

**Call number: 78-12-07 and 08**

**Mike Dalton at Rampart, Alaska**

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**Summary created by: Varpu Lotvonen**

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

Mike Dalton continues reading from Harry Havrilack's books of court cases.

Case no. 83 is from March 11<sup>th</sup>, 1903 and it's U. S. vs. W. Jenkins. Complaint was made about Jenkins having given spirituous liquor to Henry, an Indian. Complaint was brought to court. Mr. Jenkins demanded and received a jury trial. The jury found him guilty as charged. Members of the jury include: T. B. Stanley, C. G. Sladleman, F. A. Rambout, John Miles, B. W. Stickney and D. W. Scott.

The commissioner, J. Lindley Green, handed down the sentence and it's written in the book with his handwriting. He writes that the defendant is sentenced to be imprisoned for 6 months and he needs to pay the cost of the suit, which is \$40.80. This was in 16<sup>th</sup> of March, 1903.

Case no. 84 is from March 18<sup>th</sup>, 1903. It was a complaint filed by the deputy marshal who accuses a man for selling liquor, but the entry doesn't say to whom it was sold. Mike wonders how they still needed to sell liquor despite of all the saloons around. The court costs in that case were: \$267.47. Apparently he was selling liquor at Creeks or somewhere where he was not supposed to do so.

Another case is noted in April of 1903, charging Walter Smith with the crime of grand larceny for stealing \$70 dollars from Joseph Anisich (Anisich?) in 9<sup>th</sup> of April, 1903. Grand larceny is a felony and they had just a preliminary hearing. Mike says that some of the misdemeanor cases were handled by the justice of the peace or the commissioner [but felonies were handled somewhere else?]. As a conclusion

for this particular hearing, the court found that grand larceny had been committed as charged and that there was a cause to think the defendant was guilty. Walter Smith was held in custody. The entry was signed by J. Lindley Green, the commissioner.

Case no. 86 is from April 1<sup>st</sup>, 1903 and it is U. S. vs. Al Bartlett. Information was provided by George Dribelbus, Deputy Marshal, who was charging the defendant with the crime of grand larceny for stealing lumber from the U.S. Government at Tanana, Alaska, Rampart Precinct. Commissioner Green writes that it appears to him that the crime of grand larceny had been committed and that there was sufficient cause to believe that Al Bartlett was guilty. He was ordered to be held.

5:45 In May of 1903 there was another grand larceny case, but the two men who were charged with the larceny were out of town. The commissioner writes in May 27<sup>th</sup>, 1903 that a warrant was issued for arrest of James Little and Jack Menice. The deputy marshal was out of town and Philip North, a special officer, was appointed to execute the warrant.

Then there is a case against Tom O'Leary who was charged for giving malt liquor to Mary, an Indian. "Shame on Tom O'Leary." He demanded a jury trial and got one. Mike Dalton reads from the court docket: Complaint was made on April 30<sup>th</sup> and trial was concluded on May 2<sup>nd</sup>, 1903. The commissioner writes that the defendant announced that he was ready for trial. The jury, consisting of G. A. Ketter, George W. Woods, Julius Hoffman, Charles E. Erhorn, Adolph Beaterman [sp? Beiderman, Biederman?], and Albert H. Woods found the defendant not guilty. Last paragraph on May 2<sup>nd</sup>, 1903, says that Thomas Leary has been brought before J. Lindley Green, the commissioner, pleaded not guilty and found to be so, and that the defendant was discharged.

8:50 The next case is U.S. vs. Maria, an Indian. The complaint about "conducting a bawdy house" was made by the deputy marshal. Mike is reading from the docket in which Commissioner Green writes on May 2<sup>nd</sup>, 1903, that defendant, Maria, was made fully acquainted with the crime against her and she pleaded guilty. He writes that he decided Maria should be imprisoned in the county jail for 3 months and that she pays the cost of the action. In case she failed to pay the cost, she'd

be imprisoned for 1 day for each \$2 dollars. The commissioner fails to note the court costs. Mike says that Maria went to jail, apparently.

