

Alikomiak and Tatamigana: Justice and Injustice in the Canadian Arctic

by

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A thesis

presented to the University of Waterloo

in fulfillment of the

thesis requirement for the degree of

Master of Arts

in

History

Waterloo, Ontario, Canada, 2016

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Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

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Abstract

In 1922, two Inuit men—Alikomiak and Tatamigana—were arrested on the Coronation Gulf near Tree River in connection with the killing of six other Inuit. While in Royal Canadian Mounted Police (RCMP) custody, Alikomiak killed the arresting RCMP officer as well as a Hudson's Bay Company trapper who lived at the post. These killings set off a judicial process that would see both Inuinnait men tried and hanged on Herschel Island, Yukon, in the first criminal trial and execution of Inuit held in the Canadian Arctic. Through a microhistorical analysis, this thesis addresses the following questions: What do the trials of Alikomiak and Tatamigana reveal about the larger social fabric of Inuinnait culture in the early part of the twentieth century? How does Inuinnait culture intersect with the broader social and political imperatives at play in 1920s Canada? After interrogating the wealth of archival evidence (i.e., statements, trial transcripts, correspondence, and ethnographic reports) many salient aspects of Inuinnait culture emerge, including attitudes towards marriage, infanticide, and the role of anger and sanctioned killing in Inuit society. Through an examination of the details of this case, it becomes clear that the Canadian justice system contrasted sharply and clashed with Inuinnait traditional justice. Yet, the story that emerges from the archival documents reveals a nuanced account of contact between Inuinnait and non-Inuinnait as well as Canadian political and sovereignty priorities and the imposition of southern jurisprudence in northern Canada. But importantly, the history of Alikomiak and Tatamigana's conflict with Canadian law is also a story of the persistence of Inuinnait culture and justice in the North.

Acknowledgements

To Dr. Susan Roy, my supervisor in this adventure. I cannot thank you enough for your kindness, generosity, and “just try it” attitude and approach. This has been an enlightening and wonderfully rewarding experience working with you. Thank you for providing a delightful mix of informality and mentorship throughout this experience and my deepest thanks and appreciation for providing some phenomenal research and experiential opportunities. I was fortunate to attend the United Nations Permanent Forum on Indigenous Issues in New York City in 2015.

Dr. Steven Bednarski, whose graduate microhistory course inspired me to turn the essay for his class into my thesis. Also thanks to Dr. Bednarski for providing a fabulous research opportunity in the United Kingdom. I was fortunate enough to conduct research at the British Library and the Scott Polar Research Institute Library in Cambridge, UK which has one of the most magnificent collections of polar research material in the world.

To Dr. Whitney Lackenbauer, who first mentioned the case to me thereby providing me with a thesis topic and for providing copies of the files from Library and Archives Canada. Dr. Lackenbauer also went above and beyond to support my application for the Northern Scientific Training Program grant and I have him to thank for the successful application. Thank you.

To all of the archivists and librarians and support staff who helped me to locate materials and helped me navigate my way through various archives. You deserve more thanks than a hundred “thank yous.”

Thanks to the Northern Scientific Training Program for providing the funds to undertake a research trip up North which added immeasurably to this thesis.

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Notes About Language and Naming

The words we use to describe and explain have a significant impact on how we conceptualize meanings, languages, and other people. Canadian Inuit peoples across the Canadian Arctic refer to themselves as Inuit (plural) and Inuk (singular).¹ The umbrella term used for all Inuit languages in Canada is Inuktut Uqausiit (“Inuit languages”) with a number of dialects and orthographies and with specific spellings or language names used when referring to a particular region or language. This story takes place in Inuinnait territory and Inuinnaqtun is the language of the Inuinnait (which uses roman orthography). Inuinnaqtun is distinct from the dialects spoken in other regions of the Eastern and Western Canadian Arctic. When referring specifically to Inuinnait, Inuinnait is the plural term and Inuinnaq is the singular. The Inuinnaqtun term used to refer to non-Inuit, non-First Nations people is Qablunaat (plural) and Qablunaaq (singular). Most of the Inuinnaqtun words that appear in this thesis have originated in the Inuinnaqtun English Dictionary published by the Kitikmeot Heritage Society on behalf of the Nunavut Arctic College.² The dictionary uses the Inuit Cultural Institute (ICI) standard of spelling using roman letters (there is also an ICI standard using syllabics. The ICI developed the dual system of syllabics and roman letters in 1976 to standardize spellings and allow easier conversion across orthographies).

The events in this microhistory takes place in the traditional lands of the Inuinnait in Canada’s Central Arctic. These traditional lands stretch from Victoria Strait southwest to

¹ This differs in the United States where “Eskimo” is still used.

² Gwen Agulalik ed., *Inuinnaqtun English Dictionary* (Kitikmeot Heritage Society and Nunavut Arctic College) [Accessed 22 October 2016] <http://nbes.ca/2014/03/27/inuinnaqtun-to-english-dictionary/>.

Contowayo Lake and northwest to Banks Island.³ In geographical terms, the land of the Inuinnait “extends from 100 to 120 degrees’ West longitude and from 66 to 73 degrees’ North latitude, and covers around 700,000 km².⁴ At the turn of the century there were approximately 700-800 Inuinnait.⁵

Early anthropologists historically named the Inuit they encountered based on references to their material culture. The term “Copper Eskimos” was first applied to these Central Inuit groups by anthropologists because they observed that raw copper was one of the materials used in the construction of snow knives, harpoon heads, arrows, needles and other essential objects.⁶ These anthropologists therefore referred to the people at the heart of this microhistory as the “Copper Eskimos” and more recently “Copper Inuit.” Early anthropologists not only named the Inuinnait the “Copper Eskimos,” but in their written accounts they also named the local groups that comprised the larger regional group. In doing so, they reversed the importance of these groups, identifying and giving primary importance to Inuit regional groups, such as “Copper Eskimos,” and considering the local ones of secondary importance.⁷ Although Inuit of this era were aware of the larger regional identity, identity operated at a local level, not a regional one. These local groups, the “-miut” (meaning “people of”), identified themselves based on distinct geographical features and there was significant contact, mixing and the sharing of land between

³ John Bennett and Susan Rowley eds., *Uqalurait: An Oral History of Nunavut* (Montreal: McGill-Queens University Press, 2004), 409.

⁴ Beatrice Collignon, *Knowing Places: The Inuinnait, Landscapes, and the Environment* (Canadian Circumpolar Institute Press, 2006), 23.

⁵ David Damas, *Arctic Migrants/Arctic Villagers The Transformation of Settlement in the Central Arctic* (Montreal: McGill Queens University Press, 2004), 10.

⁶ Beatrice Collignon, *Knowing Places: The Inuinnait, Landscapes, and the Environment* (Canadian Circumpolar Institute Press, 2006), 23.

⁷ Ibid. For an example of this see Knud Rasmussen, *The Intellectual Culture of the Copper Eskimos* (Copenhagen: Gyldendalske Boghandel, Nodisk Forlag, 1932), 6.

groups.⁸ The term Inuinnait is a collective regional term that has gained more recent usage and replaces the earlier outdated and inappropriate terms “Copper Eskimo” and “Copper Inuit.”

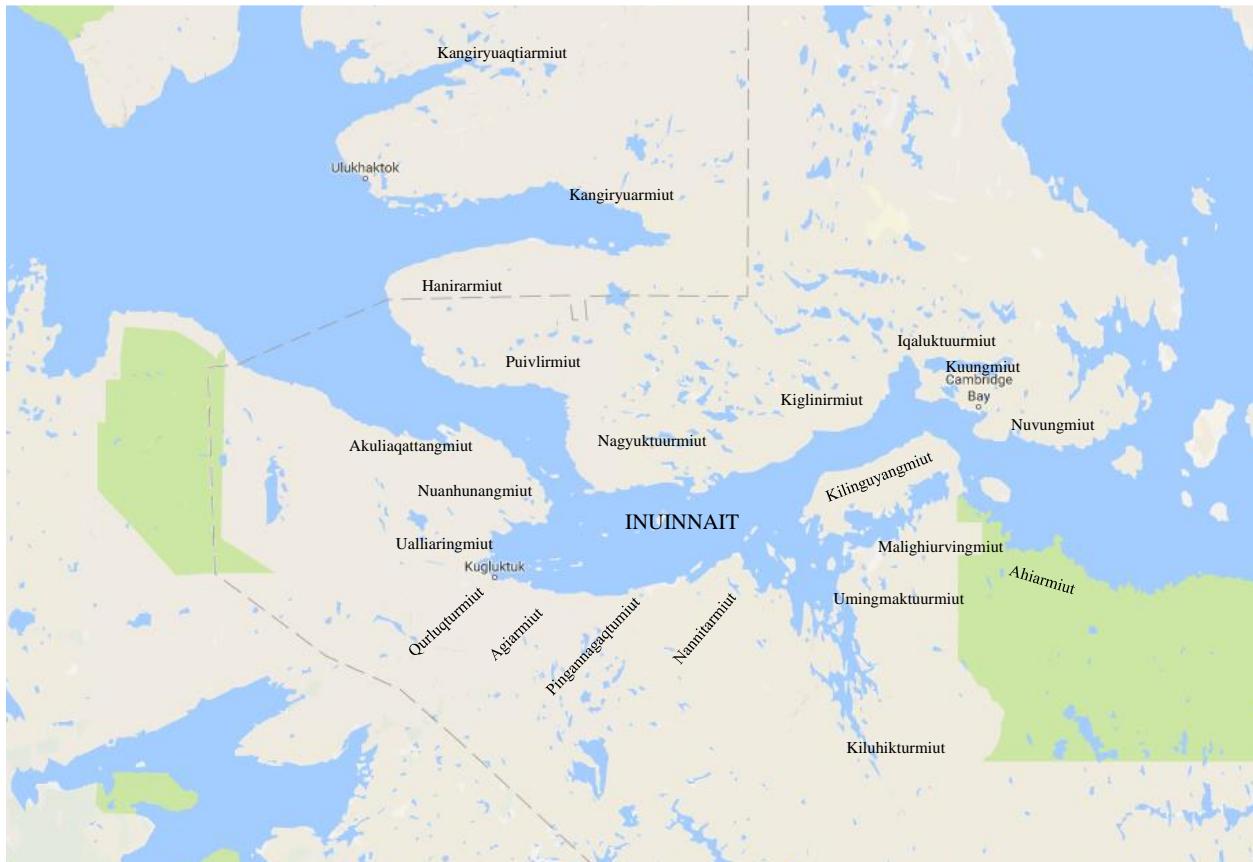


Figure 1: Map showing traditional Inuinnait territory around the turn of the twentieth century.⁹

⁸ John Bennett and Susan Rowley eds., *Uqalurait: An Oral History of Nunavut* (Montreal: McGill-Queens University Press, 2004), 409.

