



# Information and Complaint

CANADA

Province of Alberta

*JWS*

Insert full name, residence and occupation of informant or complainant.

THE INFORMATION AND COMPLAINT OF Maurice Morris Many Fingers of the Blood Indian Reserve

taken this 20th day of January in the year 1928

Insert full name, residence and occupation of person accused, with particulars of offence charged, giving place and date.

before the undersigned, who saith that Edwin Smith, Disciplinarian, of the St Mary's

~~R.C. Indian School.~~ on the 9th day of January A. D. 1928

at the St Mary's R.C. Indian School, Blood Reserve in the said Province

did unlawfully assault Albert Many Fingers, contrary to section 291 of the Criminal Code of Canada, and all amendments thereto

Feb. 18<sup>th</sup>, 1928. Case remanded to 2 P.M. Feb. 25<sup>th</sup> 1928

*Charge read and accused pleaded not guilty. Adjudged guilty and ordered to pay a fine of \$10 and costs or in default of payment ten days in the Provincial Jail at Beth-bridge.*

Case 57

SWORN before me the day and year first mentioned.

Maurice Many Fingers  
Signature of Informant

JWS

Resworn this date, Feb. 25<sup>th</sup> 1928, after being amended.

JWS  
Police Magistrate

in and for the Province of Alberta.

600 245

See E.O. C. 13612

of Appendix 320

May 24 1928

Conclusion reached  
with votes of 10-1

C. C. Quinn



Rex Vs. Edwin Smith.

Cardston, February 25th, 1928. Edwin Smith charged with assaulting Albert Many Fingers, contrary to Sec. 291 C. C. C. J. W. O'Brian conducted the Prosecution. G. E. A. Rice appeared for the Defence. Scout Billy Heavy Runner Sworn as interpreter.

1st Witness-Albert Many Fingers-Sworn-I am 16 years old and attend the Roman Catholic School on the Blood Reserve. On Jan. 7th, 1928 Father Reaux talked to the boys and me about being with the girls. On Monday Jan. 9th the boys were lined up to go to breakfast and Mr. Smith, the accused, told me to get out of line. I stayed in the play-room alone with Mr. Smith and the teacher Mr. Coady. Mr. Smith told me that I had been on the girl's side too much and disobedient right along. Mr. Smith would not listen to me. He told me that I was not being fair to him. I just stood there and saw Mr. Smith taking off his glasses. I was fearful something was going to happen. Mr. Smith hit me on the face with his fist and told me to watch for myself. He struck me on the upper lip just under the nose with his clenched fist. He struck me hard. It knocked me back. He struck me three times on the nose and once on the right side of my head, close to my eye. Mr. Smith told me to kneel down on the floor and said that I had got what I was looking for. I got up and walked to the wash-room door. Smith told me that I was not a human-being but an animal. He told me to go into the dining-room and let the others see me. I went into the dining-room with my nose bleeding as a result of the blows Mr. Smith had given me. At the table Father Reaux expressed himself as glad I got whipped. He pushed my head with his hand. I did not eat my breakfast. I saw the care-taker washing the blood from the floor in the play-room. Mr. Smith then sent me to Father's office. I left the school that evening. Mr. Coady was present in the play-room when Mr. Smith struck me. Mr. Smith told the pupils of my condition while in the dining-room and warned them that he would do worse to them if they did not look out. I have at the school six years and was lashed on the hands the first year but not since. Father Reaux makes the boys kneel down and hits them with a whip. Mr. Smith has never hit me before. J.W.S.

Cross Examination- I ran a race in Lethbridge last year. Mr. Smith told me that I was disobedient and attacking the girls. He mentioned stopping me from going through the boiler-room. He told me that I had threatened to whip him. I am about as tall as Smith. When Smith struck me I just held up my hands to protect myself. My nose was bleeding. I cried. Mr. Smith has charge of the boys on the other side of the building. Smith changed my seat at the dining-table because Mills and I were mis-behaving. He has taught the class about twice. I never threatened to beat Smith up. Mills ask me if I was scared of Smith and I said yes. I ate lunch at noon and went to class. My nose and eye were swollen and bruised. I ran away from the school that evening with Bob Big Sorrel Horse. J.W.S.

2nd Witness-Jim Big Throat-Sworn-I am 16 years old and attend the Catholic School on the Blood Reserve. I know Mr. Smith the accused. He works around the garden. He used to be our Disciplinarian before Mr. VonStrauss came. On Jan. 9th as we were ready to go to breakfast Mr. Smith told Albert to fall out. About ten or fifteen minutes later I saw Albert in the dining-room. Smith said that he had fixed that animal and would do the same to the other boys if they did not behave.

3rd Witness-Bob Big Sorrel Horse-Sworn-I attend the Roman Catholic School on the Blood Reserve. I know Mr. Smith the accused. On Jan. 9th Albert Many Fingers was told by Smith to fall out of line when were going to breakfast. Later Albert came into the dining-room with his face covered with blood. Smith warned all the boys of what they would get if they did not behave. Albert has been to school ever since I have been there.

Motion for dismissal not granted.

Rex Vs Edwin Smith.