There is a case of James Little and Jack Menice who are charged with stealing 90 oz. of gold for the value of \$1,440 dollars on 26<sup>th</sup> of May, 1903. Warrant was issued and the men were arrested and brought before the court. The examination of the defendants was continued until May 21<sup>st</sup> in order to procure witnesses on behalf of the United States. The trial was held in June 5<sup>th</sup>, and the commissioner writes that it appears to him that the crime of grand larceny has been committed and that there is sufficient cause to believe that Jack Menice is guilty. The entry is signed by the commissioner.

12:08 the court didn't find sufficient evidence against James Little and didn't hold him, but suspect that he was a material witness to the case and also that if he is not held under sufficient bond, he will not appear to testify against Jack Menice. \$1500 dollars was found to be a reasonable bond, and it was ordered that James Little be held as a witness in the sum of \$1,500 dollars and that he will be committed to the custody of the Marshal until he furnishes said bond. That was a felony so it apparently went to the grand jury, wherever that was held.

There's another case in June 5<sup>th</sup>, 1903 with a complaint against John G. Crowley for assault and battery on the person of John Swanson [sp?]. John Crowley was found guilty to an assault and Commissioner Green writes that he was duly tried and convicted and he is to be imprisoned to Rampart Jail for 6 calendar months and that he pays the cost of the action, which is \$28.60 dollars. If he fails to pay, he is to be confined in Rampart Jail for 1 day for every \$2 dollars in addition to the sentence.

14:22 Another case is the U.S. vs. John A. Wilson on June 5<sup>th</sup>, 1903. John A. Wilson used profane and obscene language in a public place. Mike notes that obscene was misspelled and adds: "Shame on you, John Wilson." John pleaded guilty.

Commissioner Green writes that Wilson was brought before him and that he pleaded guilty. He was ordered to pay the fine of \$5 dollars and the cost of

prosecution and he was to be imprisoned in Rampart Jail until each fine was paid, but not exceeding 30 days. Defendant paid the fine.

15:59 Another case is U.S. vs. Maggie Thompson and the complaint that was filed by the Deputy Marshal accuses Maggie Thompson for conducting a bawdy house in Rampart. Defendant was arrested and in court on June 24<sup>th</sup>, 1903. She was asked if she needed counsel and she said she didn't, but asked for Charles B. Allen, Esq.. The court complied and the defendant pleaded not guilty. The defendant demanded a trial by jury, which was granted, and she was found not guilty. The jury consisted of: Julius Hoffman, James Klimey, James Mason, Frank Mitchell, Charles Sheik and Alfred Levine. Mike Dalton concludes: "Maggie was turned loose, free. Charges dropped."

There is another case of man using profane and obscene language in a public place. He pleaded guilty and was fined \$5 dollars and court costs.

18:31 A case of United States vs. Patrick Malaine [Molone?] also concerned the use of profane and obscene language. Patrick was adjudged guilty on a plea of guilty and Commissioner Green fined him \$5 dollars and the cost of the case.

On July 13<sup>th</sup>, 1903 there is a case of U.S. vs. John Logan who is charged for embezzlement of \$1,050 dollars. After hearing on the case, Commissioner Green writes that the crime has been committed and there is a cause for believing John Logan guilty. Mike notes that he went to the grand jury too.

20:04 A case against John Doe, alias Long Shorty, W. A. Bigelow, and D. W. McCarty, who were charged for a crime of robbery after taking John Logan's \$1,050 dollars on 13<sup>th</sup> of July, 1903. Commissioner Green notes on the docket that it appears to him that the crime has been committed, and that there is a reason to believe that W. A. Bigelow and D. W. McCarty are guilty. They went to the grand jury.

