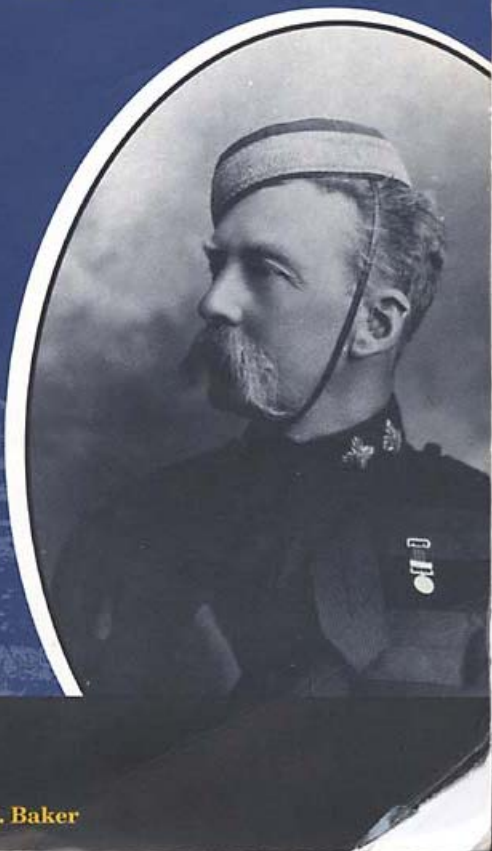
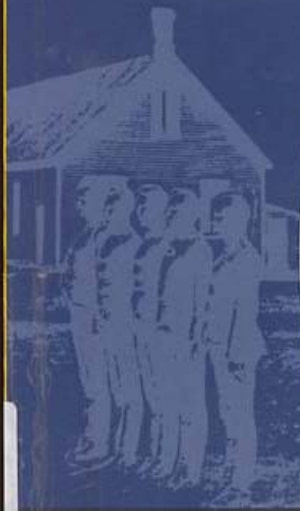


# PIONEER POLICING IN SOUTHERN ALBERTA

Deane of the Mounties  
1888-1914



edited by William M. Baker

### C. The Killing of Dave Akers

*Society on the Canadian Prairies may have had rough edges a century ago, but it certainly was not the Wild West of the movies with gunslingers and desperadoes in every hotel bar and behind every knoll. In fact, until he took over the Calgary Division in 1906, Deane seldom had a case of homicide to investigate. The Akers-Purcel case of 1893 was an exception.*

*Both men were old-timers in the region. Dave Akers seems to have been an amiable fellow who got along well with people. Deane was positively inclined towards Akers, in part because Deane admired good gardening, and for many years at Fort Whoop-Up Akers had grown the best cabbages in the region. In contrast, Lee or Tom Purcel was an irascible rascal who was involved in a wide variety of legal scrapes both before and after the killing of Akers.*

#### II-8 A Dubious Tale

**Deane, Special Report, 7 December 1893 (NAC, RG18, 1284, 368-93)**

In connection with my telegram of the 4th Inst., and that of today, I have the honour to report that at about 2 45 p.m. on the 4th Inst, Lee Purcel came into my office, and gave himself up for shooting and killing David Akers, about 5 o'clock on the previous evening in his (Purcel's) corral on the Pot Hole about 30 miles from here [*near present-day Magrath*]. I gave him the usual and proper caution.

Having seen the Coroner and warned a jury, I started at 3.30 p.m. with Sgt. Major Macdonell and Purcel for the scene of the tragedy. I had no teams to convey the jury, my hay teams not having yet returned from Milk River. We arrived at Purcel's ranche at 8 p.m.; the roads were very heavy during the last 10 miles.

Constables Pierce and Thorn were there. Corporal Carter from St. Mary's detachment had been there and taken a sketch, notes &c. of the place during the day, and had left these two men, having started himself for Lethbridge to report to me.

The Coroner and jury with Corpl. Carter arrived about 10 a.m. next morning and the evidence of a couple of witnesses was

taken on the spot. We all returned to Lethbridge the same day, interviewing sundry people on the road, and the inquest was continued and lasted all day yesterday.

