

Call number: H78-12-01/02

Rampart Records – Readings from court records 1901-1902

By Mike Dalton

Summary created by: Varpu Lotvonen

Date of summary's creation: 12/02/2013

Series: Tanana-Yukon Historical Society tapes

Notes: Original on 7-inch tape, master copy on CD

Mike Dalton is at Harry Havrilack's house in Rampart, Alaska, and it's July 30th, 1973. Harry is the district judge or the magistrate as they are called in Rampart District. Mike is going to read from a book that dates back to 1900 and has magistrate's files in Rampart.

First case is from December 29th, 1900. United States vs. L. Ketchison. The complaint was filed by Godfrey Gunkel and Ketchison was charged with use of obscene language in a public place and he pleaded guilty to having used obscene language to the annoyance of G. Gunkel. The fine was \$5 dollars and the defendant also had to pay the costs of the hearing which were \$8 dollars. The entry was signed by Andrew J. Balliet, and there is an entry that says the fine was paid.

2:54 the next entry in the book is dated December 19th, 1900. It's a coroner's inquest of the body of Joseph Muldowner. Justice of Peace was notified of the death of J. L. Muldowner and he summons the following jurors: M.N. Kimbell, J. E. Risdue, Len Smith, J.B. Dunkan [possibly Duncan], John Nelson, and Walter Foley. Each one was paid \$2.20. \$2 dollars was for serving in the inquest jury, and \$0.10 cents/mile for travel, each one having traveled 2 miles. He added two [unclear] for witnesses: T. M. Crawford and George Cabainis who was a soldier at Rampart. They also were given \$2.20.

5:03 Next entry shows Dr. H. B. Tweedy, M.D., was present when Joseph Muldowner died and having inspected the wounds, gave an expert opinion to the jury. The verdict was that Joseph Muldowner died on 19th of December, 1900 and that his death was caused by gunshot wounds delivered by Dan Lerolan.

At 7:21 January 11th, 1901 there is a complaint about trespass that is filed by Herbert E. Currier against an Indian. In the court proceedings, he is called Indian Frank. Warrant was issued for the arrest of the defendant. The complaint was read to Indian Frank by a half-breed interpreter, Arthur Wright. The defendant was represented by the counsel. E. J. Knapp, an esquire, under the advice of the counsel, pleaded guilty to the charge. He was fined \$2 dollars for the costs. Indian Frank was convicted by Andrew Balliet to pay \$5 dollars for fines and the costs of the proceedings, \$8 dollars, which amounts to \$13 dollars. The fine was paid. The interpreter waved the fee for interpreting.

9:51 Another case brought before the commissioner was an assault and battery case, titled United States vs. John Welsh, on February 4th, 1901. The complaint was filed by Julian Ramsoth. Welsh was arrested and brought before Andrew J. Balliet, the commissioner, by Deputy U.S. Marshal Godfrey

Gunkel. Defendant pleaded guilty of the charge and was fined \$10 dollars and the cost of the proceeding which was \$9.50.

12:16 March 16th, 1901 was United States vs. William Huser. The charge was giving whisky to Indians. Defendant pleaded not guilty. The case was set for March 19th and prisoner was committed to trial. Subpoena was issued to H. M. Dechman from Tanana. Case continued until March 25th, 1901 on account of material witness was brought from Tanana, 75 miles by the consent of the defendant. March 23rd there was a jury order and following people were summoned: John W. Duncan, Gus Henke, W. F. Hyatt, Sam I. Chase, H.W. Walbridge, S. G. Randall, J. B. Wingate, H. Horn, C. S. Knapp, C. H. Morris, and I. Jones.

The jury was accepted and sworn with three jurors selected from bystanders: George Keating, Louis Iverson and Ole Throen. Mike Dalton says it's hard to read the man's writing and says she'll skip a bit. Verdict was: guilty as charged, charge being giving whisky to Indians. Defendant, by his counsel [lawyers are typically referred to as counsel since they counsel or advise their clients in matter of law. Councils are typically administrative bodies consisting of a group of people], moved to set aside his verdict which was denied and [no?] exception was allowed.

Case no. 6, entered in 1901 was against a person whose name Mike can't read and it was also with the charge of giving whisky to Indians. Jury found the defendant not guilty.

19:00 Next case is dated March 16th, 1901 and it's U.S. Government vs. Jacob Nilsson. There is a notation underneath that his true name is unknown. The charge was again giving whisky to Indians. The warrant was delivered to the Deputy Marshal and the arresting officer brought Nilsson to court. Defendant was represented by J. R. Green who on behalf of the defendant asked to have until Wednesday. Delay was granted. March 27th the defendant was brought into court and was represented by J. R. Green. He pleaded not guilty. They were going to get a material witness from Tanana, but couldn't obtain one so the defendant was discharged.