Defence:

1st Witness-A. W. Coady-Sworn-I am a teacher at Catholic School, Blood Reserve, and I was present at the School on Jan. 9th. When I came to the School Mr. Smith was Disciplinarian and as far as I know he is yet. When Father Reaux is away Mr Smith is in charge. There is another Disciplinarian in the school but Mr. Smith is the senior. It is Mr. Smith's duty to keep order in the corridors and in the dinning-room. He has charge of the boys at milking. Before Xmas trouble was brewing between Smith and Albert Many Fingers on account of the latter being in the boiler-room and the dinning-room when he should not have been. Albert had told me that he would fight Mr. Smith, after Jan. 9th 1928. This morning as I was going to breakfast I heard voices in the play-room and went in. Mr. Smith and Albert Many Fingers were there. Smith told Albert that he had been corrected several times, that he had also been insolent which Albert denied. Smith said to Albert, "You are mean to call me a liar? You are the liar and you have told others that you are going to beat me. Now if you are going to beat me up here is your chance." Many Fingers stepped back and raised his hands with closed fists. Smith then hit Albert about three times and caused his nose to bleed. Smith was not in a fit of temper. I think Smith had a right to punish Albert, he has corrected others. Smith may have substituted a day or so as teacher since I have been there. Albert has been insolent and disobedient, both to me and to Mr. Smith. Smith gets the boys up and has them prepare for prayer and breakfast. I think the correction in this case was reasonable.

Cross Examination-I am a qualified teacher. I had to whip a boy once under similar circumstances. I use a strap when I discipline. I did not see Mr. Smith take off his glasses. Smith struck the boy first but I did not see Albert strike back.

2nd Witness-Edwin Smith-The Accused-Sworn-I am Disciplinarian at the Catholic School, Blood Reserve. I have been at the school a year last September. I, at the present time, am Disciplinarian and have charge of the garden and the milking. My duty is to maintain order and discipline where-ever required. I have charge of one dormitory where two or three boys sleep. The Principal, Father Reaux, has told me to correct boys for disobeying. Albert was very insolent and defiant. I reported to Father Reaux on Jan. 8th. I felt it was necessary to make a stand for discipline. On Jan. 9th I called Albert into the play-room and told him what he had done. I told him if he thought he could whip me now was his chance. I intended to simply slap his face but when he assumed a fighting attitude I struck him with my fists about three times and made his nose bleed. I do not think I struck him very hard. I did not call Albert an animal in the dinning-room. There had been no complaint about this boy in the dormitories.

Cross- Examination-I am not a qualified teacher in this Province. I have worked with boys before. I never punished Albert before. I took Albert into the dinning-room to show the boys that he could not whip me; he was whipped. I have had experience with boys. At one time I was a boys' Quartermaster Sgt. and also had a Cadet Corps in Lethbridge.

A. W. Coady was recalled and said that he saw no marks on Albert's face when he came to class at 9A. M. Jan. 9th.

I certify that this is a true copy of the Magistrate's notes in the above case.

*J. W. Law*  
Police Magistrate.

OFFICE OF THE  
**Police Magistrate**  
(COURT HOUSE)  
CARDSTON - ALBERTA  
CANADA

March 5th, 1928.



G. R. Davis, Esq.,

Clerk of the Court,

Macleod, Alberta.

Dear Sir:

Re: Rex Vs Edwin Smith. Appeal.

In reply to your letter of the 2nd inst., please find enclosed a copy of the evidence in this case as taken from the Magistrate's Note Book.

I have been put to the expense of having this copy made. There are over thirteen hundred words, which at ten cents per hundred words will be \$1.35. Kindly tax this to costs and forward same.

Yours truly,

*J.W. Low*  
Police Magistrate.

OFFICE OF THE  
**Police Magistrate**  
(COURT HOUSE)  
CARDSTON - ALBERTA  
CANADA

February 29th, 1928.



G. R. Davis, Esq.,  
Clerk of the Court,  
Macleod, Alberta.

Dear Sir:

Re: Rex Vs Edwin Smith, Appeal.

In reply to yours of the 27th inst. I am enclosing the Information, Conviction and a cheque for Twenty-five Dollars as costs of Appeal. There were no Depositions signed in this case as it was a summary trial. I made notes in the Magistrate's Note Book and if these are required I will have the notes transcribed and forwarded to you.

Yours truly,

*J. W. Saw*  
Police Magistrate.



# CONVICTION

Canada  
Province of Alberta

BE IT REMEMBERED, that on the 25th day of February  
in the year 1928 at Cardston in the said  
Province Edwin Smith being charged before the  
undersigned J. W. Low  
Police Magistrate  
Justice of the Peace in and for the said Province

is convicted before the undersigned Justice, for that he the  
said Edwin Smith on the 9th day of January A.D. 1928  
at St. Mary's R. C. Indian School, Blood Reserve in the said Province  
did unlawfully assault Albert Many Fingers, contrary to section 291  
of the Criminal Code of Canada and all amendments thereto.

(1) I think that blows on the face with clenched fists is an un-  
reasonable punishment under the circumstances of this case; it  
would be justified only to resist force with force. (2) I think  
that the accused stepped outside the bounds of his official posi-  
tion when he invited Albert Many Fingers to fight. This, in my  
opinion, was not discipline.  
And I adjudge the said Edwin Smith for his said  
offence to forfeit and pay the sum of Ten Dollars, to be paid and applied  
according to law; and also to pay to the said J. W. Low the sum  
of \$9.20 for costs; and if the said several sums are not paid  
forthwith, I adjudge the said Edwin Smith to be imprisoned in  
the common gaol of the said Province, at Lethbridge, and there  
be kept for the term of ten days, unless the said sums and the  
costs and charges of the commitment and of the conveying of the  
said Edwin Smith to the said common gaol are sooner paid.

Given under my hand and seal the day and year first above mentioned,  
at Cardston in the Province aforesaid.



[SEAL]  
*J. W. Low*  
[SEAL]  
Justice of the Peace in and for the Province of Alberta  
Police Magistrate.