The jury at about 11 p.m. returned a verdict of manslaughter. I believe the moot point was whether it should be that or something worse.

The story is briefly as follows: There has been a long standing quarrel between Purcel and Akers, about some cattle.

They have known each other for about 35 or 40 years, were vigilantes together in the olden times; were concerned in running whiskey into the country and to my knowledge Akers has provided Purcel with a home at Whoop-up, when otherwise he would have been out in the cold.

Akers claimed that he found a coal mine in the Pot Hole and went shares in it with Purcel. Subsequently he wanted to buy out Purcel, and the latter said he would take so many head of Akers' cattle in payment of his share. Akers told me that he never agreed to this, but Purcel took the cattle all the same, branded them, and killed and sold at least one steer. I believe they have been heard to threaten one another. Akers, some time ago, managed to recover the cattle and, about 3 months since, sold them to a man named Hyssop, on whose father's ranche, about 8 miles from here, they were running until a severe storm not long ago, drove them off, and then they came once more into Purcel's possession.

On Sunday, the 4th instant, Akers was on the Pot Hole looking about for his cattle, including 3 or 4 others that had not been included in the Purcel deal, and which had strayed with the rest. About 1 p.m. he arrived at a ranche occupied by a Mrs. Perry where he had dinner. The following is culled from my notes taken at the inquest. He said he had come from his old place at Whoop-up and was going to Tom Purcel's to fetch his cattle back — that Tom had taken them. He said he was fetching them for Mr. Hyssop. He was not in an angry but in a joking mood. Mrs. Perry said she hoped there wouldn't be any trouble between them, and he said she needn't trouble about that — there wouldn't. He said if he saw the cattle at Purcel's he wouldn't go near Purcel, but if not he would have to go and ask him where they were. "As I was laying the dinner things, Akers and my son Eber were talking about a revolver that Eber had. I heard

something said about somebody being 'stood off' and I said to Akers 'What's that?, I hope there won't be any trouble between you and Tom' and he replied 'That's only what Eber said — I am not afraid of Tom Purcel and he won't harm me.'

He left Mrs. Perry's house, probably about quarter to 4 p.m. and arrived at Purcel's at about 5. He was riding and had nothing but an ordinary jack knife in his pocket and a quirt, or Indian whip, in his hand.

Purcel was at this time working at his corral; his rifle was there too, as he had put a shot through the paunch of a bull that had injured his corral — the corral is 36 yards due east of the house. It is 12 sided and has a diameter of 15 yards, being near 6 feet high.

Purcel says he was getting some hay from a stack adjoining the corral to feed his horse and some calves, when he saw a horse standing outside the door of his house. He wondered who it was and presently Akers came out of the house, mounted his horse, rode over to the corral and began taking down the bars at the entrance. Akers said "By George, you old s-o-b- you've beat me out of my cattle and I've come here to kill you".

Purcel forbade him to take the bars down but Akers took them down and rode into the corral. This is Purcel's story — "Then he made at me with his horse, with his whip in his left hand. I tried to get out of his way by trying to get over the fence. My foot caught in the fence and he hit me on the head with the stock of his whip. I had a cloth cap on. I fell off the fence under the horse's neck and chin, and took along the side of the rail fence where the building stands, and he still kept coming after me. Hit me on the shoulder with the back of the whip — couldn't reach me with the stock of it. Then I happened to see my gun there — hadn't thought about it at all until I saw it and I picked it up and held it up cocked. I said 'Akers, if you don't keep away I'll shoot you'. I snapped the gun then; there was a blank cartridge in it. I dropped the gun down partly and kind of started along the fence and pumped a cartridge in as I was going and trying to keep away from him. He closed up on me in the corner by the calf pen, his right side was to me; he had his horse close up and was striking with the whip with his left hand over the horse's head. Once I punched the horse in the side with the cocked gun, I repeated, I suppose 6 times, 'Akers if you pound me over the head this way I'll shoot you'. He would say 'Shoot and be d—d you s-o-b- you daren't shoot'. He was within 2 or 3

feet or closer and I let the gun go. The horse turned round about half way and walked 20 feet across the corner towards the centre. He fell over the horse's neck forward on the near side on the ground."

