which the M. of J. directed a new trial beyond what is explicitly set forth in the M's Order.
80. Telegram to A. G. McKay from Wm. German. Application re Sternamen was to Governor General in Council for clemency of Crown by pardon. Personal appeal to P. C. in Session and then asked if prisoner could not be pardoned to grant new trial which was done.
81. Letter from W. German to A. G. McKay in which he states reasons which militated in favour of accused were the fact that Chief Armour went really out of his way in charging the Jury and womanhood. Oral reasons made to Council.
82. Memo from Clerk of Privy Council in which it is stated that evidence of insanity was submitted and that G. G. in Council recommended that first Order be rescinded and that sentence be commuted to imprisonment for life.

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SHELF LIST

RÉPERTOIRE

RG 73

Volume	File No. N° du dossier	Part Partie	Subject - Sujet	Dates
184			<u>Capital Cases</u>	
	474		Mathurin Joseph A.	1903
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	1502		Hainer Sanford 892/1906	1909
	17		Mecsei John EDVINO, MICHAEL.	1910
	462		Ross Walter	1910
	682		Louis Ernest and Basil	1910
	1179		Gandy Timothy	1910
	1309		Allen Thomas	1910
	34		Sam, Hoo	1912
	849		Yoshie Y	1912
	1011		Wilinsky Sam	1912
	1145		McDonnal Albert	1912
	1165		Takahashi A	1912
	1166		Poelke Walter (Walter Boyd James)	1912
	1722		Jendato Antonio 1309/1913	1912
	42		Audens James PAUL SPHINTIUM PETER LOZEMER (?)	1914
	162		Scanto Nick.	1914
	1762		Onoki George.	1914
	3149		Autie Robert	1914
	6		Casare Romolo	1915
	9		Delina Antonio	1915
	11		West John	1915
	17		Kuzin	1915
	19		Cook George E.	1915
	38		Pierro Charles (Julius Perreault)	1915
	41		Singh Jagat	1915
	47		Rye Charles or Roy Charles	1915
	49		Mylinski John	1915
	53		Mastopietro Antonio	1915
	55		[REDACTED]	1915
	56		Shelly Emmerson D	1915
	57		Ginger Albert Peter	1915

EXEMPTION/EXCEPTION 5.19(1)  
ACCESS TO INFORMATION ACT/  
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1623  
vol 185

Extradition - copied from Mr Ballingher's Black Books  
Two copies of this book were kept because they differ slightly  
in format.

EXTRADITION. 1915-1924

1. Letter addressed to Sir Joseph Pope from R.R. Craigie re [redacted] - Suggestion is made that in future Provinces should be asked to notify Depart. of Ex. Affairs when application for extradition has been made.
2. Letter to Att. Gen. of Provinces requesting that when application is made by Prov. Officers to U.S. Autho. for extradition of fugitive Depart. of Ex. Aff. be immediately informed thereof.
3. Letter to Deputy Attorney General, Toronto, requesting that if extradition of [redacted] is desired Department of Justice be informed.
4. Letter to Deputy Minister of Justice from W.H. Walker, U.S. of S. for Ex. Aff. Department, re arrest and proposed extradition of [redacted].
5. Letter to U.S. of S. from Deputy Minister of Justice - Mr. Newcombe states that Department of Justice with which lies the responsibility of determining such matters - has not proposed to alter practice regarding transmission of W. of Recipias to Provinces.
6. Letter to Deputy Att. Gen., Quebec re Extradition Procedure Mr. Newcombe suggests that in future the Warrant of Surrender of Minister of Justice be transmitted directly from Ottawa to....
7. Memo to U.S. of S. for Ex. Aff. requesting surrender of [redacted].
8. Letter to Deputy Attorney General, Toronto, re [redacted] - Mr. Newcombe states that he shall endeavour to again peruse copy of memo and ascertain whether Can. Gov. is in position to make representations to U.S.A. pressing for a reply.
9. Letter to Deputy Attorney General, Quebec, re Extradition Procedure - Officers whose services are retained by Pro. Auth. have repeatedly neglected to keep themselves informed of arrest of fugitive.
10. Letter to Deputy Minister of Justice re [redacted] - Acknowledgement of receipt of letter of 9th instant, requesting that Depart. be informed by telegram of commitment of fugitive in each case.
11. Telegram from F.F. Mathers, Deputy Attorney General, Halifax, re [redacted] - stating that if Bracklehurst is brought to Nova Scotia it will not be with consent or approval of N.S. Authorities.
12. Memo to U.S. of S. transmitting U.S.W. of Surrender in the case of [redacted].
13. Letter to Deputy Attorney General, Quebec, re Extradition Procedure regarding [redacted] 'The American authorities' as mentioned in our letter of 17th Jan. should read 'the American police authorities'.
14. Memo to Deputy Minister of Justice re Supplementary Extradition Convention as amended making 'wilful desertion or wilful non-support of minor or dependent children' in Canada and the United States of America, an extraditable offence.
15. Letter to Deputy Attorney General, Winnipeg, re extradition Procedure - stating that Minister of Justice does not issue warrant of Recipias until he is informed of commitment for surrender.
16. Memo to U.S. of S. for Ex. Aff. requesting surrender of [redacted]
17. Memo re extradition - When extradition of one individual is desired for commission of several crimes one warrant of R. is sufficient - when extr. of several individuals is desired for one crime several warrants are required.