⁹ Map based on Diamond Jenness, *The Life of the Copper Eskimos*, 284; Knud Rasmussen, *Intellectual Culture of the Copper Eskimos*, 6; Beatrice Collignon, *Knowing Places*, 30. Each of these maps are fairly variable (spelling of the group names as well as the number of groups listed) and do not necessarily agree for all names or territory of each group. This map uses a google map as the basis and I added the group names in an editing program.

Characters

Inuinnait

Hannak – Married to Pugnana (female). Tatamigana wounds Hannak and Pugnana (male) kills him.

Pugnana (female) – Married to Hannak. Pugnana (male) kills Pugnana (female).

Okolitana – 4-year-old daughter of Hannak and Pugnana (female).
Pugnana (male) wounds Okolitana and Alikomiak kills her.

Ikpukuwak – Father of Ikialgagina. Pugnana (male) wounds Ikpukuwak and Agak kills him.

Ikialgagina – Son of Ikpukuwak. Pugnana (male) kills Ikpukuwak.

Anaigviak – wounded by Hannak.

Agak – Kills Ikpukuwak (killing is pinned on Tatamigana and Pugnana).

Pugnana (male) – Married to Agnahiak. Adopted son Ohokviloc.
Kills Hannak, Pugnana (female), and Ikialgagina.
Alikomiak and Tatamigana kill him.

Agnahiak – Married to Pugnana. Adopted son Ohokviloc.

Ohokviloc – Adopted son of Agnahiak and Pugnana (male). Witnesses Alikomiak and Tatamigana kill his father, Pugnana.

Tatamigana – Not married. With Alikomiak kills Pugnana. Is tried for the “murder” of Pugnana and found guilty. Executed on Herschel Island on February 1, 1924 for the “murder” of Pugnana.

Alikomiak – Not married. Kills girl Okolitana. Kills Pugnana (male). Kills Corporal Doak and Otto Binder at Tree River. Is tried for the “murder” of Pugnana, and Corporal Doak and Otto Binder and found guilty. Executed on Herschel Island on February 1, 1924 for the “murder” of Doak and Binder.

Toktogan – Ex-husband was Ikialgagina (Pugnana kills him). Toktogan has a child with Ikialgagina.
Marries Otto Binder and has a child with him.
Marries Cyril Uingnek after Binder is killed.

Cyril Uingnek – Interpreter employed by the RCMP at Tree River.
Marries Toktogan one month after Binder is killed.

Olepsekak – Charged with the murder of Ahkak, is tried and found “not guilty” and discharged.

Ekootuk – Charged with the murder of Ahkak, found guilty of manslaughter and sentenced to one-year imprisonment at Herschel Island.

Amokuk – Charged with the murder of Ahkak, is found “not guilty” and discharged.

Royal Canadian Mounted Police

Corporal W.A. Doak – In charge of Tree River Detachment.

Investigates “shooting affray” and killing of Pugnana (male) on mainland opposite Kent Peninsula, arrests Alikomiak and Tatamigana. Alone with Alikomiak at Tree River when Alikomiak kills him.

Constable Woolams- with Mr. Clarke on prisoner watch at the seal camp 7 miles from Tree River detachment when Alikomiak kills Corporal Doak and Otto Binder at Tree River.

Constable Stevenson - stationed at Tree River.

On patrol at the time Alikomiak kills Corporal Doak and Otto Binder at Tree River. Escorts Alikomiak to Herschel Island with Pete Norberg.

Corporal Bonshor – Stationed at Tree River but on patrol when Cpl. Doak and Otto Binder were killed at Tree River. Returned to Tree River and investigated Corporal Doak and Otto Binder’s “murder.”

Inspector S.T. Wood – Stationed at Herschel Island.

Primary investigator in the “murder” of Corporal Doak and Otto Binder. Justice of the Peace in and for the Northwest Territories. Takes Alikomiak and Tatamigana’s pre-trial statements on Herschel Island. Orders gallows built in Bone Shed and graves dug for Alikomiak and Tatamigana.

Sergeant Thorne – Personally delivers the warrants to Herschel Island for Alikomiak and Tatamigana’s executions.

Cortlandt Starnes – Assistant Commissioner RCMP, later Commissioner RCMP.

Hudson Bay Company Traders

Otto Binder – Manager at Tree River post. Married to Toktogan. Has one child with her. Alikomiak kills him at Tree River on April 1, 1922.

Mr. Clarke – Inspector of the eastern section of the HBC trading posts in Coronation Gulf.

Peter Norberg – trader at Kent Peninsula post. With Constable Stevenson escorts Alikomiak to Herschel Island for trial.

Judicial Party

Judge Lucien Dubuc – Stipendiary Magistrate in and for the Northwest Territories.

Presides over seven trials on Herschel Island including Tatamigana for the “shooting affray”, Tatamigana for the murder of Pugnana, Alikomiak for the murder of Pugnana and Alikomiak for the murder of Corporal Doak and Otto Binder.

T.L. Cory – Barrister for the defense. Defends Alikomiak, Tatamigana and three other Inuinnait at each of their trials on Herschel Island.

I.B. Howatt - Barrister for the Crown. Prosecutes Alikomiak, Tatamigana and other three Inuinnait in the 7 total trials held on Herschel Island.

Special Constable Gill [Fred L. Hill] – Hangman sent undercover as an RCMP Special Constable with the Judicial Party to Herschel Island to hang Alikomiak and Tatamigana.

Missionaries

Eldon Merritt – Anglican missionary at St. Andrew’s mission in Bernard Harbour. Advocates for the death penalty.

Bishop Lucas – Anglican missionary, Bishop of Mackenzie. Advocates clemency for Alikomiak and Tatamigana.

Bishop Bompas – Anglican missionary, Bishop of Yukon. Advocates clemency for Alikomiak and Tatamigana.

Timeline of Events

June 1921—Tatamigana and Pugnana kill five other Inuinnait in an Inuinnait summer camp: Ikpukuwak (is actually killed by Agak, but it is pinned on Tatamigana and Pugnana), his son Ikialgagina, and Hannak and his wife Pugnana and their 4-year old daughter Okolitana (her killing is considered an act of mercy).

September 1921—Tatamigana and Alikomiak kill Pugnana.

December-January 1921—Corporal Doak arrests Tatamigana and Alikomiak while on patrol to the Kent Peninsula and they return to Tree River. No lockup facilities exist for the prisoners; they are enlisted to do odd jobs around the detachment.

Tatamigana and other prisoners are taken to the seal camp seven (7) miles from Tree River RCMP detachment, overseen by Constable Woolams and Mr. Clarke, HBC Inspector. Alikomiak remains at Tree River RCMP detachment with Cpl. W.A. Doak. Otto Binder, his Inuit wife and two children are living at the HBC post 150 yards from the HBC detachment.

April 1, 1922—Alikomiak shoots a sleeping W.A. Doak, then shoots Otto Binder, HBC trader 50 yards outside the RCMP detachment. Two Inuit men from the seal camp come to the HBC post to trade, Alikomiak tells them he killed Doak and Binder. The two men and Alikomiak, Toktogan and her two young children, travel to the seal camp where Alikomiak is arrested by Constable Woolams.

April 1922—Alikomiak escorted to Herschel Island via Aklavik by Constable Stevenson and Pete Norberg.

Summer 1922—Tatamigana and other Inuit prisoners and witnesses shipped to Herschel Island.

June-July 1923—Judicial party embarks from Edmonton and travels via the Athabasca and Mackenzie Rivers to Herschel Island. Hangman Gill accompanies judicial party undercover as an RCMP special constable with carpentry experience. He blows his cover enroute to the Island.

July 16-20, 1923—Seven trials are heard before Judge Dubuc. Tatamigana is found guilty of one count of shooting with intent to kill and for the murder of Pugnana. Alikomiak is found guilty of the murder of Pugnana and the murders of Doak and Binder.

August 11, 1923—Judge Dubuc makes the “hanging speech” and sentences Alikomiak and Tatamigana to hang on December 7, 1923.

October-November 1923—Governor General and Privy Council refuse to commute the sentences and RCMP Sergeant Thorne is dispatched to Herschel Island to deliver the execution warrants.

December 6, 1923—Due to severe travelling conditions, Sergeant Thorne reaches Herschel Island too late for the executions to take place the next day. The hangings are stayed until

February 1, 1924.