In September 1903, there is a case against Joseph Alp for assault and rape. Commissioner Green writes that the case was filed in September 15<sup>th</sup>, and the court was set to October 5<sup>th</sup> but on October 5<sup>th</sup> the commissioner was conducting an inquest over the remains of H. J. Massey, deceased, in Tanana. Joseph Alp or

the prosecuting witness could not be brought in front of the court on an earlier date and the case was heard on October 20<sup>th</sup>. On October 20<sup>th</sup>, there was a trial and the commissioner writes that Joseph Alp is believed to be guilty of rape that did happen. That was a felony too, and was taken to the grand jury.

Next case is about vagrancy and Mike says that she will skip it. Following that, there is a case about a man receiving goods worth of \$75 dollars, under false pretenses, from the North American Transportation and Trading Company.

23:17 Next case is one of an assault and battery on a person of Walter Freidenberg on 29<sup>th</sup> of September, 1902.

A case of United States vs. Charle Hiltey was on October 8<sup>th</sup>, 1903. Commissioner Lindley Green has the body of H. A. Massey and the coroner's jury consists of following persons: Ed Raymond, James Currier, A. F. Keaney, J. Hoffman, J. A. Curry and Alexander Black. The jury rendered the verdict that H. A. Massey met his death from a gunshot wound from a gun that was in hands of Charles Hiltey, who had an intent to kill. The entry [?] is signed by A. F. Keaney, J. Hoffman, J. A. Curry, and Alexander Black. Frank Hyatt was a special deputy marshal who executed the warrant [for arrest] in absence of the United States Marshal or Deputy.

The next day Charles Hiltey was brought before the court and he was read the charges. Green notes that it appears to him that the murder had been committed and that there was sufficient cause to believe that Charles Hiltey was guilty. He was to be held until the trial. Hiltey was held and delivered to the U.S. Marshal George G. Perry together with the witnesses for the prosecution. Charles Goodwin, John McMara, William Scott, John W. Gorst from Fort Gibbon, and Joseph Belfountain from Rampart.

The next case is for a petty larceny, but it covers a couple of pages and Mike says she doesn't want to read it.

27:01 Following that, there is a case from 4<sup>th</sup> of December, 1903 against Edwin, an Indian. Edwin is charged for assaulting and beating William Pitka without being

armed with a dangerous weapon. There is no conclusion for that case because they couldn't find the defendant.

Mike skips over to 2<sup>nd</sup> of August, 1904. This case was filed based on information that was given by W. W. Crockett under oath. The defendant Joseph Anisich assaulted W. W. Crockett, striking him first with a gold dust blower, then with his fist, and then Anisich assaulted Crockett with an iron poker. He also threatened to kill W. W. Crockett. Marshal bought the defendant Anisich to court. The prosecuting witness professed to the court that if Anisich leaves him alone, he'll keep away from the defendant as well and the case could be dismissed with Crockett's expense. Defendant said he would make no promises and that he would kill Crockett. The court took testimonies from John B. Duncan, Mary Monroe [sp?], and Mrs. Louise H. Hall [sp?] that were signed by everybody else but Anisich who refused to sign the evidence, stating that it was true as written, but that his attorney had advised him not to sign it. He was afraid that he'd lose some of his rights if he signed. The court had heard all the evidence and thought that there was a cause to fear bodily harm to the prosecuting witness and others in the community. It was judged that Anisich was to give a good and sufficient bond of \$500 dollars to keep the peace and if he wouldn't, he'd be committed to jail to wait for the action of the district court. He furnished the bond.

31:46 Mike Dalton says it's July 31<sup>st</sup>, 1973, and that she is still recording a few notes and comments from the court docket in Rampart, Alaska. Case no. 119 is to a complaint that was filed in March 5<sup>th</sup>, 1905. Complaint made by L. H. Mayo charges Savlsberry [sp? Salisbury?] with having used profane, obscene, and abusive language in the saloon of L. H. Mayo on March 5<sup>th</sup>, 1905. A warrant for arrest of Savlsberry was issued and served and the court convened on the same day. The court writes that the defendant, George A. Savlsberry, was informed of his crime and concluded that the trial could not be held on a Sunday, so the defendant could be admitted to bail until March 6<sup>th</sup>.