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- 18. Telegram to Deputy Attorney General, Regina, stating that requisition for surrender of [redacted] is being made. Think it necessary to charge him and establish prima facie case before U.S. extradition commissioner.
- 19. Memo to U.S. of S. for Ext. Aff. re Austin - Requisition is made informing His Maj. A. at Wash. that consent of C. Gov. to suspend appl. for extra. was telegraphed to B. Embassy upon belief that Austin would be tried for murder in Arkansas. It is further requested that H.M.A. pending result of inquiries withhold from U.S.A. consent of C. Gov.
- 20. Memo to U.S. of S. for Ext. Aff. requesting surrender of [redacted] from Cuba.
- 21. Letter to E. Bayly from Mr. Newcombe - stating that Imm. Autho. have cabled the Canadian Trade Commissioner at Havana making the necessary inquiries with a view to immediate relief of [redacted] wife and family.
- 22. Memo to U.S. of S. for Ext. Aff. re immediate relief of [redacted] wife and family.
- 23. Draft Warrant of Recipias re [redacted] alias [redacted] - extradition from Ecuador.
- 24. Draft Warrant of Recipias re [redacted] - extradition from Cuba.
- 25. Request for surrender of [redacted]
- 26. " " " " " "

EXEMPTION/EXCEPTION, 5.19(1)  
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RG 75

Vol 185

1919-1923

Criminal Appeals - copied from one of  
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of this book were kept because they differ  
slightly in format.

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Deportation - copied from Mr. Gallagher's Black Book  
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vol 185

2.

DEPORTATION, 1919-1923

1. Letter from Mr. Blair to Mr. Gallagher, in which he states that while he can quote half a dozen cases where persons guilty of murder have been released for deportation from Canada, he cannot quote any case in which foreign government has returned to Canada such person.
2. Letter from Mr. Blair to Mr. Gallagher in which it is stated that [redacted] was deported to Canada and is still in Beaufort Asylum.
3. Letter from Mr. Blair to Mr. Gallagher stating that he thought he could safely state that there appeared to be no precedent of a deportation to Canada of an insane murderer.
4. Letter to Asst. Deputy Minister, Dept. of Immigration from Acting Deputy Minister of Justice, re immigration of [redacted] to Canada for purpose of taking him to Hamilton for trial on a charge of att. to murder.
5. Letter from Deputy Minister of Justice to Edward Bayly, D.Att.G. re instructions to permit [redacted] or [redacted] to enter Canada.
6. Letter from A.G. Browning, D.Att.G. to Minister of Justice re insanity of [redacted], C.C.48, and suggestion that he be sent to one of the hospitals in Ontario.
7. Letter to Hon. A.G. Browning, D. Att. G. from [redacted] requesting his release by way of deportation.
8. Letter from Warden Cooper of Stony Mountain to Superintendent of Penitentiaries requesting that arrangements be made to transfer [redacted] to Ponoka Asylum or other institutions where he could receive more humane accommodation than is possible in Penitentiary.
9. Letter to Superintendent of Penitentiaries from Mr. J.D. Clarke Chief of Remission Branch, informing him of the Minister's refusal to release for deportation or otherwise [redacted] and stating - that the Minister also observes that the life sentence contemplates the death of the convict while in prison.
10. Letter from W.S. Hughes, Supt. of Pen. to F.C. Blair, Dept. of Immigration, asking if there is any possibility of [redacted] and insane inmate being accepted by the United States Authorities and his release for deportation ordered.
11. Letter from A.L. Jelliffe, Commissioner, Vancouver, to Secretary Dept. of Imm., Ottawa, asking for Minister's order for examination of [redacted], detained in the B.C. Penitentiary.
12. Letter to W.H. Sullivan, Can. Gov. Off., N.Y., from W.R. Little, Comm. Ottawa, informing him of inquiry being made regarding status of Canada of one [redacted].
13. Remarks of Judge Murphy re [redacted] (report).
14. Memorandum to Mr. Black from F.C. Blair, stating that [redacted] deportation has been ordered but that he has appealed against the decision that he be deported. Appeal dismissed in view of seriousness of offence.
15. Letter to Consul General of Greece, Montreal, from F.C. Blair, furnishing description of [redacted] and photographs.
16. Minutes of Board of Enquiry held at B.C. Pen. as to entry into and right to remain in Canada of [redacted].
17. Letter to F.C. Blair from Acting Consul General of Greece, Montreal informing him that [redacted] is a Greek Citizen and that he is therefore prepared to issue passport whenever desired.

