

The Assizes — John Hall Murder Trial

Mainland Guardian, Saturday, December 2nd, 1882, page 3.

New Westminster — November 27th, 1882 — John Hall was placed in the dock, charged with the murder of Mary, an Indian woman. The undernamed *Petit Jury* were impaneled, after a number of persons were challenged on both sides: John McInnes (foreman), C.D. Knight, Allan Cummings, Thos. McKay, Joseph Davis, Ebenezer Holt, Frederick Webb, James Cash, Patrick Gannon, John Austin, and L. Grimmer. [Before Judge H.P.P. Crease]

Mr. MacElmen, for the Crown, said: "The prisoner before you, gentlemen of the jury, stands charged with murder. I shall not waste your time by referring to the testimony, and will now produce the witnesses.



Judge Crease

Peter Caulder, sworn: "Lives close by the prisoner's home at the North Arm. On the 18th of October, in the evening about 6 o'clock, I was milking for Hall, and his daughter called me in and said 'Kate' had taken some money. I heard Hall hollering; hall has his hand on the woman, holding her; he let her go and said she had his money. She started from the house and ran away. I caught her and found twenty dollars in her bosom. I took the money and gave it to Hall, and he insisted that she had the remainder of the money. She went to the beach; I stopped her from getting into the canoe, and Hall came on with a rifle. I told him not to bring the rifle down. He said he wanted to scare her. She was in the middle of the canoe; left it and went towards Hall; the shot went off and she fell. I did not see him put the rifle to his shoulder. (The rifle was here produced and identified by witness as the one with which Hall shot the woman.) Witness was excited at the time. The rifle was in the prisoner's hands when it went off, and he (prisoner) was then within six feet of the woman, and the witness within six feet of him. The woman did not move after the shot was fired. Witness put his hand on Hall, and said: 'What did you do that for?' He said: 'I didn't [mean to do it].' He turned round and went towards the house and left the woman there. Witness did not go near the body and left it in two minutes. Saw the body next at Moodyville. Went right over to Steve Decker and told him what had happened; he came over; there was a *klootchman* [Chinook word for an Indian woman] with him. Decker came with me to Hall's about half-past seven or eight o'clock. Decker and witness stopped that night with Hall, in his house. Witness never heard the woman called 'Mary'; she was always called 'Kate'. Had no conversation with the Indian woman that was present at the shooting."

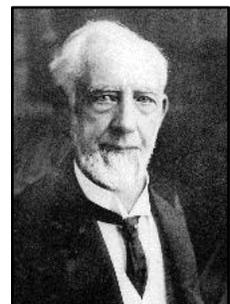
On cross-examination by Mr. Bole, the witness said that on that day, Hancock, Decker, Hall, himself and two *kloochmen* were at Hall's and there was whiskey in the house. He could not tell how much whiskey was there, but he heard there were seven bottles of rye. The whiskey-drinking commenced the day before the killing; Witness was introduced to a bottle at 6 o'clock in the morning. It was Hall who introduced him to the bottle. Decker was at Hall's when he returned from Hancock's about noon. Decker went away at half-past four o'clock and the witness heard that a *klootchman* went with him, but did not see her go. The dead woman was the mother of Hall's woman. There was about half a bottle of the seven at noon. Hall had the rifle out the day before shooting a [deer]. Thinks the *klootchman* had taken whiskey. Hall had been drinking all day, and was greatly excited."



W. N. Bole

The Judge here remarked while the deposition of Peter Caulder was being read to the jury, that he never saw depositions so badly taken as those that were laid before him in this Court hearing the present Assizes. When Peter Caulder was leaving the witness box, the Judge told him that every good citizen should, immediately after he witnessed a breach of the peace, report to the authorities. Delaying to do so interfered very much with the course of justice.

Constable Miller, sworn: "On the morning of the 19th of October he went to Hall's place, arrested him, and locked him up at Granville. (At this stage of the proceedings there was an adjournment for half an hour; at the termination of which time, the examination of Miller was resumed.) Hall's house is 150 yards from the beach. (Here the *Guardian* reporter stood up, and, addressing the Court said, 'The witness speaks too low, my Lord; I cannot hear him at all.' Judge: 'You are not trying the case.' Examination continued.) There is no brush near the water's edge; the descent is not steep. An Indian from Moodyville gave the first report of the murder. Hall made no resistance. Witness never heard anything before prejudicial to the character of Hall. Decker was at Hall's house when witness arrived there."