Defendant became very abusive to the court, demanding that the case should be dismissed at once. The court requested the defendant to be quiet, but he became more abusive than ever. The defendant was informed that his conduct was a

contempt of court. The defendant called the court with vile and indecent names. He said he would smash the court and that he would say whatever he damn pleased. The court fined him \$25 dollars and found him guilty. He was to be committed to jail until he pays the fine, not to exceed 13 days. He was admitted to bail for the sum of \$250 dollars until the next hearing. He paid and was released from custody.

On March 6<sup>th</sup>, 1902 at 2pm, the court was called to trial. The defendant demanded a trial by jury and 6 jury members were called. Jury consisted of: C. A. Brown, Samuel I. Chase, John Skinner, Charles Jardine, and Bentley Colenette [sp?]. H. L. Mayo testified and Savlsberry became boisterous and abused the witness and the court, so he was fined another \$25 dollars. It was ordered that he has to stay in prison until he pays, but not exceeding 10 days. U.S. Marshal will take the defendant under his custody and detain him.

The defendant didn't stop his profanities and was fined another \$25 dollars and he was to stay in prison until he pays, but not exceeding 12 days. Alvin Paxson was called as a witness to the prosecution, but he had been on the witness stand only for a short time when the defendant again became abusive to the witness. The defendant told again that he will do what he pleases and will not give a damn for the fine. Again, he was fined \$25 dollars and was to be confined in jail if he wouldn't pay. Walter Savlsberry was called for a witness for the prosecution. He completed his testimony and the plaintiff rested his case. Jury deliberated for 3 hours but couldn't agree, and the jury was discharged with the consent of the defendant and the case was set for trial on 7<sup>th</sup> of March. Marshal was ordered to gather 6 men for the jury.

March 7<sup>th</sup>, 1905. Jurors: W. A. McKinney, Frank Brown, Peter Cowling, J.M. Gagy [sp? Gagney], John Wheel and William McManus. L. H. Mayo was called as a witness for the prosecution. Savlsberry again became boisterous and abusive and accused the court of prejudice and said that he would continue doing and saying as he damn pleased "and the court [unclear] and be damned." He was fined \$25 dollars again. As Mike notes, this is the 5<sup>th</sup> contempt of court. After that the court

proceeded with the trial, Savlsberry again became boisterous and was fined \$25 dollars for contempt of court.

Witness L. H. Mayo proceeded with his testimony, but Savlsberry became boisterous and abusive, and charge no. 7 was issued against him due to him being abusive and saying he would "fix the court" [kill them?]. He was again fined \$25 dollars. Alvin Paxson, a witness to the prosecution, talked. William LeClaire and Alger [sp?] testified too. Jury deliberated for a couple of hours but couldn't agree on the verdict and so the case was set for trial on 9<sup>th</sup> of March, 1905.

The defendant wanted to procure an important witness and requested the court to order a subpoena for A. Beaterman if the U.S. would pay for it, since he didn't have funds to pay for procuring the witness. On March 8<sup>th</sup>, Savlsberry stated that he decided to not make a showing for the said witness and his request for the witness was refused.

46:46 Again, 6 qualified men were summoned and the jurors were: Sam Heater, Fred E. Raider, Jack Welch, Albert Goslin, T. O. Isley and Fred Livenberger. L. H. Mayo, Alvin Paxson, Walter E. Salsbury and Billy LeClaire were testifying on part of the prosecution. Edward Hopkins appeared as counsel for the prosecution and defendant appeared for himself. Plaintiff introduced Barsley Wheel, John Palm, Edward Hopkins and Al [unclear] who testified. Edward Hopkins addressed the jury on behalf of the prosecution and the defendant on behalf of his own defense. Deputy Marshal Charles Dribelbus was sworn to take a charge of the jury, but by the time of 9 pm the jury had failed to agree upon the verdict and were given supper, which was charged in court costs. Later, the jury reached an agreement that George E. Savlsberry is guilty as charged. The sentence would be passed on March 10<sup>th</sup>. Savlsberry was sentenced to pay a fine of \$20 dollars and all court costs, and it was ordered that he would be confined in jail until the fines were paid, but not exceeding 100 days.