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18. Letter to J.D. Clarke from F.C. Blair stating that Imm. Dept. is making enquiry with regard to [REDACTED] deportation.
19. Letter to Thomas Selley, Commissioner of Imm., Winnipeg, to F.C. Blair, stating [REDACTED] has been employed by the Russell Timber Co.
20. Letter from Commissioner Jolliffe quoting letter received from Mr. L.S. McGill, Barrister, requesting new trial for [REDACTED]
21. Letter to Mr. J.D. Clarke from F.C. Blair stating that investigation has shown [REDACTED] to be deportable and that passport can be secured for his return to Greece at any time.
22. Letter from F.C. Blair to A.L. Jolliffe, Comm. of Imm. Vancouver, giving information as to how [REDACTED] entered Canada.
23. Memo. to Mr. Black from F.C. Blair, recommending that dismissal of appeal be allowed to stand.
24. Letter from Archie Donahy, Barrister to Comm. of Imm. Vancouver, re the indictment on which [REDACTED] was tried.
25. Letter from Mr. L.S. McGill to Comm. Jolliffe, Vancouver, requesting that case of [REDACTED] be investigated.
26. Letter from A.L. Jolliffe, Comm. Vancouver, stating that he made every effort to obtain all available information relative to the case of [REDACTED].
- \* 27. Letter from Mr. Clarke, to F.C. Blair, re deportation immediately upon release from custody of [REDACTED], or [REDACTED], confined in the Hospital for Insane, Hamilton.

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673 Fugitive Offenders - copied from Mr. Dullaghan's Black  
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vol 185 differ slightly in format

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FUGITIVE OFFENDERS. 1915-1924

1. Request for surrender of fugitive from Scotland under Fugitive Offenders Act or [redacted] or [redacted].
2. Re [redacted] or [redacted] recommending that His Excellency be moved to telegraph that case is being prepared with all possible speed and warrant issued.
3. Memo to Under Sec. of State for External Affairs, re [redacted] or [redacted] - re transmission by cable of information relating to offence and location of accused.
4. Warrant of Recipias in case of [redacted] or [redacted].
5. Letter transmitting Warrant of Recipias to officer charged to receive fugitive - re [redacted] or [redacted] - through Secretary of State Department, and letter to A.L.Geddes, Deputy Att. Gen. Sask., informing him that same has been done.
6. Letter to Under Secretary of State for Ex. Affairs from W. Stuart Edwards requesting him to recommend Scottish Authorities to appoint agent to take required steps for committal of [redacted] or [redacted].
7. Letter to Un. Sec. of St. for Ex. Aff. from E.L.Newcombe requesting him to recommend that the Scottish Authorities be informed of receipt of record, and accused held until record arrives. - Re [redacted] or [redacted].
8. Telegram to A.L.Geddes informing him that Commissioner charged to receive [redacted] or [redacted] will be given required authority by S. of S. to proceed overseas.
9. Memo to Un. S. of St. re John Smith - transmission of certain documents to proper officials in England.
10. Memo for Un. S. of St. requesting that the Att. Gen. <sup>Re Smith.</sup> of BR.Col. be informed of transmission of papers to proper officer; that responsibility of evidence and prosecution rests with Att. Gen.
11. Memo to U.S.of S. recommending that S.of S. for the Colonies be informed that Smith is in custody in England and requesting his surrender to Canada when provisions have been complied with.
12. Memo to Deputy Minister of Justice re Smith - Mr. P.M. Cote states that he has never come across a case so badly presented.
13. Memo for Un. S. of St. re John Smith - Doubt as to sufficient identification of photograph produced.
14. Memo to U.S.of S. re Smith - Re authentication of papers and photograph.
15. Memo to U.S.of S. re [redacted] - request that Warrant of Recipias engrossed, executed and transmitted to officer charged to receive fugitive.
16. Letter from Thomas Mulvey to His Honour Lt. Gv., Winnipeg, requesting that in future they be informed of proceedings, surrender of fugitives, name of offence committed and name of officer appointed to receive fugitive.
17. Memo to Un. S. of St. for Ex. Aff. re [redacted] requesting provisional arrest of fugitive.
18. Memo to U.S.of S. for Ex. Aff. re [redacted] recommending that S. of S. for Colonies be informed that Inspector Goldsmith duly authorized to receive fugitive sails and is bearer of off. record.
19. Draft Warrant re Lieut. [redacted].
20. Memo to Deputy Minister of Justice with reference to a petition re treatment given in gaol to Lieut. [redacted]