February 1, 1924 — Alikomiak and Tatamigana are hanged from the gallows erected in the bone shed on Herschel Island. There are only a handful of witnesses, none of them Inuit. Their bodies are placed on stages and interred in spring 1924.

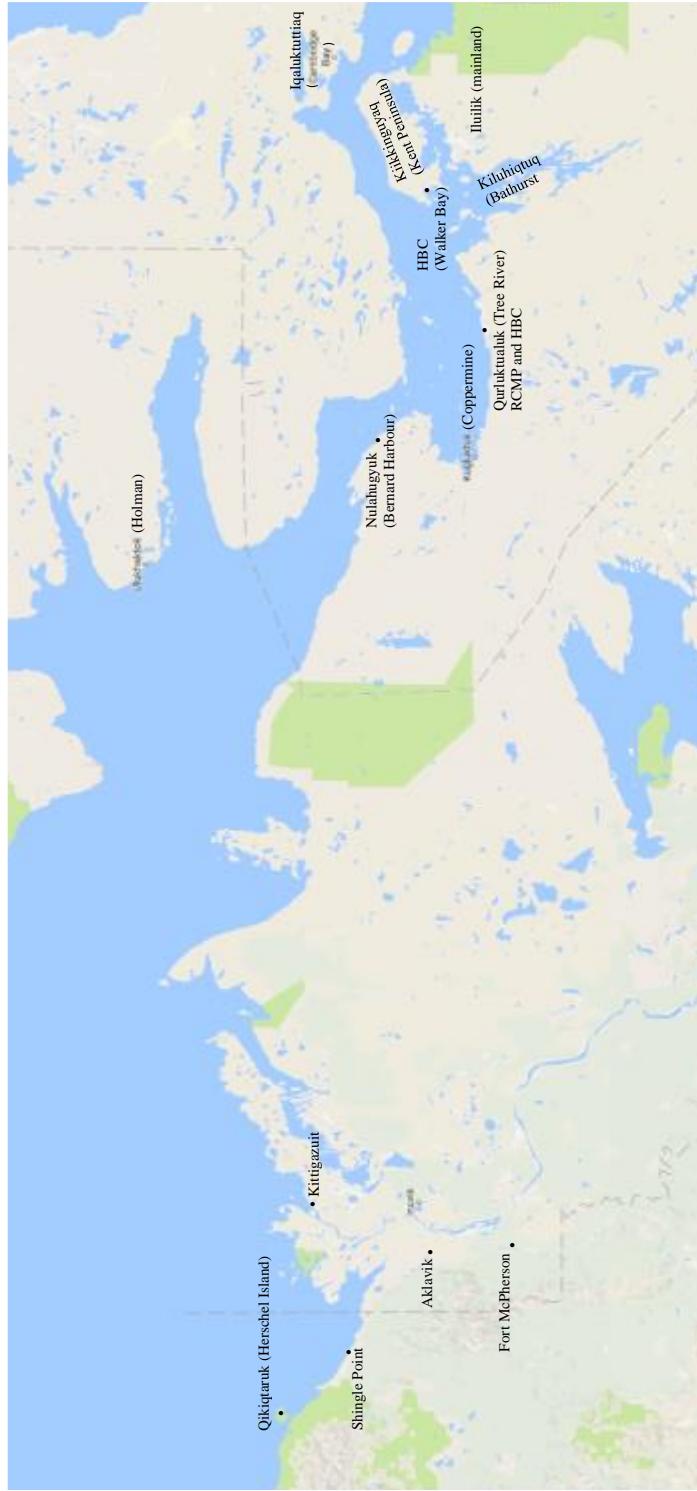


Figure 2: Map of a portion of the Central and Western Arctic showing key places where events in these cases unfolded.¹

¹ This map uses google maps for the map and I added the place names in an editing program.

Introduction

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Corporal Doak¹ sat on the edge of his bed, his head leaning against the wall, blood pooling between his legs, and his teeth stained red from the blood in his mouth. He did not see his shooter at first, owing to his habit of lying on his right side facing the wall.² But shortly after the shot rang out, he swung his legs over the edge of the bed, leaned his head against the wall and faced his shooter, “What is the matter with you?” Doak too weak to grab the revolver and shoot his assailant, stared with half glazed eyes. The young Inuinnaq stood facing him. When Doak did not shoot, Alikomiak went outside expecting to be shot through the window. When, for the second time, Doak did not shoot, Alikomiak, with the casing stuck in the rifle, went to the storehouse to retrieve his .30-.30 carbine and then to the detachment for shells. As the blood pooled around Doak’s half sitting form, his strength ebbed. Alikomiak laid him on the bed and covered him with a Hudson’s Bay Company blanket.³ The violence, however, was not over. Alikomiak stood on a chair, and peered out the small window of the police barracks, overlooking

¹ RCMP’s Honour Roll. Cpl. William Andrew Doak, enlisted 2 June 1905, killed 1 April 1922. <http://www.rcmp-grc.gc.ca/hon/lineduty-exerfond/honour-honneur-roll-tableau-eng.htm> [Accessed 7 December 2014].

² *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], 17 July 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, page 25, Library and Archives Canada (hereafter LAC). Constable D.H. Woolams and Mr. Clarke inspected the bodies upon their return to Tree River from the Seal Camp. Constable Woolams gave these details in a statement and also as a witness at Alikomiak’s trial. “Statement of Const. D.H. Woolams Re Murder of Corpl. W.A. Doak and Otto Binder,” 8 April 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC. Mr. Clarke gave these details in a statement. See “Statement of Mr. Clarke Re: Murder of Corpl. W.A. Doak and Otto Binder” Kent Peninsula, N.W.T., 15 April 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

³ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], 17 July 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, page 25, LAC. Many of these details come from Alikomiak’s three statements, since he was the “perpetrator,” but also the only witness. See “Statement of Alikomiak, Native Eskimo,” 10 April 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC; “Alikomiak Statement,” 30 June 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC; Alikomiak, “Statement of the Accused (Preliminary Inquiry. Indictable Offence),” 19 April 1923, RG13, vol. 1526, Alikomiak Tatamigana Part 1, LAC; See also “Statement of Toktogan, Native Woman, Re Murder of Corpl. Doak and Otto Binder,” 14 April 1922, RG 18 Vol 3293 File 1922-HQ-681-G-4, LAC.

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the HBC buildings 200 yards away, silently waiting for the Hudson's Bay Company fur trader Otto Binder. Shortly before Binder appeared, Doak succumbed to his wounds. There was no exit wound, but there was a pool of blood under him and his blood-filled mouth spilled over his lips.⁴ Otto Binder was instantly killed by the bullet that stopped him in his tracks. At 50 yards, the bullet entered his chest a couple of inches above the line of his nipple, ripped through flesh and bone and exited close to the spine, leaving a hole in his back.⁵ He collapsed and died where he was shot, the snow stained crimson with his blood. His wife Toktogan saw Binder fall and her cries could be heard 150 yards away.⁶

This microhistory is a story of death, violence and sexual relationships spanning 1921 to 1924 in the Central Arctic in the heart of Inuinnait territory in what to Canada was known as the Northwest Territories and the Yukon Territory. By time Dominion justice was “meted out” and the case was wrapped up, seven people had been left dead and two Inuinnait men were executed.

The story begins in June 1921, 30 miles east of Walker Bay opposite Kiillinnguyaq (Kent Peninsula) on the Canadian Arctic Ilulik (mainland). An Inuinnaq woman, Toktogan, was in a relationship with Otto Binder, a white HBC trader stationed at Tree River. When she chose to partner with Binder in 1920, she left her community and her former Inuit husband Ikialgagina. Back in the community, Ikialgagina and his relative Hannak agitated for a new wife to replace

⁴ *The King v. Alikomiak* [for the murder of Doak and Binder], RG13, vol.1526, Alikomiak Tatamigana Part 1, LAC, 24.

⁵ Ibid. 24.

⁶ For the details of both Doak and Binder’s murder see, “Alikomiak statement,” 10 April 1923, RG13, vol 1526, Alikomiak Tatamigana, Part 1, LAC. See also trial transcript, *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol.1526, Alikomiak Tatamigana Part 1, LAC.

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Toktogan. This quest for a new wife did not go well and seems to have led to a “shooting affray,” in the summer of 1921. Another Inuit man in the community, Pugnana, with help from his relative Tatamigana, killed five Inuit people—three men, one woman, and one child—and a sixth man was severely wounded.

The next killing occurred a short time later in September 1921 on the Iluilik (mainland) opposite Kiikkinguyaq (Kent Peninsula).⁷ Pugnana was still angry about the earlier violence and threatened that he would kill more Inuinnait individuals. Because of this threat to the community, Tatamigana took a leading role in organizing the killing of Pugnana. Tatamigana enlisted the help of his young Inuinnaq relative Alikomiak. Tatamigana arranged the killing, but Alikomiak fired the fatal shot that killed Pugnana while they were out on a hunting trip.

When news of the first spate of “violence” reached the Royal Canadian Mounted Police (RCMP), Corporal Doak of the Qurluqtualuk (Tree River) detachment investigated the initial shootings as well as the murder of Pugnana.⁸ Corporal Doak arrested both Alikomiak and Tatamigana, and made a detour with both prisoners on the way back from the Kiikkinguyaq (Kent Peninsula) to Tree River to arrest and detain a third Inuinnaq suspect for an unrelated killing. Tatamigana was arrested for his role in the initial violence causing the deaths of the five Inuit as well as for initiating and planning the killing of Pugnana. Alikomiak was arrested for firing the fatal shot that killed Pugnana.

⁷ Kitikmeot Heritage Society, “Kitikmeot Place Name Atlas,” [Accessed 23 September 2016] <http://atlas.kitikmeotheritage.ca/index.html?module=module.names>. Search “Kent Peninsula” and “Mainland.” “Kiillinnguyaq” and “Iluilik” are the results.