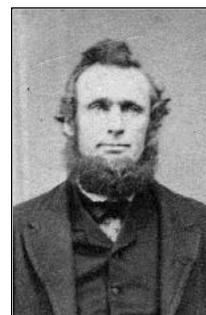
Const. J. Miller

Mr. Hughes and an Indian were sworn to act as interpreters. **An Indian woman named Kolkonagh was sworn:** "She lives at Burrard Inlet. She did not know Mary by that name; her Indian name was *Imtah*. Witness knows the prisoner John Hall. Witness went with Mary to Hall's house; he was there and another man with him. Mary wanted Hall to pay some money he owed her. He did not pay, but struck her with his fist on the face. Witness then took Mary by the arm and said, 'Come to the canoe'. They went down towards the beach. When near the canoe, she saw John Hall coming with a gun, and she said to her sister 'Hurry up; here he comes!' Witness went to hide, and Mary went into the canoe. She saw John Hall shoot her sister. (Pointing to the prisoner, she said, 'There he is.') John Hall was close to the women when he fired the shot. She fell and cried plenty, and then died. Witness was turned from Hall and did not see him in the act of firing the shot. The sun was setting when the shot was fired, and soon after witness went over to tell Steve Decker that Mary was dead. At Decker's house she saw the man that was with Hall when he killed Mary, and she went back at once to the place where Mary was and put her dead sister into the canoe and brought her home. At the time of the shooting, a white man was with John Hall. It was dark when she took the dead body home."

On cross-examination, witness said, "She was never before at John Hall's house, but she knew him. Did not see John Hancock at Hall's house that day. She saw Decker there. She saw no whiskey. Mary was in the habit of drinking whiskey; witness would not drink it because she was sick. Hall had no gun in his hand when he was in the house. She saw the gun for the first time when she was near the canoe, and John Hall was holding it so, (the interpreter described the attitude; it was like that assumed by a sportsman when looking for snipe.) Peter came down where the dead woman was but did not go near the body. Witness does not know the meaning of the word 'hour.' Steve Decker gave her a dollar that day. When she arrived at his house he and the other white man were talking of the dead woman, and Steve gave her the money. She does not understand English, but she believes the dead woman was the subject of conversation. She was in a hurry to go back to the beach. The sea might come in and take away her dead sister. Steve did not come to see the dead body."

The information of the witness was then read, and it appeared that she swore Hall took-up the gun in the house, in the information, witness stated that she remained for some minutes in Hall's house after Mary went out. This she denied, and said the little boy that acted as interpreter may have said so, but she did not.

John Hancock, sworn: "He remembers the day that Mary was killed. Left his house at 12 o'clock, and was at Hall's in 20 minutes. Left Hall's at half-past 1 o'clock and saw the last witness there. Steve Decker and Peter [Caulder] all together. Witness drank two glasses of whiskey; all the others drank."



John Hancock

Dr. Trew, sworn: "Held an inquest; death was caused by a gunshot wound; the bullet passed through the right nipple and the breast bone, and went through the body. The coroner's jury brought in a verdict that the woman died by a gunshot wound inflicted by John Hall." In reply to the Judge, witness said the ball entered on the left side, near the back, and the woman was stooping when she was hit.



Dr. C. N. Trew

J.C. Hughes, sworn: "Known John Hall since 1862. Knew him intimately for fifteen years, and never supposed he was a man capable of committing such a crime; and always thought him an inoffensive man. The rifle now produced is a Winchester, rim fire, and is not supposed to be a safe weapon. In re-charging the gun, the cartridge is sometimes exploded by the lever. This is a safer gun than the old pattern; at half cock it is as safe as any other gun. Hall is a good shot and well used to handle fire-arms."

Capt. Pittendrigh: "Believes these repeating rifles are particularly unsafe. A month ago he took eight cartridges out of a rifle, cleaned it, and put it up. It did not look well, so he took it asunder again and replaced the machinery, and to his great surprise a cartridge exploded."

Donald McGregor, sworn: "Knows Hall intimately for eight years, and supposed him incapable of committing such a crime."

Steve Decker, sworn: "Lives at the North Arm, within a quarter mile of Hall's house. There is a good trail between our houses. On the day the woman was killed, was at Hall's house; saw his children, John Hancock, Peter Caulder and two Indian women; one is now in Court. Was in Hall's for two hours drinking Scotch Whiskey; the women did not drink whiskey. The woman who is now here as a witness, went home with me and stopped in my house until Peter Caulder came in the evening. The woman was then in my

bed. Witness told her that Mary was dead, and she left the house immediately. Peter was not sober when he came to my house; he remained there for an hour, and I went with him to Hall's. Hall was drunk, and was shooting crows and blue-jays."

Cross-examined by Mr. MacElmen: "Are you positively sure the woman you saw here, was the woman that was with you that day?" Witness: "Let me see her again." She was called, but the Judge directed her to stay outside. "Witness never had a wife. Was not drunk that day. The Indian woman asked me, in Chinook, how far it was to my house." Mr. MacElmen: "Will you swear the Indian woman you saw here, can talk Chinook?" Witness: "I will." Judge: "In your sober senses, do you swear that you cohabitated with that wretched woman?" Witness: "I did not." Judge: "She was in your bed with you?" Witness: "I had no connection with her." (And he left the box in a hurry).