21. Memo to Gov. Gen's Secretary submitting information re facts as known to Department with relation to case of [REDACTED].
22. Memo to U.S. of S. for Ex. Aff. requesting that U.S. of S. be informed that [REDACTED] having waived court proceedings will arrive Southampton under escort of Sergt. Bennett.
23. Memo to U.S. of S. for Ex. Aff. requesting provisional arrest of [REDACTED].
24. Letter to C. Starned, Com. R.C.M.P. requesting him to cable to Scotland Yard re arrest of [REDACTED].
25. Memo to U.S. of S. for Ex. Aff. requesting S. of S. for Colonies to ascertain result of action taken for arrest of [REDACTED].
26. Memo to U.S. of S. for Ex. Aff. re [REDACTED] enclosing list of addresses which may be of assistance in locating accused.
27. Draft Warrant re [REDACTED].
28. Memo to U.S. of S. transmitting Draft Warrant of Recipias in case of [REDACTED].
29. Memo to U.S. of S. for Ex. Aff. requesting return from G.B. of accused - Re [REDACTED].
30. Memo to U.S. of S. for Ex. Aff. requesting that British Authorities be cabled stating that information and complaints have been laid against accused and that Gov. of Sask. strongly opposes [REDACTED] release on bail.
31. Letter to Asst. Comm. R.C.M.P. transmitting record in case of [REDACTED] and requesting that necessary steps be obtained for commitment and return of accused to G.B.
32. Letter to Asst. Comm. R.C.M.P. re [REDACTED] - Official communication being addressed by S. of S. in Ottawa to Lieut. G. of Alberta informing authorities that return of accused to G.B. is desired by British Authorities.
33. Letter to A.G. Browning, D. Att. Gen. Alberta, stating that British Authorities desire return of [REDACTED] to G.B.
34. Memo to U.S. of S. requesting that communication be addressed to Lieut. Gen. of Alberta stating that British Authorities desire return to G.B. of [REDACTED].
35. Memo to U.S. of S. for Ex. Aff. requesting transmission of certain papers to Home Office - Re [REDACTED].
36. Memo to U.S. of S. re [REDACTED] - Warrant of Surrender forwarded to Lieut. G. of Province of Quebec.
37. Draft Warrant re [REDACTED].
38. Memo resurrender of [REDACTED] from France.
39. Memo to D. Com. of Dominion Police re [REDACTED] - re surrender from France of fugitive.
40. Memo to G.G.'s Secretary - re [REDACTED] - requesting that Colonial Office be informed that documentary evidence will be forwarded as soon as completed.
41. Re [REDACTED] - Ministre certifie authenticité des documents.
42. Re [REDACTED] - Memorandum for G.C. of Police re authentication of documents.
43. Memo for G. Com. of Police suggesting that amount received from banks be turned over to banks - re [REDACTED].

44. Letter to U.S. of S. re whereabouts of Nielson.
45. Memo to U.S. of S. requesting that Deputy Att.Gen. of Alberta be informed of requisition having been made by Denmark for extradition of Nielson.
46. Letter to Act. Consul of Denmark, Montreal informing him that R.C. M.P. have been unable to locate Nielson - inquiries continued.
47. Letter to Act. Consul Gen. Denmark, Montreal, asking that inquiries be made to the Danish Auth. re man's relatives heard anything since he left for Canada and ticket.
48. Letter to Consul General of Denmark re Neilson arrest and extradition procedure.
- ? 49. Letter to Act. Consul General re passports in possession of accused. Man suspected to use name of G.S. Swanson.
50. Letter to R.C.M.P. stating that official notification of request by Denmark for ex. of Nielsen will be telegraphed by S. of S. to Att. General's Depart. at Edmonton.
51. Telegram to Mustard & Day requesting them to obtain from Att. Gen. Dept. at Edmonton the official confirmation of Canadian Government's desire to extradite Nielsen at Denmark's request.