⁸ The “Mounties” as they are also known were formed in 1873 as the North West Mounted Police. In 1904, “Royal” was added to the North West Mounted Police by King Edward VII in recognition of their role in the peaceful settlement of the west, and in 1919, the name was changed to Royal Canadian Mounted Police.

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On April 1, 1922 matters again changed drastically when Alikomiak, while in custody at Qurluqtualuk (Tree River), shot Corporal Doak and HBC trader Otto Binder, setting off a judicial process that would see both Alikomiak and Tatamigana tried and hanged for their “crimes.” The trials in July 1923, on Qikiqtaruk (Herschel Island) in the Yukon Territory, were the first trials held in the Dominion of Canada’s Arctic, and on February 1, 1924, Alikomiak and Tatamigana became the *first and only* Inuit to be executed in Canada.⁹ This case was one of the most high-profile criminal cases in Canada during the 1920s. It received widespread sensationalist newspaper and journalistic coverage nationally and internationally, it was the first Canadian criminal trial held on the Canadian Arctic coast and it was the first and only hanging of Inuit people in Canada.¹⁰ This case however isn’t important because it is the “first” rather it represents a larger conflict between Indigenous and Western understandings of law, order, crime, violence and justice.

Legal historian Graham Price, writing in 1996 suggests, “Only in the 1990’s do [the trial events and hangings] seem again to be important, and perhaps only to a small group of legal historians.”¹¹ Price was responding to the increased attention by legal scholar Sidney Harring and social historians Ken Coates and William Morrison, to the story of the trials and hanging of Alikomiak and Tatamigana. However, the events surrounding the killings, trials and executions

⁹ To clarify, this was not the first criminal trial of Inuit in Canada. That distinction belongs to Sinnisiak and Uluksuk who were tried in 1917 for the murders of Father Le Roux and Father Rouviere. Sinnisiak was tried and acquitted in the first trial in Edmonton, and both Sinnisiak and Uluksuk were later tried in Calgary, and found guilty of killing Le Roux. Their death sentences were commuted to life in prison at Fort Resolution. They were released two years later and returned to help the RCMP establish the Tree River Detachment in 1919. The case of Alikomiak and Tatamigana was the first (and only) execution of Inuit in Canada for the conviction of murder.

¹⁰ Parallel to another trial held in Pond Inlet on Baffin Island also during the summer of 1923, see Shelagh Grant *Arctic Justice: On Trial for Murder, Pond Inlet 1923* (Montreal and Kingston: McGill Queens University Press, 2002).

¹¹ Graham Price, “The King v. Alikomiak (a.k.a. Alicomiak, a.k.a. Alekamiaq)” *Manitoba Law Journal*, 20, 1991, 226.

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are important to the whole of the Northwest Territories, Nunavut and the North, not just to a small group of historians. Today, the case is still taught to students in the Northwest Territories school system, where it is a part of the Grade 10 social studies curriculum.¹² While I was conducting research for this thesis in Yellowknife, I met a linguist who trains court interpreters and who has spent much of her career in the North. She informed me that this trial is also used as a teaching tool for translators and interpreters working in the justice system of the Northwest Territories and Nunavut. This fascinating story from the early years of Inuit-European contact in the Central Arctic, a period of intense and rapid change in the north, can be instructive for what it tells us about contact situations, relationships, and inter-cultural (mis)communications as they unfolded during these years of contact. The case is a lens for exploring larger Inuit-non-Inuit relationships at this time in this place.

The conflict between these Western and Indigenous understandings has been described as a “contact zone,” a site where competing concepts and cultures come into conflict, negotiation, and a struggle for power. According to the literary theorist Mary Louise Pratt, contact zones are “social spaces where cultures, meet, clash and grapple with each other, often in contexts of highly asymmetrical relations of power, such as colonialism, slavery, or their aftermaths as they are lived out in many parts of the world today.”¹³ The term contact zone also challenges the idea of “first contact.” As historian John Lutz explains, “First contact is a somewhat disingenuous, in that it suggests that contact is a moment. Contact is rather a process.”¹⁴ First contact assumes that there is a linear traceable moment or point in time where face-to-face contact between

¹² A special thank you to Mindy for sharing your time and expertise and most of all for making my time in Yellowknife highly memorable.

¹³ Mary Louise Pratt, *Imperial Eyes Travel Writing and Transculturation* (New York: Routledge, 1992), 4.

¹⁴ John Sutton Lutz, ed. *Myth and Memory Stories of Indigenous European Contact* (Vancouver: UBC Press, 2007), 4.

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Indigenous and European peoples occurred. While these moments may be important from the point of view of European tradition, Indigenous people's oral traditions "frame the event differently, with different causality and temporality, and oral narratives sometimes consider a series of related happenings (in terms of their world view) in a single story."¹⁵ In this way, the "contact zone" in the Central Arctic which this story is part of, happened over a number of centuries. The first explorer to enter Inuinnait territory was Samuel Hearne who explored the Coppermine River on the Arctic mainland in the 1770s.¹⁶ The following century, in the 1850s two British naval captains, crews and boats overwintered on arctic islands in Inuinnait territory while they were hunting for the Northwest Passage. Their contact with Inuit was peaceable, brief and indirect and the material things they left behind were scavenged and reused.¹⁷ The ethnographers and anthropologists Vilhjalmur Stefansson, Diamond Jenness and Knud Rasmussen followed in the early part of the twentieth century.¹⁸ To these early encounters, we can add the police patrols sent to Inuinnait territory after the killings of the Catholic Priests Father Le Roux and Father Rouviere and the American explorer Henry Radford and his Canadian assistant, George Street.¹⁹ The story of Alikomiak and Tatamigana occurred during the

¹⁵ Lutz, *Myth and Memory*, Vancouver: UBC Press, 2007; 4.

¹⁶ Diamond Jenness, "The Cultural Transformation of the Copper Eskimo," *The Geographical Review*, vol 11, no 4 (October 1921), 542. Emilie Cameron, *Far Off Metal River: Inuit Lands, Settler Stories and the Making of the Contemporary Arctic* (Vancouver: University of British Columbia Press, 2015), 7.

¹⁷ Richard Condon, *The Northern Copper Inuit* (Norman and London: University of Oklahoma Press, 1996), 22.

¹⁸ Vilhjalmur Stefansson, *My Life with the Eskimo* (New York: MacMillan Company, 1913); Diamond Jenness, *Report of the Canadian Arctic Expedition, 1913-1916 Volume XII: The Life of the Copper Eskimos* (Ottawa: F.A. Acland, 1922); Knud Rasmussen, *Report of the Fifth Thule Expedition 1921-1924, The Danish Expedition to Arctic North America in Charge of Knud Rasmussen Volume IX, Intellectual Culture of the Copper Eskimos* (Copenhagen: Gyldendalske Boghandel, Nordisk Forlag, 1932).

¹⁹ Canada, *Report of the Royal Northwest Mounted Police 1913* (Ottawa: C.H. Parmelee, 1914), 40-41; Canada, *Report of the Royal Northwest Mounted Police for the Year Ending 31 March, 1917* (Ottawa: J. de Labroquerie Taché, 1918), 12; Canada, *Report of the Royal Northwest Mounted Police for the Year Ended September 30, 1918* (Ottawa: J. de Labroquerie Taché, 1919), 14-15; Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920* (Ottawa: Thomas Mulvey, 1921), 22.

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beginning of the period of intensified and lasting contact that the arctic fox fur trade spurred in the Central Arctic. Furthermore, the term “contact zone” implies both a space across which contacts occurred and a temporal zone. A “contact zone” then, can also be understood to include “the zone of discourse where stories of first contact play out.”²⁰ This microhistory then is about a contact zone and also a part of a “zone of discourse.”

Theorizing contact zone emphasizes the presence of multiple voices and power relationships and is therefore a helpful framework to analyze of this case. Since the majority of the archival documents are Western sources, there is a significant inherent bias in them. To understand this case and these relationships is not possible with the archival documents alone. This method requires a deep reading of the archival documents, genealogical reconstruction, ethnohistory and oral tradition to reconstruct, as best I can, what happened as well as the complex web of relationships within Inuit communities and between Inuit and non-Inuit.

A number of scholars have already turned their attention to various aspects of this case.²¹ Sidney Harring’s 1989 article, “The Rich Men of the Country,” employs a broader legal analysis of the imposition of Canadian law on the Inuinnait (this case was his main example).²² Harring argued that Inuinnait oral traditions (he uses the term Copper Inuit) included inherent legal

²⁰ Lutz, *Myth and Memory*, 4.

²¹ There are a number of accounts of the story of Alikomiak and Tatamigana. Harwood Steele’s quasi-official *Policing the Arctic: The Story of the Conquest of the Arctic by the Royal Canadian (formerly North-West) Mounted Police* (Toronto: The Ryerson Press, 1936), 227-231 and 236-239. Steele had access to internal RCMP documents though it is written in highly Eurocentric style. See also Philip Godsell, and *Arctic Trader: The Account of Twenty Years with the Hudson’s Bay Company* (Toronto: MacMillan Company of Canada Ltd., 1946), 225-239, 255, 259-276 and 295. Godsell’s account is a rollicking adventure story and the facts are quite sparse; Robert Collier Fetherstonhaugh, *The Royal Canadian Mounted Police* (New York: Carrick and Evans, 1938), this account is short, sparse and inaccurate. A number of short articles on the case have been published more recently see Kenn Harper, “Taissumani: A Day in Arctic History Feb. 1, 1924 The Only Hanging of Inuit In Canada,” *Nunatsiaq News*, 27 January 2006. See also Daniel Campbell, “An Arctic Kangaroo Court: The Spectacle of Canada’s First Trial in the Far North Was Little More Than a Show of Force,” *Up Here Magazine*, April 2015, 92-93.