He also said that if Akers moved at all he just turned over, but he couldn't say whether he did that. He never spoke nor moaned. Purcel left the body where it was, and the corral as it was, and after a little rode away. He spent the night at J. Pearce's ranche, when he told the people what had happened and they notified our St. Mary's patrol. I brought in the body in my waggon on the 5th inst., and on the following day, a post mortem examination was made by Doctors Mewburn and DeVeber, which showed that the bullet entered the belly, on the right side about 5 inches from the navel — passed through the lower lobe of the liver, opened the aorta and struck the third lumbar vertebra — grooved it to the left of the median line, then wounded the spleen and kidney and passed out between the 11th and 12th ribs on the left side, smashing the lower border of the 11th rib. The wound of exit is 5 1/2 inches higher than the wound of entrance. The bullet passed between the intestines without injuring them. There was a mass of intestinal covering about 3 inches in length, protruding from the wound of entrance. The bullet was found between the shirt and the vest at the wound of exit. Death was practically instantaneous.

... Purcel's story is, I think, to be received in some of its details with very great caution. A great number of witnesses were examined at the inquest whose evidence will not be receivable against the accused.

Dr. Mewburn examined Purcel's head and shoulder for bruises caused by the stock of the whip, but found none.<sup>3</sup>

<sup>3</sup> Deane's Special Report provided little basis for doubting Purcel's story except that Purcel had no bruises on his head or shoulders. It does not say, for example, whether the corral actually showed any evidence of damage caused by the bull, which was the reason Purcel gave for having his rifle out at the corral. Nor does it cast doubt on the plausibility of an unarmed man first threatening to kill and then attacking a man who was armed. In any case, the jury did not fully buy Purcel's story of self-defence. It found Purcel guilty of manslaughter "with a very strong recommendation to mercy on account of the prisoner's age [i.e. 64]." The judge imposed a sentence of three years in the penitentiary (see Deane, *Monthly Report*, February 1894 in NAC, RG18, 91, 148-94). Purcel served his time, which he is supposed to have said was less than he had received for killing a calf, and returned to the region. He died about 1910.

**II-9 "Hard Luck"****Deane, Monthly Report, December 1893 (NAC, RG18, 74, 73-93)**

The case of homicide was specially reported on the 7th inst. on which day the late D. Akers was buried. He had had hard luck during his career. Born of Pennsylvania Dutch parents he ran away from home in his early days and went to California by water. In course of time he turned up at Helena in the gold digging days and left there with a bag of gold dust said to have contained \$50,000 or \$60,000. He was intending to go East to marry the girl he had left behind him. He and two other men were going down the Missouri in a skiff and at Great Falls the skiff and its contents had to be portaged. Aker's gold dust bag was enclosed in his roll of bedding, which when he came to open he found the money gone. He and his companions went to Benton where he had them searched &c but he never recovered his property and being dead broke and disgusted went westward again. It is said that he never communicated with his friends after this. He was one of the original whiskey traders in this country and lived in the historic Fort at Whoop up until his Indian woman and her numerous relations ate him out of house and home and he moved to the Pot Hole. He was a mild mannered well dispositioned old man who was generally liked.

**D. Gender Relations**

*Police records in any jurisdiction contain much information about relationships between the sexes. The pioneer community of Lethbridge, with its male/female ratio of at least two to one, was no exception. Deane's reports tell stories both horrifying and inspiring, some sad and some even amusing. For example, in his December 1893 report, he recorded the complaint of a man that someone had reached through an open window and pulled the covers off his wife: "It did not seem to be clear how he was going to identify the intruder, and even if he expected to find a lustful eye the light was not well calculated to assist him in his search." But most cases could not be taken in such a light-hearted vein, for they often revealed great unhappiness on both sides of the gender line. They also show the existence of a strict moral code along with the reality of deviation from that code. Finally, the records*