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Free Pardon - copied from Mr. Gallagher's "Black Books"  
Two copies of this book were kept because they differ slightly  
in format.

FREE PARDON 1913-1923

1. Memorandum for Un. Secretary of State from D.M. of J. enclosing draft of a Free Pardon to be issued to [REDACTED]
2. Draft of Free Pardon to [REDACTED], Toronto.
3. Memo for Minister of Justice by P.M. Cote, Chief of Remission Branch informing him that before taking any action with the view to grant [REDACTED] a new trial he suggests that the case be referred to Att. Gen. asking him his opinion re new trial.
4. Draft of Free Pardon to [REDACTED]
5. Draft of Free Pardon to [REDACTED]
6. Memo recommended by Minister of Justice ordering the issue of a Free Pardon re [REDACTED].
7. Draft of Free Pardon re [REDACTED]
8. Memo to Under-Secretary of State from P.M. Cote enclosing draft of Free Pardon to be issued to [REDACTED]
9. Draft of Free Pardon to [REDACTED].
10. Memo recommended by Minister of Justice, Lomer Gouin, ordering the issue of a Free Pardon.
11. Letter to E. Bayly, Deputy Attorney General, from Mr. Newcombe, on behalf of [REDACTED] re Free Pardon. Mr. Newcombe states that he does not consider Section 1022 C.C. can properly be invoked to justify an order for new trial in case such as this of admitted error.
12. Letter to E. Bayly from Mr. Newcombe stating his doubt that Section 1022 applies to case and opinion that justice would be met by granting of Free Pardon. [REDACTED].
13. Letter to Mr. Newcombe from E. Bayly on behalf of [REDACTED]. Mr. Bayly urges the granting of new trial instead of Free Pardon.
14. Letter to E. Bayly from Lomer Gouin on behalf of [REDACTED]. The Minister expresses his views as to the suggestion of granting a new trial; he is in favour of Free Pardon.

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New Trial Procedure - copied from Mr. Ballyhoo's Black Book  
Two copies of this book were kept because they differ slightly  
in format.

NEW TRIAL PROCEDURE & MEMORANDA 1917-1924

- Q.
1. Memo re Policy of granting New Trial under section 1022.
2. Draft Warrant granting new trial (██████████).
3. Letter to Att. Gen. Sask. informing him new trial granted to ██████████
4. Memo re requests for new trial. (██████████ case).
5. Draft of Minister of Justice to whom it may concern re granting of new trial to ██████████ (Hon. R.B. Bennett).
6. Letter to Warden of Pen. Prince Albert, Sask., transmitting copy of Minister's Order for a new trial - re ██████████.
7. Memorandum re application for a new trial - opinion of Mr. Newcombe that there is no necessity of referring to trial judge material submitted in support of application under Section 1022 C.C. in any case where application appears to be frivolous.
8. Telegram to Philip S. Marsden, stating that question of proper trial is one for determination of Courts and Minister does not consider that new trial be granted on grounds submitted.
9. Memo re application for a new trial - counsels for the defence frequently claim at last moment discovery of new evidence which they fail to produce after obtaining favourable action by Executive.
10. Memo re ██████████-No. 4985-22 - Mr. Newcombe of opinion that suggestion of Mr. Calder that Minister's decision be modified should not be favourably entertained. - Case remain in abeyance until further developments.
11. Memo for Right Hon. Minister of Justice - Re ██████████, request for new trial refusing new trial under sec. 1022 C.C.
12. Memo for Minister of Justice re ██████████ - Case no. one in which an Order by Minister for a new trial would be warranted.
13. Memo for Minister of Justice re ██████████ - new trial granted on grounds submitted.
14. Memo for Mr. Clarke re ██████████ - refusal of new trial - Record submitted to Acting Solicitor General for consideration re Ticket of Leave.
15. Memo for Acting Minister of Justice re ██████████ - case submitted to Acting Solicitor General in view of recommending ██████████ for a Ticket-of-Love.
16. Memo for Minister re application for new trial - ██████████
18. Memo for Minister re application for a new trial on behalf of ██████████ - Minister's refusal to order new trial.
17. Memo for Minister re application for a new trial on behalf of ██████████ recommending refusal of new trial.
19. Memo re Francis Bavaqua - Mr. Newcombe inclined to believe power to grant new trial exhausted by commutation of death sentence - inquiries made with view to release.
20. Application for new trial on behalf of ██████████ - in view of doubt regarding guilt of accused, undersigned suggests that request be made to Solicitor General re unconditional release.
21. Letter signed by Hon. Mr. Bennett, Minister of Justice, re