52:19 Mike says that George Savlsberry was convicted of using profane and obscene language in a public place and that he also paid dearly for contempt of court, for which he was fined 7 times.

The next case is from April 8<sup>th</sup>, 1905 which was a complaint made by Deputy U.S. Marshal who charged Edmund, an Indian, with publicly exposing his private parts. He was arrested and the complaint was read to him. George W. Chisolm, an Episcopal Missionary in charge of the Indians in the Rampart Precinct, said that the defendant was not accustomed to living in white communities and that he wasn't aware that he was transgressing the law. Court decided that the minimum sentence for such an act was too harsh and instead had Edmund pay \$5 dollars fine and the cost of the prosecution \$12.51 dollars and that he be imprisoned in Rampart Jail until the fine was paid, but not exceeding 9 days. On April 8<sup>th</sup>, 1905, defendant paid the fine of \$17.15 dollars.

55:43 Mike says she would have guessed that the Commissioner would have been more compassionate due to the missionary's testimony, but he wasn't. She wonders where the defendant got the money to pay the fine and guesses that it was perhaps from the Episcopal missionary.

On April 27<sup>th</sup>, 1905, there is a case against young Steven for wilfully, maliciously and unlawfully assaulting, striking, and beating Bella Steve [Steven?]. He wasn't armed with a dangerous weapon. The jury found the defendant guilty and he was ordered to pay a fine of \$10 dollars and the cost of the case. Young Steven, an Indian, pleaded not guilty, but the jury found him guilty. The cost of the prosecution was \$234.50 dollars and was to be imprisoned until the fine and costs were paid, but not exceeding 90 days. "So he went to jail too, too bad."

58:03 There is another case in April 30<sup>th</sup>, 1905, in which Ellen Morgan filed a complaint charging Richard Hudson for giving spirituous liquor to Mariah, an Indian. The plaintiff introduced witnesses: Mariah, an Indian, Ellen Morgan, Teresa, an Indian, Ben Mayo, and F. D. Steele. The defendant introduced his defense, and witnesses on his behalf were introduced: C. A. Brown, G. C. Bettles, Judd C. H. Knapp, Lewis Iverson and Peter Caulning [Cowling? Cowling?]. The defendant testified on his own behalf.

U.S. Deputy Marshal F. D. Steele was sworn as bailiff and he took charge of the jury. The jury's verdict was that the defendant was not guilty. This was signed by:

E. P. Howe [sp?], Walter Sandburg [sp?], J. W. Frazer [sp?], Joseph Sycott [sp?], Tom Maloney [sp?] and William Owen.

At 1:00:10, there is a case where a woman accuses another woman for using obscene language in a public place, on the Front Street of the town of Rampart. Defendant pleaded guilty for the charge and was fined \$50 dollars and cost of the prosecution which was \$16.85 dollars. She was to be imprisoned until the fines were paid, but no more than for 34 days.

Mike says she'll skip over to 1906. There was a complaint made on May 4<sup>th</sup>, 1906, where a man was charged for indecent exposure. Complaint was made by Valeria Myers who charged John Houston for lewdly exposing his person, his penis. Defendant was brought into court and he asked the case to be continued on 7<sup>th</sup> of May to enable him to procure George A. Salvesbury, an attorney of Law, to defend him. Salvesbury, however, was out of town, and the defendant had until 7<sup>th</sup> of May to reply to the charges against him. The bail was \$400 dollars. The defendant pleaded not guilty and asked for a jury trial. Marshal selected the jury: J. W. Young, James McCue, P. W. Stickney, H. Z. Bellenberg, Joe Wheel, Paul Schultz, C. A. Brown, C. Swanson, John Paul, Herman [unclear], Harry Vervis and William Pike. Jury found the defendant not guilty.

[End of the recording.]