²² Sidney Harring, “The Rich Men of the Country,” *Ottawa Law Review*, 21, 1 (1989), 1-64.

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structures, an analysis that reflected the legal debate at the time about whether Indigenous peoples had inherent legal structures in their society, even though they were not written down. His article is excellent and is often referred to regarding the case, though he was working under the impression that there were no trial transcripts of the trials held at Qikiqtaruk (Herschel Island) and he had to rely on wildly divergent and often inaccurate newspaper accounts to fill in some of the gaps in the story of Alikomiak and Tatamigana. Harring's article traces two legal histories: 1) The violence that occurred as Inuinnait were incorporated into Canadian legal systems and 2) The measures taken by Canadian authorities in response to the wave of murders on the Coronation Gulf. He connects the 1921 killings in the summer camp with the shooting of Pugnana, Doak and Binder and also details a number of other instances of "murder" among the Inuinnait suggesting that in each instance, their causes and the manner of their resolution whether through non-violent or violent resolution point to inherent law-like structures in Inuinnait culture. He argues that Inuinnait law was often portrayed as being in conflict with Canadian law and that this myth is what the Canadian government and the RCMP used to justify its intrusion into Inuinnait lives. Harring argues that the Canadian government's intention was to use Western legal structures—including arrests, criminal trials and punishment—to systematically destroy Inuinnait legal structures.

Ken Coates and William Morrison highlight the broader social and political trends and responses to the case. Their article, "To Make These Tribes Understand," was published in 1998 in *Arctic* magazine.²³ A number of the details they present from the case were recycled from Sidney Harring's work (whether correct or incorrect). These authors had access to three surviving trial transcripts: *The King v. Tatamigana* [for the murder of Pugnana]; *The King v.*

²³ Ken Coates and William Morrison, "'To Make These Tribes Understand': The Trial of Alikomiak and Tatamigana," *Arctic*, 51, 3 (September 1998), 220-230.

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Alikomiak [for the murder of Pugnana]; and *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder]. Most of their analysis focuses on this latter trial, though they do question why Tatamigana was hanged, since he killed another Inuit man and not a Qablunaaq (a non-Inuit person) as Alikomiak had. The authors make three main arguments about the cases: 1) They were “show trials” designed to illustrate to the Inuit that murder would no longer be tolerated; 2) They were meant to demonstrate Canada’s Arctic sovereignty to Canadians and the world; and 3) The trial proceedings, not the punishment, were foreign to the Inuinnait. Coates and Morrison suggest that the sentence of execution was both appropriate and in keeping with Inuit tradition of killing wrong-doers. They contend too that alternative forms of punishment proposed at the time were culturally harsher than capital punishment and these forms of punishment proposed at the time of the trials, were a precursor to the practise of imposing culturally relevant and appropriate sentences used today (1998, at the time this article was written). In a second publication, *Strange Things Done: Murder in the Yukon Territory*, they argue that “the trials of Alikomiak and Tatamigana were an important milestone in the extension of Canadian sovereignty over the Arctic and marked a turning point in relations between the Inuit and the Canadian authorities.”²⁴ They use this case as an example of the significant contrast between the legal and criminal history of the NWT and the Yukon territory, including the differing attitude towards Inuit and First Nations people. For example, the intensity of the contact between Europeans and Dene, on one hand, and Europeans and Inuit, on the other, played a role in the treatment of murder among the Inuinnait. They also ask, “for whom was the show put on and to whom was the message

²⁴ Ken Coates and William Morrison, “To Make These Tribes Understand”: The Trial of Alikomiak and Tatamigana,” in *Strange Things Done: Murder in Yukon History* (Montreal and Kingston: McGill Queens University Press, 2004), 99-121.

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directed?” Their answer is that the trials were designed as much for a southern audience, as they were for the Inuit.

Graham Price undertook a legal appraisal of the trial, *The King v. Alikomiak* [for the murder of Doak and Binder], highlighting the failure and inexperience of Alikomiak’s defense lawyer, T.L. Cory, the Crown Prosecutor’s leading of witnesses, and Judge Dubuc’s summary address to the court that, while stirring and emotional, lacked impartiality.²⁵ Price questions the legality of how Alikomiak’s statement was taken into evidence and he highlights the procedural and jurisdictional matters that Cory could have used to better defend Alikomiak (strategies used a year later in 1924, by a different lawyer who defended Ikalukpiak before Judge Dubuc in Aklavik). Price concludes that the trial of Alikomiak was a public relations exercise intended to acculturate the Inuit to Canadian law. He also concludes, as did Sidney Harring, that although the case was procedurally correct and resulted in a “just verdict rendered on the evidence,” the trial was a sham because it was predetermined (the gallows and executioner were sent in with the judicial party) and the jury was composed of white men, who were not peers of the accused. Price concludes that the practise of the judicial party traveling down North echoed the earlier police patrols, mirrored the northern medical patrols and led to the development of the court circuit system whereby the entire court party, the judge, lawyers and clerks all travelled together into and out of remote locations to administer justice. The court circuit system remained in place for much of the remainder of the 20th century in the NWT.

My thesis does not just concentrate on a single case, but analyzes the relationship between the cases—the initial killings in the summer camp, the killing of Pugnana, the killings of Corporal Doak and Otto Binder, the trials at Qikiqtaruk (Herschel Island) (including trial

²⁵ Graham Price, “The King v. Alikomiak (a.k.a. Alicomiak, a.k.a. Alekamiaq),” *Manitoba Law Journal*, 20 (1991), 204-226.

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transcripts) and their aftermath. Employing an ethnohistorical approach and using a microhistorical framework these events illuminate many aspects of the “contact zone” during the 1920’s in the Central and Western Arctic. My sources differ somewhat from those above mentioned scholars. Sidney Harring did not have the three trial transcripts, though he had access to the RCMP annual reports, and a file from Library and Archive Canada (LAC) which remains restricted by law, which includes newspaper articles about the case, legal forms such as the coroner’s reports, orders of executions and statements made to police investigators.²⁶ Ken Coates and William Morrison used Alikomiak and Tatamigana’s capital case file.²⁷ Graham Price had access to both the Dubuc family archives including the trial transcript of Ikalukpiak’s trial held in 1924, in Aklavik, as well as trial transcript of Alikomiak’s trial for the murder of Doak and Binder.

This thesis is primarily based on historical written records. I have reviewed primary documents and RCMP files pertaining to these cases in the collections of Library and Archives Canada (LAC).²⁸ The files contain coded telegrams, investigation and crime reports, depositions, witness and accused statements, newspaper articles, private letters, diagrams, three trial transcripts (*The King v. Tatamigana* [for the murder of Pugnana], *The King v. Alikomiak* [for the

²⁶ Harring, “The Rich Men of the Country,” 5.

²⁷ Ken Coates and William Morrison had access to the following file from Library and Archives Canada: Canada, Department of Secretary of State Papers, Report on capital case of Alikomiak and Tatamigana, Capital Case File No. 24861, 1923, Library and Archives Canada (LAC); They also used the Northern Administration Branch Papers, RG85, vol 607, file 2580, LAC.

²⁸ Thank you to Dr. Whitney Lackenbauer who very kindly gave me the idea of researching this story and who also obtained digital copies (PDF files) of the RCMP files from Library and Archives Canada (LAC). There was confusion at LAC regarding a file number RG13-A-2, vol 271, file 1923-906 which is listed online but could not be located, leaving at least one file from this series that I am not able to access. There is also a significant digitization project underway at the LAC. More listings of archival files are available online, though the researcher still has to go to LAC to photograph or look through the files. Since my original LAC website search was conducted, there have been a number of additional files listed in online searches at LAC. To obtain these files would necessitate a further trip to LAC. These are Department of Interior and Department of Indian Affairs files which might reveal the broader context regarding this case.

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murder of Pugnana] and *The King v. Alikomiak* [for the murder of Doak and Binder]) and a plethora of assorted correspondence. These documents were produced by the RCMP's Criminal Investigation Bureau, the Department of the Secretary of State (Canada), the Department of Justice and the Privy Council, the Department of the Interior, Northwest Territories and Yukon Branch and the Hudson's Bay Company Commissioner's Office. The majority of the correspondence was written in English and only a select few documents in French (written by Justice Dubuc). The national and international press took great interest in these cases and published reports describing each major event. For example, articles appeared after the killings, in anticipation of the trials, and during the petitions for clemency for Alikomiak and Tatamigana.²⁹ In addition, I have drawn on the Annual Reports of the RCMP, which are the official public reports published annually since the inception of the force, many of which are available online. It is important to note that the RCMP reports reflect information that the Inuit, the HBC and missionaries reported to the RCMP.

I also conducted research at the Prince of Wales Northern Heritage Centre in Yellowknife and at the Yukon Archives in Whitehorse.³⁰ In addition, I was fortunate to view one of the original handwritten Tree River Post journals from 1925-1926, the years after Binder was killed,

²⁹ For newspaper coverage to be searchable through a digital database or online, the newspapers are scanned and optical character recognition (OCR) is used, transforming the images into retrievable text. While OCR is sophisticated, results are often not a 100% match. Therefore, search results must be sifted very carefully to ensure the results are actually relate to the case in question. The lack of standardized spelling of the Inuit names also presents the researcher with a tremendous challenge. For example, Alikomiak's name shows up in different sources (and different newspaper articles) with a variety of spellings—Alikomiak, Alicomiak, Alik Omiaq, Alex Omeak, Alih Omiah, and many other permutations. The same applies for each of the Inuit names.