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- ██████████ stating it is not customary to enter into discussion of the reasons in arriving at conclusions in these cases.
22. Memo for Minister re application for new trial on behalf of ██████████ - There is not sufficient evidence to warrant a new trial being granted, says Minister.
  23. Letter to A.L.Geddes, from Deputy Minister of Justice re ██████████ - reasons for ordering a new trial was that Minister entertained a doubt within the meaning of Section 1022 of C.C.
  24. Letter to Deputy Attorney General, Victoria, enclosing copy of Minister's order for a new trial in rex.vs.Terlochen Singh, C.C.
  25. Copy of Minister's Order for a new trial in rex. vs. Terlochen Singh.
  26. Order for a new trial - to whom it may concern - re Terlochn Singh.
  27. Letter signed Hon. Chas. Doherty, Minister of Justice, re application for new trial in the case of ██████████ - What effect statements made in application should have upon determination is not a matter upon which it would be proper for Minister to make any observation.
  28. Letter rex vs. ██████████ to Deputy Attorney Gen. - Minister suggests that ██████████, brother of accused, be put on his trial, and that case may be afterwards further considered if necessary. (*Repetition of no. 31*)
  29. Letter to R.L.Calder, K.C., Toronto, re ██████████ - This case has nothing to do with jurisdiction of Superior Court Judge in Quebec to order a new trial and as far as I can perceive Mr. Justice Monet's order being without jurisdiction has no effect.
  30. Letter to Edward Bayly by Minister of Justice re granting of Free Pardon in the case of O'Neill on ground of innocence. (See Free Pardon (P))
  30. Letter to Calder, Barrister, in rex vs. ██████████ - no advantage to either side to take matter to Court of Appeal.
  31. Letter to Deputy Attorney General, Quebec, in rex vs ██████████ informing him of the Minister's suggestion that ██████████ be put upon his trial. (*Repetition of no. 25*)
  32. Telegram to J.A.Russel, Vancouver, B.C. stating that Recourse should not be had to section 1022 Criminal Code when there exists a judicial remedy. Re ██████████ Capital Case.
  33. Re ██████████ - Letter to F.C.Blair re permit issued by Immigration Authorities.
  34. Telegram to W.D.Carter, Victoria, B.C. re Terlochen Singh investigation requested in case.
  35. Re ██████████ and ██████████ - Responsibility of Provincial Authorities re administration of justice within province - opportunity afforded of expressing to Minister of Justice views regarding matter.
  37. Outside assistance re investigation in new trial case - ██████████ - Investigation made by Department of Justice.
  38. Re ██████████ telegram to L.S.McGill, Smithers, B.C. stating that after obtaining data from usual source and reports from Trial Judge and Provincial Authorities the Minister disposed of

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your first application as I informed you by telegram - failure to discover newly discovered facts, etc.

39. Telegram re [REDACTED] - refusal of new trial - to A.M.Manson, Attorney General, Victoria, B. C.,

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Volume	File No. N <sup>o</sup> du dossier	Part Partie	Subject - Sujet	Dates
186		1	Ticket of Leave, Correspondence, Remission Branch	1916-1924
		2	" " " "	1924-1925
		3	" " " "	1925-1926
		4	" " " "	1926-1927
		5	" " " "	1927-1928
		6	" " " "	1928-1930
		7	" " " "	1931-1933
		8	" " " "	1934
187	437-504		<u>Capital Cases</u> , Correspondence	1935-1939
	491-564		" " Correspondence.	1939-1944
	537-575		" " Condensed Summaries	1942-1945
188	576-619		<u>Capital Cases</u> "	1945-1946
	620-639		" " "	1946-1948
	640-658		" " "	1948-1949
	659-699		" " "	1949-1950
	700-718		" " "	1950-1951
	CC 261 - CC 493 (2) pt 1		" " Requests for reports from Judges	1927-1938
189	CC 496 CC 826 (2) pt 2		<u>Capital Cases</u> , Requests for reports from Judges	1939-1957 ✓
	9		[ <u>Capital Punishment Debates</u> , articles, Correspondence	1914-1953 ✓
	47 B		Capital Cases, Criminal Records re number of	1931-1941 ✓
	48		Capital Cases, Survey & Recapitulation	1919-1936 ✓
	93		Capital Cases, Statistics	1923-1965 ✓
	102		Capital Cases, Circular Letters to Judges re Procedure, Section 106.3, Criminal Code	1913-1956 ✓
	146		Capital Cases, Indian Affairs, reports from	1944-1946 ✓



