

R. N. W. MOUNTED POLICE



MOOSE JAW. August 14th, 1914.

To
The Officer Commanding,
R.N.W.M.P.,
Regina District.

Re Rex versus Cojicari et al — Manslaughter — Avonlea.

1-9-13
29-3-14
31-8-13

Sir:-

I have the honor to report that on Saturday the 8th instant I received a telephone message from Insp. Lea, Weyburn, and on Monday a confirmatory letter, informing me that this case had been re-opened, under your instructions, that the Accused were arrested and in custody, that they were being sent to Avonlea on the 10th instant, that witnesses were being summoned for the preliminary at Avonlea on Tuesday last, the 11th instant, that I was required to be present at the Preliminary, that the witnesses required for the Preliminary were Mrs Eva Hancu, Eli Hancu and Dr. Dunnett. Insp. Lea's letter also enclosed a copy of Sergt Hall's C.R. of the 18th May last, which I saw, on Monday last, for the first time.

I went to Avonlea on the morning train of the 11th instant, Tuesday last. The hearing was set for 2 p.m. so I had only just enough time to arrange with Mr. Munroe, the local J.P., to take the case etc. I had, of course, read Sergt. Hall's C.R. and it appeared reasonable to expect that the Accused men would be committed would be committed for trial on the evidence of Eli Hancu and his wife, unless there was a strong defence. I ascertained that Mr. and Mrs Hancu had been summoned and were present; I took their evidence first. They both made depositions altogether different to the statements reported by Sergt. Hall and their depositions, instead of being strongly against the three Accused, were, if anything, in favor of the Accused. It was apparent that these two witnesses were strongly partial to the Accused and the J.P. allowed me to cross question them; under cross-examination they denied having made a different statement to the Police and strongly affirmed the truth of their depositions. I then took the evidence of Dr. Dunnett in regard to the medical treatment of the deceased John Peicu and the autopsy after death. There was an ante-mortem statement made by the Deceased, but I was unable to get this from Dr. Dunnett, as he did not then remember it and, anyway, it was made through the medium of an interpreter (Nick Peicu, a brother,) who was not present. I understand that this ante-mortem statement was taken in writing by C.F. McGilvary J.P., who has now left Avonlea and whose present whereabouts are unknown. However, the interpreter would be the only person who could give evidence to the ante-mortem statement. After taking the evidence of these three witnesses, I had secured absolutely no evidence for the prosecution. The J.P. at my request adjourned the hearing until after supper and, in the interim, I ascertained that there were three other persons present in Avonlea, who had been present at the gathering when the alleged assault on John Peicu was committed. The names of these three persons are Gabriel Krasion, Sam Poppovitch and John Ursu. I called these three men as witnesses at the continuation of the hearing in the evening; their evidence was very much the same as the previous witnesses and contained nothing to connect the three men accused with the crime with which they were charged.

s/s Hall

charged. Krasion spoke good English as did Ursu; they were intelligent above the average of their class and would be classed as good witnesses. There was no other evidence available, so I asked the J.P. to adjourn the hearing, pointing out to him that such evidence as had been taken indicated that a most serious crime had been committed, inasmuch as it was shewn that there had been a quarrel and ill-feeling and that shortly afterwards the deceased John Piecu had died from an injury, caused, according to the doctor's evidence, by a blow with some blunt instrument. After consideration the J.P. said that there was absolutely no evidence to connect the three men accused with the charge and that he felt it was only just to dismiss them. The three men were accordingly released. I tried hard to get the J.P. to adjourn the hearing so that I could bring further evidence, having a desire, as I explained to him, to go into the matter thoroughly, but I was unable to convince him.

I obtained from the various witnesses, the following names of persons who were present at the gathering at John Kranachuk's place at the time the assault on John Piecu, deceased, is alleged to have been committed: Nick Piecu, Dan Fluto and wife, Ariton Kranachuk and wife, Vasil Kranachuk, Stev Donison, Nick Shobun and wife, George Mehyisk, John Kranachuk. There may have been others.

I am having typewritten copies of all the depositions taken at Avonlea on the 11th instant made here and will forward same to you. They will speak for themselves.