³⁰ I was a fortunate recipient of a Northern Scientific Training Program Research Fellowship that enabled me to undertake a research trip to the Northwest Territories and the Yukon Territory in October 2015.

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making the details of daily life at the post come alive.³¹ I was also very kindly provided with a copy of an interview with F.R. Ross, who was the next permanent HBC post manager in Tree River after Otto Binder was killed and whose career spanned the heyday of the arctic fox trade in the Arctic. His remembrances brought to life the world of Tree River as it existed for him in 1925 and his experiences with the HBC in a number of Arctic posts. Similarly, in Whitehorse, I met the Historic Sites and restoration planner responsible for maintaining the buildings on Herschel Island who kindly took the time to tell me about the buildings and the Island and allowed me to include a number of the photographs. The archivists at the Yukon Archives were wonderfully helpful in assisting my search for material about the case. They secured permission from the Anglican Synod of the Yukon to allow me to access to a file containing letters written by one of the Anglican bishops to the government requesting mercy for Alikomiak and Tatamigana. This letter and the depth of the response from the Anglican Church shed light on their response to the death penalty. Although these records also reflect biased government, church, and HBC perspectives, they do suggest power relationships present in the past. In all, it is a rich archival record that, with a careful reading, includes the voices of both Inuit and non-Inuit actors. Through an analysis of relationships and power dynamics it is possible to hear Inuinnaqtun voices and beliefs in their testimonies.

No analysis would be complete without highlighting the manner in which these documents were created. An Inuk translator was responsible for interpreting and translating from English to Inuinnaqtun and vice versa for most of the spoken and written interactions between the RCMP and the Inuinnaqtun. There was a primary translator, and two other translators employed

³¹ A special thank you goes to Robin, whose grandfather was F. R. Ross the manager of the HBC post at Tree River a couple of years after Binder was killed. Robin, thank you for helping with my hunt through the archives, and your kindness and generosity showing me around Yellowknife.

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at different times throughout the arc of these cases. Although some members of the RCMP could understand some words of Inuinnaqtun and other Inuktitut languages, none were fluent enough to translate from one language to another, or fully understand what an Inuk witness was saying. The RCMP relied heavily on translators to bridge both the gap in language and cultural understandings. These translated documents include accused and witness statements as well as complete trial transcripts for three of the trials. During the actual trial, the Inuit witnesses' words were filtered through the translator, and then, through the court stenographer. The stenographer's shorthand notes of the trial are not included in the archival material, but the fully typewritten trial transcripts, prepared from court stenographer RCMP Constable Wild's shorthand notes following the trial, are available. The Inuit testimony recorded in the trial transcripts was never meant to inform historians about the daily concerns, hopes, dreams, or challenges of the accused or witnesses. The questions directed towards Inuit witnesses were intended to elicit desired information and rarely reveal a complete story. The adversarial atmosphere of a trial would also be an unfamiliar format to Inuinnait participants, who were accustomed to a more consensus-driven process characteristic of Inuit justice. Statements and trial records must be read and interpreted with this legal and colonial context in mind.

The focus on the archival records is a function of a number of concerns regarding accessibility, scope and practicality. To conduct oral history interviews in either of the three Canadian Territories requires—and very rightfully so—an extensive investment of time (usually years) and resources to ensure community approval to conduct oral history work. It also requires the longstanding relationships built on trust and integrity that are so crucial when working with Indigenous peoples. It was well beyond the scope of a Master's thesis to apply for northern

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research licenses, visit communities, engage in collaborative research methods, and conduct oral interviews.

Although the archival record is easier to access, that does not mean that the oral record has been entirely neglected in this thesis. Many oral history projects undertaken throughout the Arctic in the last 60 years have yielded a number of key publications that are accessible to researchers. Works such as Susan Rowley and John Bennett's *Uqalurait: An Oral History of Nunavut* as well and the thematic five volume *Interviewing Inuit Elders* series published between 1999 and 2004 by the Nunavut Arctic College have proven to be invaluable resources. *Uqalurait* focuses on traditional life before the introduction of Christianity and provides a contemporary perspective on traditional life.³² Each volume of the Interviewing Inuit Elders series is organized around a central theme about Inuit life and culture. Volume 1 is the *Introduction*, two, *Childrearing Practices*; three, *Perspectives on Traditional Law*; four, *Traditional Cosmology and Shamanism*; and five is titled *Perspectives on Traditional Health*.³³ An Inuinnaqtun/English dictionary and an Inuktitut legal glossary were helpful in understanding Inuit legal terms and their relation to the Western concepts.³⁴ More recent publications, such as Sheri Fox-Gearheard's

³² John Bennett and Susan Rowley eds., *Uqalurait: An Oral History of Nunavut* (Montreal: McGill-Queens University Press, 2004).

³³ Saullu Makasuk, Hervé Paniaq, Elisapee Ootoova, Pauloosie Angmaalik, Jarich Oosten and Frédéric Laugrand, eds., *Interviewing Inuit Elders Volume 1: Introduction* (Iqaluit: Nunavut Arctic College, 1999); Naqi Ekho, Uqsuralik Ottokie and Jean Briggs ed., *Interviewing Inuit Elders Childrearing Practices* (Iqaluit: Nunavut Arctic College, 2000); Mariano and Tulimaaq Aupilaarjuk, Lucassie Nutaraaluk, Rose Iqallijuq, Johanasi Ujarak, Isidore Ijituuq and Michel Kupaaq and Bernard Saladin d'Anglure ed., *Interviewing Inuit Elders Cosmology and Shamanism* (Iqaluit: Nunavut Arctic College, 2000); Ilisapi Ootoova, Tipuula Qaapik Atagutsiak, Tirisi Ijjangiaq, Jaikku Pitseolak, Alasi Joamie, Akisu Joamie, Malaija Papatsie and Michèle Therrien and Frédéric Laugrand, eds., *Interviewing Inuit Elders Perspectives on Traditional Health* (Iqaluit: Nunavut Arctic College, 2001); Mariano Aupilaarjuk, Marie Tulimaaq, Akisu Joamie, Emilie Imaruittuq, Lucassie Nutaraaluk, and Jarich Oosten, Frédéric Laugrand, and Wim Rasing, eds., *Interviewing Inuit Elders Perspectives on Traditional Law* (Iqaluit: Nunavut Arctic College, 1999).

³⁴ Gwen Agulalik, ed., *Inuinnaqtun English Dictionary* (Nunavut Arctic College and Kitikmeot Heritage Society, 2004); and Desmond Brice-Bennett and Michèle Therrien, *English-Inuktitut-French Legal Glossary* (Iqaluit: Nunavut Arctic College, 1997).

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The Meaning of Ice, explore what the sea ice means to three Inuit communities in Alaska, Canada and Greenland.³⁵ Sea ice is the focal point around which many aspects of Inuit culture revolves and many diagrams and illustrations by community members are included to visually highlight this relationship. These works have been especially helpful because they provide an Inuit perspective to counter the otherwise biased western documentary sources I have had to work from.

Early Western ethnographies have also shaped the understanding of the Inuinnait. Vilhjalmur Stefansson, who encountered the Inuinnait as early as 1908, Diamond Jenness who spent time in the arctic between 1913-1918, and Knud Rasmussen, during the years 1921-1924, all encountered Inuinnait communities and camps on their expeditions and significant sections of their works are devoted to the various aspects of the culture they “observed.”³⁶ These eye-witness accounts but are not without their own interpretive and ideological frameworks, *a-priori* assumptions and preconceived ideas about the Inuinnait. Yet, these works have remained the standard reference about pre-contact Inuinnait culture. The Inuit have since become one of the most studied Indigenous groups in the world. Hugh Brody’s *The Other Side of Eden* addresses the differences in attitudes towards the land, through discussing the nuances of the Inuit language. Julie Cruikshank’s work with Athapaskan and Tlingit people of British Columbia and the Yukon has resulted in superb oral history work, *Life Lived Like a Story*, written in collaboration with First Nations women. Her *Do Glaciers Listen?* explores the conflicting ways

³⁵ Shari Fox-Gearheard, Lene Kielson Holm, Henry Huntington, Joe Mello Leavitt, Andrew R. Mahoney; Margaret Opie; Toku Oshima; and Joerie Sanguya, eds. *The Meaning of Ice: People and Sea Ice in three Arctic Communities* (Hanover, New Hampshire: International Polar Institute Press, 2013).

³⁶ Stefansson, *My Life with the Eskimo*; Jenness, *The Life of the Copper Eskimos*; and Rasmussen, *Intellectual Culture of the Copper Eskimos*.

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First Nations and European viewed the landscape and glaciers and how these conceptualizations shaped social and political relations.³⁷

And finally, microhistory is the genre of historical writing within which I present this story and through which I explore some of these relationships. In the 1970s medievalist and early modern social historians in Italy and France pioneered microhistory, out of the dissatisfaction with the broad sweeping meta-narrative histories of the twentieth century and the Annales school, which emphasized long-term narratives. Where earlier Annaliste histories attempted to map the trajectory of entire cultures or nations, microhistorians focused intensely on a single episode or a couple of related episodes in a particular time and place and on a central character. Microhistory features a close reading of a more limited set of documents, typically trial transcripts and court records. In the case of the more distant/pre-industrial court transcripts and trial documents are some of the only written documents that reveal facets of the life of the medieval or pre-industrial “commoner.” The central characters in these narratives were everyday people including shepherds, millers, nuns, and accused poisoners who came from a strata of society who would otherwise not have left a mark in the written record.³⁸ Court documents can be a significant source of details of everyday habits, customs, beliefs, dress, and lifestyle, which

³⁷ Hugh Brody, *The Other Side of Eden: Hunters, Farmers, and The Shaping of the World* (New York: Douglas McIntyre, 2001); Julie Cruikshank in collaboration with Angela Sidney, Kitty Smith and Annie Ned, *Life Lived Like a Story: Life Stories of Three Yukon Native Elders* (Nebraska: University of Nebraska Press, 1990); Julie Cruikshank, *Do Glaciers Listen? Local Knowledge, Colonial Encounters, and Social Imagination* (Vancouver: University of British Columbia Press, 2005).