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Volume	File No. N <sup>o</sup> du dossier	Part Partie	Subject - Sujet	Dates
189	—		Capital cases, Ages of persons executed.	1925-1938
	—		Capital cases - Special Comm. Acc to study capital punishment	1954
	CC 566-677		Capital cases, Letter book.	1944-1949
	—		Capital cases, Procedure Section.	1941
	—		1063 Criminal Code, Kings Printer	
	—		Constitutional Practice Regarding Confidential Nature of Capital Case Files	1922-1923
	—		Capital case, memo file	1912-1922
	—		Capital case, Index Books	1915-1916
	—		Capital Punishment, Review of Canadian Death Penalty Legislation	1980
	—		Capital case Survey	1954
	—		} List of persons executed } List of capital case files	1916-21
				1956-58
190		1-24	Newspaper clippings (card index)	1931-1950
		25-35	" "	1941-1950
		36	" "	1949
		37-43	" "	1948-1951
		44-45	" "	1948
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190	✓46		Newspaper clippings (see Card Index)	1948
	47		" "	1948
	48		" "	1942
	49-50		" "	1946-1948
	51		" "	1950
	52		" "	1950
	✓53-60		" "	1956
	61-93		" "	1956
	94-95		" "	1959
	96-119		" "	1953-1959
	120		" "	1950
	121		" "	1950
	122		" "	1951
	123-124		" "	1954
	125		" "	1957
	126-136		" "	1957
	137-139		" "	1956-1959
	140		" "	1957
	141		" "	1958
	142-143		" "	1958-1959
	144		" "	1959
	145		" "	1959
	146-150		" "	1956-1959
	151-183		" "	1938-1957
	184		" "	1950
	185-195		" "	1951-1959
	196-250		" "	1949-1957
	251-290		" "	1957-1959
	291-293		" "	1954-1959
	294-301		" "	1952
	302-309		" "	1954-1957
	310-312		" "	1948-1959
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190	313-339		<u>Newspaper Clippings</u>	1942-1953
	341-359		" "	1953
	360-388		" "	1954-1955
	389-464		" "	1956
	465-504		" "	1957-1964
	509-553		" "	n.d.
	-		" "	" "
191	-		<u>Extradition Procedure File</u>	1916-1925
	-		Extradition Personal File	1921-1923
	-		Extradition & Fugitive Offenders	n.d.
	-		} Extradition - Correspondence } { Extradition & Fugitive Offenders }	1935-1943
	-			
	-		Canadian Penal Association	1952-1954
	-		<u>Drug Addiction</u>	1954-1957
	-		Drug Addicts & Drug Addiction	1958-1960
	-		Drugs	1935-1962
	-		<u>John Howard Society</u> , Correspondence	1951-1961
	-		John Howard Society, Annual Reports & Newsletters	1942-1960
	-		John Howard Society, Ontario, Statement to the Committee on Release Procedures	1955
192			Individual Cases - summaries, correspondence, etc	1931-1945
			" "	1946-1951
			" "	1952
			" "	1953-1954
			" "	1955
			" "	1957-1959
			" "	1960-1962
			" "	1963-1965
			" "	1969-1970





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192	10/20		Lacson, Eric	1923-1925
	10/20		Collins, Thomas & et al	
	946/19		O'Connor Joseph	1926
	-		Joe Nicklow	1919
	-		Lemay, Lucien alias Delorme	1921-1941
	-		Lemay, Rene alias Delorme	
	-		Thompson Donald Wilson	1946-1948
	-		Riddle William	1957
	-		Yokity Robert	1963-1965
		1	Remission Branch, Correspondence	1899-1925
		2	" " "	1910-1925
		3	" " "	1912-1925
		4	" " "	1915-1926
		5	" " "	1920-1927
		6	" " "	1920-1925
		7	" " "	1920-1925
193		8	" " "	1922-1926
	-	1	Proceedings Care or After Care of Offenders	1954-55
	-	2	" " "	1956-57
	-		After Care Conference	1956-57
	-		Reports of After Care Agencies re supervision of releases on Ticket of Leave, Statistics Ontario, Board of Parole	1954-56
	-		" " "	1910-1922
	-		" " "	1922-1926
	-		List of Parolees, Alberta	1961
	-		" " Prince Albert	1961-1962
	-		" " Kingston	1961
	-		" " Montreal	1961
	-		" " Vancouver	1961
	-		" " Winnipeg	1961
	-		" " Quebec	1961
	-		" " Toronto	1961