Mr. Bole: "May it please your Lordship and gentlemen of the jury, the prisoner is charged with one of the highest crimes known to the law. He is accused of murder. It is useless to deny that Mary, the Indian woman, met a violent death that day. Peter is not a reliable witness: the story he told before the coroner and the story he told to you to-day, are very different. Dr. Trew is not a novice. He has always displayed profound knowledge of his profession and of his duties as a coroner, and therefore I place great reliance on the accuracy of the evidence taken by him. To-day Peter Caulder tells you that he said to Hall, 'Do not bring down the rifle.' To Dr. Trew he said no such thing; and the inquest took place the day after the woman's death, while the facts were fresh in his memory. The learned counsel analyzed the hesitancy of all the other witnesses pointing out clearly to the jury the parts that were contradictory and deserving their special consideration, and finished a very eloquent address by assuring the jury that Peter Caulder, John Hall, and all the witnesses who were present that day in John Hall's house, were too drunk to know exactly what occurred. The testimony of the Indian woman that appeared as a witness, goes far to contradict Peter Caulder. She swore that he did not arrive on the scene until Mary was dead. Before the coroner, she swore she saw the gun with Hall in his house; she tells you today, she did not see it there. I believe that woman to be a perjurer. That is a hard name, but it is harder to deprive a fellow creature of his life on the testimony of a perjured witness. The nature of the Indian forces him to look for vengeance, and that woman could not forget that her cousin [sister?] lost her life close by the homestead of John Hall. She swore she was never in the house of Steve Decker, and she asks you to believe that she went straight from the place where the body lay, to his house, to tell *him* of the death of Mary. Steve Decker is not an educated man, and may not be a moral man, but you can not reject his testimony for that reason. I am not prepared to defend his conduct, but the story he tells you, supported by the contradictions in her own evidence, makes the testimony of the Indian woman worthless. Now I ask you to believe that the story told by Steve Decker is the truth, and nothing but the truth, and that the statements made by the Indian woman were prompted by the savage thirst for revenge. In arriving at a conclusion, gentlemen, you must remember this: you are not to be influenced by me, by the learned counsel for the Crown, or by His Lordship. You must be guided by your own natural judgement, and I beg you to remember the oath that you have sworn: 'I shall well and truly try and truly deliver and speak between our Sovereign Lady the Queen and the prisoner at the bar, so help me God.' When you retire to your room, do not grudge the time required to consider the nature of the evidence presented; and remember that the liberty, perhaps the life of a fellow creature, is dependent on your calm deliberation,"

Mr. MacElmen: "A cruel murder has been perpetrated; a fellow creature was left wounded to die on the sea beach, at the North Arm, and I believe I have produced evidence sufficient to prove that John Hall is guilty of murder. The witnesses produced by the Crown are worthy of credit. They have proved clearly that Hall shot this woman deliberately. He is a hunter and a man well accustomed to the use of fire-arms, and therefore the plea of killing by accident cannot be sustained. In a case of this kind it is not necessary to show that Hall had premeditated murder, or that he was influenced by malice. The killing is established beyond a doubt, and the deliberation is indicated by the fact that he returned to his house for the gun. With reference to the discrepancies between testimony given at the Coroner's inquest and that given here today, it is not a matter of very great consequences, if you remember that the best judges of evidence say slight variations are not to be regarded as fatal. If the testimony is substantially the same, it ought to be accepted as satisfactory. Too much accuracy might be evidence of design or a story cut and dry and committed to memory. The testimony of the Indian woman appears to me to be well worthy of acceptance, as a plain statement ought to be, and there is very little difference between her story and that told by Caulder. The description she gave of the position in which the woman was, at the time the shot was fired, agrees exactly with the account given by Dr. Trew, who examined the dead body. It is impossible that the testimony of these two witnesses should be so much alike in one particular, if the Indian woman had not been present when the fatal shot was fired. The attempt to make the killing appear accidental cannot be sustained. The testimony of Stephen Decker is utterly worthless. According to his own accord he was in Hall's house at 3 o'clock, and he could not be home sooner than 5; and the statement he made with reference to the Indian woman being in his bed, was made for the purpose of