³⁸ Emmanuel Le Roi Ladurie, *Montaillou: The Promised Land of Error* (New York: George Braziller, 2008 edition); Carlo Ginzburg, *The Cheese and The Worms: The Cosmos of a Sixteenth-Century Miller* (Baltimore: Johns Hopkins University Press, 1991); Natalie Zemon Davis, *The Return of Martin Guerre* (Boston: Harvard University Press, 1983); Judith C. Brown, *Immodest Acts: The Life of a Lesbian Nun in Renaissance Italy* (New York: Oxford University Press, 1986); Gene Brucker, *Giovanni and Lusanna: Love and Marriage in Renaissance Florence* (Berkeley: University of California Press, 1986); and Steven Bednarski, *A Poisoned Past: The Life and Times of Margarida de Portu, A Fourteenth-Century Accused Poisoner* (Toronto: University of Toronto Press, 2014).

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would otherwise garner little attention.³⁹ While microhistory is characterized by a limited temporal and spatial scope, it focuses on historical experiences and larger cultural practises and understanding. Microhistory provides a window into the prevailing culture at large. To convey these “stories” microhistorians have embraced the use of historical narrative. The use of narrative is also the single most controversial aspect of microhistory. In telling a “story,” the microhistorian attempts two things: 1) Tell the story of what happened according to what their research reveals; and 2) Analyze the story in the context of the time and place within which it occurs to see what the story reveals about the culture of which it is a part. The best examples of microhistory, including Natalie Zemon Davis’ *The Return of Martin Guerre*, seamlessly weave narrative and analysis together into an engaging and readable text.⁴⁰ Zemon Davis also includes in an appendix, copies of original source documents used to write the story. This trend of publishing and making accessible the original documents continues in other examples of microhistory with the aim that the process of researching and writing microhistory (which is at least as important as the history itself) is also open for discussion and debate.⁴¹

Why use the microhistorical method to tell a story of Indigenous-non-Indigenous encounter? Some historical episodes, including the trials of Alikomiak and Tatamigana, lend themselves to being told in the format of a story. In these cases, there were a number of episodes that occurred within a limited scope of time and place, involved Inuit people and their everyday lives, who when practicing their own forms of justice, found themselves on the wrong side of the

³⁹ Because this case happened in the early years of the 20th century, the source base is correspondingly large compared to the source base that medieval and early modern historians often have to work with. The press coverage of the case was fairly extensive, which resulted in a spate of newspaper articles nationally and internationally, in addition to the box of RCMP files from Library and Archives Canada which forms the backbone of the archival documents at my disposal.

⁴⁰ See also note 36 above. Zemon Davis, *The Return of Martin Guerre*; Bednarski, *A Poisoned Past: The Life and Times of Margarida de Portu, A Fourteenth-Century Accused Poisoner*.

⁴¹ For example, Bednarski, *A Poisoned Past*. This is a central theme of Bednarski’s book.

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Canadian law. In addition, these trials left a series of documents to analyze. A second reason for employing microhistory is that its focus on detail is also well suited to these events. There was a myriad of ways local histories of family relationships, the environment, economies, and personal relationships unfolded in this contact zone that may be lost using a more sweeping analysis of this story.

The chapters that follow are organized chronologically. Chapter 1 explores community dynamics that led to what the RCMP termed a “shooting affray” in an Inuinnait summer camp in 1921. An Inuit woman Toktogan married a German-American fur trader Otto Binder and they settled at the Tree River post. Toktogan’s former husband Ikialgagina was agitating for another wife from within the summer camp members. Tensions rose, insults were hurled; sexual relationships between married women and unmarried men and threatening behaviour led Pugnana and Tatamigana to kill five Inuinnait. The RCMP investigations into the killings resulted in much documentation that reveals some of the dynamics present in the summer camp, including Inuit practises of infanticide, marriage, and justice.

The story continues with Chapter 2, when the major aggressor in the five previous killings, Pugnana, was killed because he had become angry and threatened to kill more people. With the sanction of the community, Tatamigana enlisted the help of his relative Alikomiak to help kill Pugnana. This chapter examines traditional Inuinnait forms of justice in these killings as well as the RCMP investigation of the “crime.” Chapter 3 provides a broader context of Qablunaat (non-Inuit people) in the North and highlights some of the early exploration and economic activities such as whaling and the arctic fox trade, which shaped relations in this part of the Central Arctic. The importance of the land and geography as a cultural landscape is also foregrounded. As Qablunaat pushed further into Inuinnait territory in pursuit of arctic foxes, the

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relationships between Inuit-non-Inuit (explorers, HBC, RCMP, missionaries) shifted, leading to the presence of the RCMP in Tree River and providing the context in which Alikomiak shot and killed Corporal Doak and HBC trader Otto Binder on April 1, 1922.

After the murders of Doak and Binder, the response from the Canadian government was severe. Chapter 4 details the first court of higher justice to travel to the Arctic (parallel to another court held at Pond Inlet the same summer), to try Alikomiak and Tatamigana, the Inuinnait accused of murder. The trial transcripts provide rich fodder for analyzing the seven trials that were held on Qikiqtaruk (Herschel Island) in July 1923. The guilty verdict caused a furor in Canadian newspapers, so much so, that many public organizations and private individuals petitioned the government for clemency. Only the Governor General and the Privy Council could commute a death sentence, and in the case of Alikomiak and Tatamigana clemency was not granted and they were hanged for their “crimes” in the bone shed at Qikiqtaruk (Herschel Island). Alikomiak and Tatamigana were the first and only Inuit in Canada to hang.

Chapter 5 concentrates on the problems and politics of translation. There are many direct quotes from the statements and trial transcripts throughout the chapters and here, I explain in more detail how these documents were originally created. It also highlights some of the issues inherent in translation, the conflict of interest of the main translator in this case, who was employed by the RCMP and the way translation impacted the trials. Contact as it played out in these cases spanning 1921 to 1924 was far messier than a narrow reading of archival files implied. Despite such close readings, there remain many unanswered questions in relation to this case regarding its impacts of this case on the families and communities of Inuinnait as well as the ongoing legacies of this case in the justice systems of the Northwest Territories and Nunavut.

Introduction

This story begins in 1921 on the Ilulik (mainland) opposite Kiikkinguyaq (Kent Peninsula) in the summer of 1921.

Chapter One

Inuaqtaa: The “Shooting Affray”¹

Tensions were rising in the Inuinnait summer camp in June 1921 on the mainland just south of the Kiikkinguyaq (Kent Peninsula). Two families, Pugnana’s and Tatamigana’s had moved away earlier in May. Pugnana had been caught stealing from caches and was not welcome in the community. Moving away from the tension was a good way to avoid it. But the eight families rejoined the two families in June and tensions erupted in a violent and deadly confrontation. Hannak, Ikpukuwak and Ikialgagina were causing trouble, trying to obtain a wife for Ikialgagina from among the other men’s wives in the summer camp. Ikialgagina wanted to have sexual relations with Pugnana’s wife, Agnahiak, though she would not let him. He became very angry and wanted to kill her, but was saved by some of the other women. Tatamigana (and possibly also Alikomiak and Pugnana too) was having sexual relations with Hannak’s wife, at separate times.² Hannak hurled insults and lies at Tatamigana and Anaigviak saying that they were against them and later both Hannak and Ikialgagina made a threatening move against Tatamigana, entering the tent and sitting on either side of him with the intent of killing him. A

¹Gwen Agulalik, ed.; *Inuinnaqtun English Dictionary* (Nunavut Arctic College and Kitikmeot Heritage Society), 40. “Inuaqtaa” means kills him/her/it. “Inuaqtaujuq” means is killed, and “Inuaqtuq” means kills someone; is killed by someone. The RCMP classified the violence as a “shooting affray.” Canadian law is founded on the English common law, and shared with the English common law a public order offence called ‘affray.’ Section 100 of the 1919 Canadian Criminal Code defines “an affray is the act of fighting in any public street or highway, or fighting to the alarm of the public in any other place which the public have access.” Affray is an indictable offence (one year’s imprisonment with hard labour) but depending on the outcome, those participating in an affray could also be charged with murder, assault, unlawful assembly, riot or related offenses. W.J. Treemeer, *Annotated Criminal Code, 1919 Canada* (Calgary, Burroughs & Co., Limited, 1919), 171.

² His statement actually says “we” though it is not clear whether this is a mistranslation and Tatamigana means himself, or whether he means himself and Alikomiak or himself and Pugnana. “Copy of Statement of Tatamigana,” [Not dated], RG 18 Vol 3289 File HQ-681-G-1 Tatamigana (Eskimo), LAC.