On March 21st, 1901 there is a case United States vs. Valerie Myers who is charged with assault and battery. The complaint was made and verified by Ella Williams and H. H. Porter, a special deputy in the absence of Godfrey Gunkel. The defendant pleaded not guilty and she was released. March 22th the jury trial was called. Deputy Marshal George G. Perry certifies that he received the witness warrant and arrested the defendant. Subpoena was issued to the plaintiff and delivered into hands of constable. On March 22rd the case was called and a jury of 12 was sworn. Verdict was not guilty, signed by: C. H. Knapp, S. E. Healer, Mike Doyer, Michael Easel, Chris Baker, H. L. Currier, Herman Weber, Lewis Iverson, S. A. Yantiss, H. W. Walbridge, John Connors and Alex Cary. Judgment was given against the [believe this should read "plaintiff". A prosecutor is an officer of the court who brings charges against offenders on behalf of the state] Ella Williams who was taxed \$76.65 dollars. Ella Williams couldn't pay so she was put into jail for 15 days or until the sum was paid by her. On 23rd, Ella Williams paid \$20 dollars and was released until Monday, 9am. There is a warrant attached: it is signed by the commissioner and it states the facts of the case and says that Ella Williams was duly subpoenaed, but disobeyed. It appeared that

the prosecution was instituted maliciously and without a cause and so Ella Williams has to pay the cost of the hearing.

27:20 April 20th, 1901 is the case no. 11, U.S. vs. A.B. Austen. Charge was not listed on top of the entry. Commissioner's report says that Austen was brought in front of commissioner and ex-officio Justice of Peace, Andrew J. Balliet, for using obscene language in a public place to the annoyance of Andrew J. Balliet. A. B. Austen pleaded guilty and was convicted to pay \$20 dollars and the cost of the action which was \$9.45.

Next case is one of trespass: U.S. vs. H. B. Carden on May 6th, 1901. Commissioner notes that Carden was brought before him due to a charge of trespassing. He pleaded guilty and was fined \$30 dollars and the cost of action which was \$9.45. In addition, he was to be imprisoned in Rampart Jail for 19 ½ days.

At 29:36 there is case no. 13 May 7th, United States vs. Mary Doe Helen. Mike notes that the last name "Helen" is on quotation marks, which perhaps means that it's an assumed name. Mary Doe doesn't sound like an authentic name either. The case was set for May 8th and she refused to plead and was committed for trial. Case continued until 3 pm when it was dismissed due to insistence of [this should be witness for the prosecution], Godfrey Gunkel, because the offense was for "profane language" rather than obscene language.

Mary Doe Helen was in court again the next day, on May 8th. She had another complaint made and a warrant issued and this time she pleaded not guilty. The commissioner notes that Mary Doe Helen was brought to court for using "profane language" in a public place. She pleaded not guilty, but the judge decided that she needs to pay a fine of \$15 dollars and the cost of the action which was \$13.50. In the event that she would fail to pay the fine, she would be committed to Rampart Jail for 13 days. The commissioner notes later that the defendant refused to pay and was committed to jail. At 8 pm, she paid the fine and was released.

33:48 Case no. 15 was on May 11, 1901, U.S. vs. John Morgan who was charged for using profane language in public place. Mike notes that Rampart "must have been a rip-snorting town."

Case no. 16 was in May 11th, 1901 and it was a charge for assault and battery on a case of U.S. vs. M. C. McGraw. Commissioner notes that M. T. McGraw was convicted on a plea of guilty and was fined \$40 dollars and the cost of the action which was \$10.95. He paid and was discharged.

Next case is no. 12: James B. Wingate vs. H. W. Walbridge for forcible entry. Mike says that the case is a little bit confusing. The court judged that the defendant was guilty of forcibly detaining the possession of the premises described in plaintiff's complaint. He is charged court costs.

35:55 On June 30th, 1901 there is an inquest on the body of James E. Geary. They were notified of the death on June 30th and they issued a request for Coroner's Jury to the Deputy Marshal. On the same date the Coroner's Jury writes that James E. Geary died in Pioneer's Saloon in Rampart Alaska, between 8 and 9pm due to unknown causes. His death was not due to violence, but from some internal causes.

Signed by: Charles B. Allen, E. G. Lewis, O. C. Nelson, John C. Welsh, C. R. Peck, Lewis Balier [sp? Possibly Louis Ballier?].