It appears that the Piecu brothers were in strong disfavor with most or all of the people who were at the gathering in question. The trouble started, apparently, by a fight between the brothers. The possibility that the injury to John Piecu, which caused his death, may have been caused by one of the brothers deserves grave consideration. It was also strongly indicated to me that the Roumanians present at the gathering were disposed to favor the three accused men. It will be noticed that all of the witnesses saw everything which transpired except the quarrel or fight between John Piecu on the one side and the Cojicari's and Puscar on the other. There was such a quarrel or fight, but what took place could not be ascertained from any of the witnesses who were present at the preliminary at Avonlea on the 11th instant. The witnesses all had some excuse to explain why they did not see what happened during that quarrel or fight. This indicates that the injury to John Piecu may have been caused at that particular time and that the witnesses are lying to protect the Cojicaris and Puscar. I have had previous experience with this class of people in which they have appeared to act on the principle that a live friend was more worthy of support than a dead one. I am also of the opinion that they are very clever liars. Perhaps the most important consideration is that there, apparently, were none other than Roumanians present at the gathering and that the Roumanians cannot be relied upon to give truthful evidence.

So far as the preliminary at Avonlea on the 11th instant is concerned, I consider that it might have been better if the hearing had been adjourned and the evidence of others who ~~was~~ were at the gathering taken. I consider that the brother of the deceased, Nick Piecu, should have been summoned.

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It is an outstanding fact, in my opinion, that John Peicu met his death by extreme violence. The doctor who held the autopsy stated that a ~~smaller~~ intestine was completely severed at a place where it came in contact with the vertebra, indicating a severe blow from the front of the body. The doctor stated that it might be argued as a defence that the rupture of the intestine had been caused by distention from gasses, but he stated that such ruptures always were along one side of the intestine and never caused a complete severance. There were no bruises or signs of external violence, which may appear surprising, but the doctor explained to me that the blow which caused the fatal injury would have been on the front of the abdomen, which would yield readily. I think that the medical evidence would leave many loop-holes for a defence, although it appears that the autopsy was thorough and the doctor is a good witness.

So far as the evidence taken on the 11th instant goes, there is nothing to shew how or from whom the Deceased received the fatal blow.

It may also appear that this case has not been well handled and I feel that if I had had a chance in the first place this case may have been put in very much better shape. At the same time, it does not appear to me now that there is very much hope of securing evidence, chiefly because of the lapse of time. At the time this offence was committed Constable Hammond was stationed at Avonlea and, as I reported, that constable was inefficient. The first notice I received from Constable Hammond regarding this case was a telegram telling me that he was coming to Moose Jaw with three prisoners committed for trial on charges of Manslaughter. So I had no chance to attend the Inquest or the first preliminary. Everything was in bad shape, the case came on for trial at Weyburn very shortly afterwards (less than a month I believe) and I was notified that the case had been withdrawn owing to lack of evidence. Shortly afterwards Constable Hammond was instructed to make quiet enquiries with a view to securing fresh evidence sufficient to warrant the case being re-opened. There have been several changes in the constables in charge at Avonlea in the meantime and most of them were no better than Constable Hammond, although the constable there now is doing as well as can be expected in view of his inexperience. Anyway, none of the constables were able to secure any fresh evidence, which is not altogether surprising, in view of the difficulty of the case and especially in view of my recent experience of the unreliability of the Roumanian people as witnesses. In forwarding a C.R. of Constable Wells' dated the 29th March last, I suggested that it might be well to place a detective sergeant to work on this case for a while. I was not sent a copy of Sergt. Hall's report, until Insp. Lea's letter of the 8th instant, giving me detailed instructions as to the manner in which this preliminary should be conducted and what witnesses were necessary.

I have not yet given the constable in charge at Avonlea any particular instructions in regard to this case and would respectfully suggest that the enquiries should be continued by a detective, or someone with more experience than the constable at Avonlea. It has not been possible for me to give the time to make investigations in this case myself, because these people all live in the Dahinda district, a considerable distance from the railroad. It would take up a lot of time to go into this matter thoroughly.