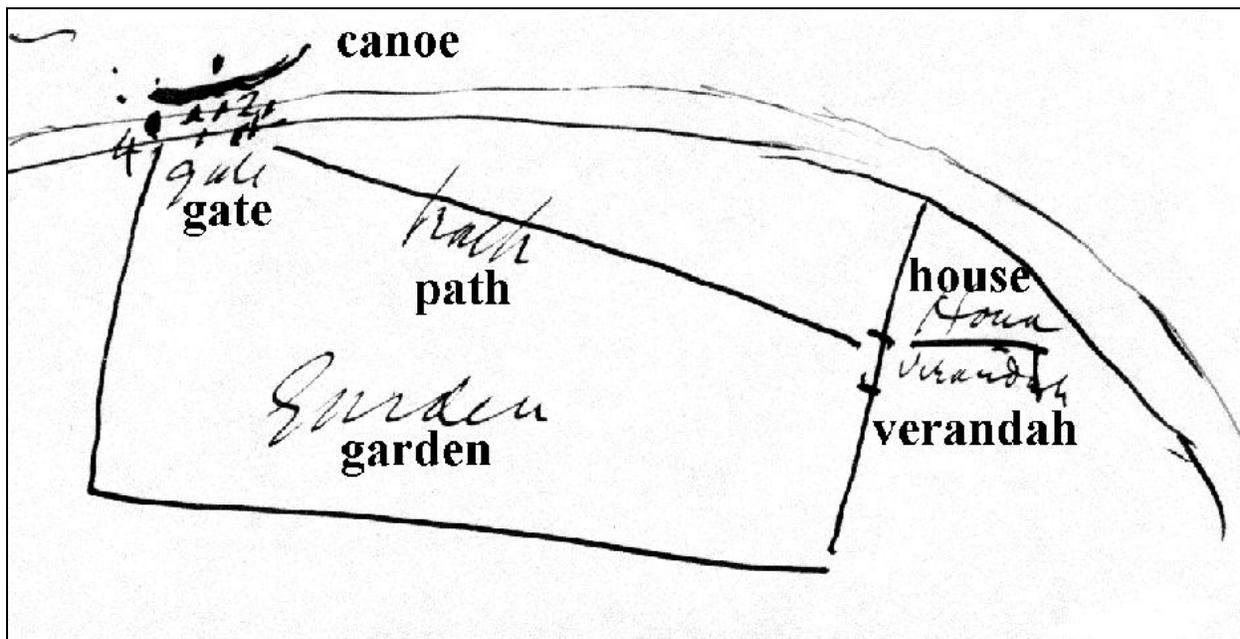
convincing you that he would not make a statement so injurious to his own character if it were not true. He admitted that he never saw her until that day. He was not sober, and therefore you cannot believe that he could identify a person under such circumstances. If this witness appears often in Court he will leave himself without any character at all. His testimony is totally unworthy of credit. The white people, who pretend to be Christians, acted like barbarians on this occasion, and the poor Indian woman — a savage — goes and removes carefully into the canoe, the body of the murdered woman. The Indians are as well entitled to protection as the whites, and it would be disgraceful to refuse them justice. I have no doubt, gentlemen, you will do your duty.”

His Lordship: “If I had known that John Hall would be here for trial, I assure you I would not have presided here today. I know him for twenty years, but I must remember my oath and discharge my duty. Character is not a shield to save a man from consequences. Practically, this is an undefended case. If you believe that woman’s life was taken by John Hall, he is guilty of murder. The prosecutor is not bound to prove that malice existed. The killing is evidence of malice. No provocation, however great, will extenuate the act or reduce the crime to one of manslaughter. Murder is reduced to manslaughter when one man meets another in rage, and, in self-defense, kills him. In this case there is no justification. The first witness swears that he told Hall not to bring the gun; if you believe him you can have no doubt of Hall’s guilt. He went back some distance to fetch the gun, and was accustomed, as a hunter, to the use of firearms. You must throw aside any prepositions you may have in favour of the prisoner, and give a verdict according to the evidence and law. Was Hall drunk? There is no evidence to show that he was; he did not fall; he walked leisurely to his own house after killing the grandmother of his children. He left her like a wild beast on the spot where she fell and looked after her no more. In judging of the testimony, you must remember that slight discrepancies make statements more substantial. Stephen Decker comes up to prove an alibi, and tells you that he took this woman home with him; that she was in his bed when Peter Caulder came; that he had no connection with her. A white man to make such a statement! Can you believe him! The greatest calamity that afflicts a country is to see its people without any idea of justice. I shall remain here for some time to render you any assistance in my power, and I know you will bring in a verdict according to the evidence now before you.”

The Court adjourned until 11 o’clock.

At 1 o’clock the Judge took his seat on the Bench, when the jury brought in a verdict of Manslaughter.

[The jury sentenced John Hall to 7 years of hard labour in the *British Columbia Penitentiary*.]



Source: Judge H.P.P. Creases’ Bench Book, notes from the John Hall Murder Trial.

Sketch of John Hall’s property at Belcarra Bay made by Judge Crease in 1882



Site locations related to the 1882 shooting death of John Hall's mother-in-law, Mary Dish (*Mn-Shaat*).