Case no. 17 is the United States vs. J. J. Philip who is charged for assault and battery on July 26th, 1901. Commissioner writes that J. J. Philip was brought in front of the commissioner and ex-officio justice of the peace for criminal action of assault and battery. Philip pleaded not guilty and voluntarily confessed having used obscene language of which he was duly convicted. He was fined \$25 dollars and the cost \$15.05.

At 38:37 there is case of U.S. vs. A. B. Austen for using obscene and profane language. Mike comments that Rampart was a pretty interesting place in 1901. A. B. Austen got himself a lawyer and demanded a jury trial but was found guilty by the jury. He was ordered to pay a fine of \$15 dollars and the costs of the action which were \$48.90.

39:47 Case no. 19 is U.S. vs. William Smith, which is another case of obscene and profane language. Smith pleaded not guilty, but jury found him guilty. He was fined \$15 dollars and court costs of \$48.80. Mike wonders if he cleaned up his language or if any one of them did.

September 4th, 1901: U.S. vs. Valeria Myers. Valeria is in court again for using obscene and profane language in a public place. She was tried on September 5th and the commissioner notes that she pleaded guilty. Valeria was fined \$15 dollars and the cost of the action, \$13.15 dollars. She paid the fine and was discharged.

Next entry is from September 4, 1901: it's U.S. vs. John Doe, whose true name was not known. During the course of the trial his name must have come out since there is a name Tom Sullivan in darker ink written in. He was charged for larceny.

42:05 October 2nd, 1901 there is a case of U.S. vs. R. E. Hester [sp?] who is charged with assault and battery. Mike says she is skipping over a couple of pages to case no. 24 on October 14th, 1901. It's U.S. vs. J. E. Hogland [sp? Hoagland?] and I. Tlehjce [sp?] complaining about trespass. Case no 25 on October 14th, 1901 is also a trespass.

Then there is United States vs. John Taggart who was charged with larceny. He pleaded not guilty but was found guilty and was convicted. Mike says she is skipping to December 14th, 1901 to case 33 which is U.S. vs. Babe, an Indian woman. Babe was brought in front of Andrew J. Balliet and she was charged for the crime of giving whisky to an Indian. Babe pleaded guilty and was convicted to spend 3 months in the Rampart Jail and to pay the cost of the action which was \$14.15. If it was not paid, she would be confined until the fine would be paid, but not exceeding 147 days. [Break in the recording.]

At 44:50 there is a notation from December 23rd by Deputy Marshal whose name Mike can't discern. He certifies that he received the written order of commitment on 23rd of December and that he duly executed it the same day, placing Babe in the jail. Signature is by George Dreibellbs [Dreibels?]. Later notation says that on May 19th, 1902 the prisoner was discharged as the sentence expired. Babe served her sentence.

On same day, December 14th, 1901 Lucy Albert, an Indian woman, was charged and brought to court for same violation. The commissioner notes that Lucy Albert pleaded guilty and was duly convicted. She was imprisoned at Rampart Jail for 3 months and was to pay the cost of the action, \$114.25. If she wouldn't pay, she would be confined to Rampart Jail for one dollar a day, not exceeding 3 months. Mike has trouble reading the text so she concludes: "At any rate, she was put in the pokey here in Rampart." There is a notation that on May 19th, 1902 the prisoner was discharged upon the expiration of the sentence.

Mike says that she thinks the reason for high court costs was that Lucy Albert was from Tanana and the Marshal had to go there to arrest her and return her to Rampart for trial. Case no. 35 is U.S. vs. W. J. Hammill [sp? Hamil?]. Hammil had a jury trial on December 24th. It's noted by the commissioner that the charge was aiding a prisoner in custody of an officer to escape. Mike says it [speaking about the text] is not very clear, but apparently they were going to get somebody out of jail. He was found not guilty and was discharged from custody.

On January 3rd, 1902 there is a case of U.S. vs. Yeska [possibly Yaska] who is an Indian. The complaint was made by Edward J. Knapp. Commissioner notes that Yeska was brought before him for criminal assault and battery and that Yeska was duly convicted after a plea of guilty. He was to pay a fine of \$25 dollars and the cost of the action that was \$20.10 and he is to be imprisoned in Rampart Jail until such a fine and cost be paid, but not exceeding 23 days.

On May 31st, 1902 there is case 49: U.S. vs. M.T. McCaw [sp?], filed by Lucy Baggage. Mike says it sounds like an assumed name. Commissioner notes that M. T. McCaw was brought before him in a criminal action for assault and battery. M. T. McCaw pleaded guilty. He was ordered to pay a fine of \$100 dollars and the cause of the action, \$12.50. "That teaches him to beat up Lucy Baggage."