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193	-		list of Parolees, Atlantic region	1961
	-	1	Remission Service, sample forms	n.d.
	-	2	" " " "	n.d.
	-		House masters' findings, case	1963
			Historical of Nine lives, 549 Community	
	-		Thank You Letters, Release of Prisoners	1940-1952
194	-	1	Clemency & Related Functions	1935-1940
			Royal Prerogative of Mercy	
	-	2	" " " "	1945-1964
	-	1	Decisions in jail & penitentiary cases, statistics	1961-1965
	-	2	" "	1963-1965
	-		Decisions forfeited, revoked, etc	1961-1962
	-		Decisions, reserved	1962-1963
	-		Decisions & work load, statistics	1963-1965
	-		Decisions & volume of work, statistics	1953-1955
	-		Decisions of Board, statistics	1958-1963
	-		Decisions of Board, statistics	1959
	-		Statistics and returns, N.P.B	1959-1964
	-		" " " "	1960-1963
	-		Statistics, monthly, N.P.B	1960
195	-		Ticket of Leave, Statistics	1951-59
	-		Incidence of Recommendations favourable & adverse Parole	1964
	-		Certificates of Parole	1956-1962
	-		Remission Service, Statistics	1954-1958
	-		Survey of applications dealt with, Remission Service	1949, 1953-54
	-		Distribution of work/Interviews Montreal	1963-64
	-		Case Load	1964-65



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195	—		Parole Statistical Survey	1962
	—		Statistics, N.P.B.	1961
	—		" "	1962
	58	\	consultation with Provinces	1920-1937
	179	\	Ticket of Leave, Revocation & forfeiture, etc.	1926-1958
	—	M-9	Policy & Statistics Remissions	1922-1933
	—	\	List of persons serving long term sentences	n.d.
	—	\	Sentencing practices	1964
	—	\	Sentences imposed	1955-1960
	39	\	Life sentences - List of persons serving in Kingston & St Vincent de Paul.	1934
	—	\	consideration of exercise of clemency	1953-1956
	—	\	Notes on exercise of clemency	1953
	—	\	Applications for clemency - individual cases	1945-1949
	—	\	Distribution & Supervision of Parolees	1960
	—	\	Data on Supervision	1963-1964
	—	\	Release & Supervision	1956-1959
	19	\	Supervision of released convicts	1925-1932
	103	\	Proposed transfer of Ticket of Leave Branch (RCMP) to Remission Service	1932
	159		Transfer of duties from Secretary of State to Remission Branch Dept of Justice	1953-1954
	—		Reorganization of Remission Service & creation of a National Parole Board	1958



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196	—	1	Habitual criminals & sexual psychopaths	1951-1959
	—	2	" " " "	1960-1963
	—		Remission Service Driving & Highway Safety	1938-1956
	-		Attorney General Ontario - Memoirs Manslaughter (Motor), Dangerous and Careless Driving	1939.
	-		Dominion Parole Officer	1922
	-		Dominion Parole Officer, Correspondence	1920-1932
	-		Ticket of Leave, correspondence, memoirs, etc Includes report of Dominion Parole Officer 1913	1912-1924
	-		Article, "Ticket-of-leave", WHB Hoare	n.d.
	-		Notes on terminal cases - extracts from records of 26 inmates at Kingston	1961
	-		Court Martial cases	1940-1952
	-		Ticket of Leave Act, correspondence (Includes material on persons who deserted while units in Canada)	1915-1916
	-		Enlistment of convicts for military service	1941-42, 1951
	-		D.V.A. Medical Treatment while under sentence	1954-1961
	-		Restored recognizances	1925-1958
	-	1	Case Histories, Remissions Br	1954
	-	2	" " " "	1954
	168		Annual Report	1955



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197	21		Papers by Dr David Phelan	n.d
	23		Canadian Army Signal System Code Words	1929-1947
	40		Canada Food Board	1918
	98		Disposal of files	1953
	6/20		Deportation - Immigration Dept	1912-1930
	-		Inquiries to Dept of Justice	1936-1947
	-		Canadian Police Bulletin	1937 & 1943
	-		Employment of Prisoners as Brick layers	1949-1950
	-		"Penitentiaries Move Forward"	1949
	-		R B Gibson, Commissioner of Penitentiaries	
	-		National Survey of Well Paid Positions, Dept of Health & Wellfare	1951
	-		Mail Report	1956-59
	-		No of files dealt with	1962-65
	-		Classification Officers Conference	1951-1954
	-		Rights in penal institutions	1938-1962
		1	Miscellaneous (unsorted)	-
		2	" ( " )	-
		3	" ( " )	-
		4	" ( " )	-

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