50:47 On August 3rd, 1902 there was a case of U.S. vs. John Lindblom [sp?]. Lindblom was charged \$300 dollars plus costs which were \$25.50. Defendant paid the fine and was discharged. He pleaded guilty for giving spirituous liquor to Indians.

On October 15, 1902: U.S. vs. E. H. Eander [sp?] who was charged with larceny. Larceny was stealing an item of \$2 dollars of value. Eander pleaded guilty and he was imprisoned for 6 months. He also was fined the cost of action and convicted to being imprisoned until the cost was paid.

Now Mike Dalton says she has another book that begins with January 1st, 1901 and has disbursements and fees. There were various recorders at creeks, at Big Minook and Ruby, Slate Creek, and Hunter Creek. Those affidavits and proceedings are in other volumes. Those volumes have been called in by the Justice Department of the State of Alaska to be placed in their archives.

The volumes that Mike is looking at in Rampart should, in her opinion, be placed in the archives at the University or to some safe storage at the State of Alaska. All of them have been water damaged in 1963 or 1964 when the river ice jammed below Rampart. It jammed for a long time and continued to pile up until it was forced to rise up the shores, wiping out quite a few villages in Rampart. Water was about 5 or 5 ½ feet high at the recorder's office. All of the volumes have been somewhat damaged.

At 55:07 Mike says she will read things from the book of fines. January 1st there was a fee of \$1.50 received from Alvin Leibes [sp? Leibitz?] that apparently was a deed. On January 4th, there are 3 affidavits of a proof of notice. January 25th there is a receipt from Thomas Tweed, swearing to the affidavit of annual labor on his mining claims. Another affidavit on 29th is an affidavit of annual labor on his claim by George Emmert [sp?] with a fee of \$0.75 cents. On February 1st there is an acknowledging a [unclear] by Frank Stevens. It cost him \$0.75 cents to register that. Mike says she is reading notes on fees.

May, 1901: J.B. Wingate paid a \$0.75 fee for an affidavit of proof of publication of notice to creditors. There is a \$1.50 fee that was paid by Edmund J. Wiggins [sp?] for acknowledging a mortgage. Robert Johnson paid a \$0.75 cent fee on 28th of May, 1901. Mike says she will read through some of the names of people who paid fees in 1901: Sarrol, Acerot, J. B. Wingate, Edmund Wiggins, Charles B. Allen, Hugo Maestrom [sp?], Carl Lindstrom, H. J. Roden [sp?], R. C. Jenkins, Alvin Hicks [sp?] and Herman Hoby [sp?], J. B. Duncan, Charles B. Allen, Robert Miscan [sp?], George Clapproth [sp?], Edmund D. Wiggins [sp?], Robert Johnson, J. B. Wingate, E. J. Knapp, O. E. Diver, Charles B. Allen, Frank Hyatt, George Aproth [sp?], George Fizby [sp?].

58:12 The fees are notary fees, charges for notarizing documents. Mike says she is skipping back, about 1/3 of the book. There is a section for recording fees for mining locations. [Mike reads names, probably people whose fees were recorded.] Agnus Webb, W. J Ingram [sp?], C. B. Allen, G. R. Surly, Ole Throen, Alaska Commercial Company, etcetera.

In February 1901 there is a case of U. S. vs. John Welch. The fee was for issuing the warrant and [unclear], \$1.50. Swearing to the complaint cost a dollar. Fees to the Marshal for serving the warrant and mileage was \$3.30. Taxing cost was \$1.50. Giving an [unclear] judgment, \$1.50. Entering a return warrant, \$0.35 cents. Filing papers in a case, \$0.35 cents. Total of \$9.50.

The book continues until March in 1902. There's a receipt for an U.S. Postal Money Order, issued on January 8th, 1901 in Rampart, Alaska. It's \$4.93 dollars.

1:00:37 There's people recording mining locations in February 1902. V. O. Green, Lucy Carlson, J. W. Dudson, E. T. Howl, H. J. Roden. Recording a deed on February 6th, 1902 there is: J. W. Dudson [Dodson?]. Some more mining locations on 10th, 13th, and 14th: Charles B. Allen, Frank Stevens, A. J. Balliet, who is the commissioner Mike has been talking about, Charles B. Allen and Ella Williams.

Other mining locations are recorded on February 17th by E.F. Townsend and John C. Riley. Maddie Larson signs an affidavit of work on the same day on her claim. Belo Seo recorded that day by R. R. Studert [sp? Studdart? Stewart?].

[End of the recording.]