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woman Kaleduk entered the tent and prevented them from killing Tatamigana.³ Pugnana and Tatamigana carried knives and loaded guns and were expecting trouble. The insults, tension and competition over women eventually boiled over and one morning Hannak finally instigated the violence by shooting and wounding Anaigviak. Other members of the summer camp rushed in to help distract and restrain the instigators, Hannak, Ikialgagina and Ikpukuwak, who were all eventually killed. Pugnana and Tatamigana did the majority of the killing though they were supported by the rest of the community.⁴

This microhistory is centred on the story of Alikomiak and his relative Tatamigana. Alikomiak was later implicated in the shooting of RCMP Corporal Doak and HBC trader Otto Binder at Tree River on April 1, 1922. But the story begins much earlier with Toktogan, a young Inuinnaq woman from Victoria Island who had dissolved her marriage to her Inuinnaq husband Ikialgagina, and remarried the white, German-American fur trader Otto Binder. Binder was a quiet middle-aged man, whose first encounter with the Arctic was as a member of The Canadian

³ Report by Inspector Wood “Crime Report Re: Tatamigana—Shooting with intent to kill one Hannak (Shooting Affray at Kent Peninsula) Tatamigana—Murder of Hannak, Ikialgagina, Pugnana, Ikpukuwak, and Okolitana), RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁴ The details of this paragraph are found in the following series of documents: “Copy of Statement of Tatamigana,” [Not dated], RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC; “Crime Report Re: Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula,” 29 August 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC; “Copy of Statement of Agnahiak,” 13 December 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC; “Anaigviak states as follows” [Not dated], RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC; “Crime Report Re: Eskimo Tatamigana...Murder,” 4 March 1922, RG 18 Vol 3289 File HQ-681-G-1 Tatamigana (Eskimo), LAC; “Crime Report Re: Tatamigana—Shooting with intent to kill one Hannak (Shooting Affray at Kent Peninsula) Tatamigana—Murder of Hannak, Ikialgagina, Pugnana, Ikpukuwak, and Okolitana), RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

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Arctic Expedition of 1913-1918. Following the expedition, he stayed in the Arctic signing on as a fur trader with the Hudson's Bay Company. When Toktogan joined Binder, she lived with him at the HBC post in Tree River. They were not married in a formal Christian ceremony, but according to the culture and customs of her Inuinnait community. They lived together, raised a boy together (along with her other boy possibly with Ikialgagina), and they were regarded as a couple by both Inuinnait and Qablunaat (non-Inuit people). Their marriage, ‘à la façon du pays’, brought Binder into trading networks with Inuinnait kin and gave her family access to European trade goods. Yet the marriage seemed to have caused tension in Toktogan’s Inuinnait community (the same community as Alikomiak and Tatamigana). When Toktogan chose to marry Binder, conflict arose regarding the availability of partners for the single (unmarried and formerly married) Inuit men, who then pursued other Inuit men’s wives. The records of this case suggest that the Inuinnait community blamed Binder and Toktogan’s relationship for the friction and jealousy in the community leading to the killings of five Inuinnait individuals on the Kent Peninsula in 1921. Toktogan and Binder’s marriage initiated a chain of events that played out disastrously for the Inuinnait men involved. But these events took place in the context of Inuit-Qablunaat colonial encounters of the early twentieth-century that culminated in the imposition of Western forms of law and justice, including charges of “murder,” and subsequent criminal trials, on the Inuinnait and, in the end, the execution of Alikomiak and Tatamigana.

The Kent Peninsula lies at 68 degrees latitude, a couple of degrees above the Arctic Circle, on the coast of the Arctic Ocean. It is part of the traditional territory of the Inuinnait. In

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1917 the Royal North West Mounted Police (RNWMP hereafter RCMP), in response to increasing reports of petty thievery and a number of murders of both Inuinnait killing Qablunaat (non-Inuit people) and Inuinnait killing Inuinnait, sent a patrol to the Coronation Gulf and by 1919, they established a detachment at Tree River.⁵

By the time the RCMP resided on the Arctic mainland at Qurluqtualuk (Tree River), the Inuinnait had experienced a few years of trading with independent traders in the Arctic. In the mid-nineteenth century, a booming whaling industry brought whaling ships to the Arctic in more concentrated numbers than ever before. By the late nineteenth century, however, when the bottom fell out of the whale oil and baleen market and whales were hunted almost to extinction, the white fox emerged as a major resource in the trade. The fox trade made it highly lucrative for traders affiliated with the HBC or working independently to benefit from trade with the Inuit. The Inuit were skilled and shrewd business people and many were able to capitalize on the white fox trade, some purchasing schooners worth tens of thousands of dollars and bringing an unprecedented amount of wealth north.⁶ The presence of the RCMP, however, was meant to remind the Inuit of the rule of law and Canadian sovereignty in the north. Anthropologist Diamond Jenness, who accompanied the Canadian Arctic Expedition of 1913-1918, noted that by time the RCMP detachment at Tree River was established, “the solitary [non-Inuit] traveller may now wander with impunity everywhere provided that he exercises a reasonable amount of tact and prudence.”⁷ This was a vast, expansive, and remote landscape. The RCMP detachment

⁵ In 1919 the name of the RNWMP was amended to Royal Canadian Mounted Police (RCMP). William Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North 1894-1925* (Vancouver: UBC Press, 1985) 10.

⁶ The *North Star of Herschel Island* built in 1935, was one such schooner. It is currently on display at the Vancouver Maritime Museum in Vancouver, British Columbia.

⁷ Diamond Jenness, *Report of the Canadian Arctic Expedition 1913-1918 Volume XII: The Life of the Copper Eskimos* (Ottawa: F.A. Acland, 1922), 242.

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at Tree River lay a short distance from the Arctic Ocean's coast and looked out onto the Coronation Gulf. The detachment was approximately half way between Qikiqtaruk (Herschel Island) in the West and Baffin Island in the East. To travel from Qurluqtualuk (Tree River) to Qikiqtaruk (Herschel Island), where "Dominion justice" was eventually meted out, was more than a 1,200 km journey hugging the Arctic coast by ship in summer or dogsled in the winter.

This was also a cultural landscape. The summer of 1921 found a group of Inuit families living near Walker Bay, near the Kent Peninsula, as they had done for years, relocating with the change in seasons to the best hunting and fishing grounds.⁸ The short aujaq (summer) was in full swing, the plants that so tenuously clung to life during the winter had already stirred and were flowering and in fruit by this time of year. The longest days of the year occurred during aujaq—24 hours of ukiuq (winter) darkness had given way to upinngaq (the young spring), upinngaaqqaq (the not so young spring) and finally transformed to aujaq, whose warmer temperatures and 24 hours of daylight and twilight signalled change in the migratory habits of the animals the Inuinnait could hunt, trap and fish.⁹

Today, the details of the shootings of five Inuit in August 1921 remain fuzzy in the archival record, as the official RCMP report only hints at the complicated web of familial and sexual relationships that gave rise to the killings. What appears to have happened was

⁸ Tatamigana confirms that there were ten families in camp near Walker Bay on the Kent Peninsula in his testimony. Tatamigana pre-trial statement, "Statement of the Accused Preliminary Inquiry Indictable Offence," 24 April 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC. Based on Kaj Birkett-Smith's estimates of a neighbouring Inuit group, the "Caribou Eskimos" ten families comprised around 50 people. Assuming a number slightly less, there were more people in the camp than those immediately involved in the "shooing affray." Kaj Birkett-Smith quoted in David Damas, *Arctic Migrants/Arctic Villagers The Transformation of Settlement in the Central Arctic* (Montreal: McGill Queens University Press, 2004), 10. Stefansson reports that the largest Inuinnait village they encountered included twenty seven snow houses and tents. Vilhjalmur Stefansson, *My Life with the Eskimos*, 274.

⁹ The six major seasons of the Inuinnait are named according to the most striking feature of the season and "further divided according to how the land changes and how the animals act." Beatrice Collignon, *Knowing Places*, 72.

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Toktogan's former husband Ikialgagina was agitating for another wife from within the summer camp members. Tensions rose, insults were hurled, sexual relationships between married women and unmarried men and threatening behaviour by Ikialgagina and his father Ikpukuwak and his cousin Hannak, led Pugnana and Tatamigana to kill five Inuinnait in the summer camp in 1921.¹⁰ Tatamigana and Pugnana killed Hannak along with his wife Pugnana (a different Pugnana than above) and their four-year-old daughter Okolitana along with Ikialgagina and his father Ikpukuwak. One person, Anaigviak was wounded. On August 18, 1921, reports that five Inuit (3 men, 1 woman and 1 child) were killed and a sixth Inuk was severely wounded reached Inspector Wood while at Bailie Island enroute to Tree River for annual inspection of the detachment, through the captain of the HBC's gasoline motor schooner *Fort McPherson*.¹¹ Yet, the stories of the "shooting affray," as told by members of the schooner to Inspector Wood, were haphazard and wildly inaccurate. Upon arriving in Tree River, Inspector Wood credited an Inuinnait woman of Tree River as providing the clearest accounting of the events. In Wood's report (based on the Inuinnait woman's accounting of the events) we learn that the shooting occurred on August 1, 1921, 30 miles east of the HBC post in Walker Bay on Kent Peninsula.¹² This is also the first mention of Otto Binder's indirect role in the violence. Inspector Wood writes:

Otto Binder, H.B.C. trader at Tree River, had taken Ikialgagina's wife [Toktogan] to live with him. Ikialgagina's father Ikpukuwak and his cousin Hannak were anxious to get a wife for him [Ikialgagina]. For that reason, Hannak shot Anaigviak, seriously wounding him in the abdomen, and wanted Ikialgagina to take Anaigviak's wife. Hannak went back to his tent. Tatamigana, partner of Anaigviak, took his rifle went to Hannak's house and shot Hannak dead.¹³

¹⁰ "Crime Report: Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula," August 29, 1921, RG18, vol. 3289, file HQ-681-G-1, Tatamigana (Eskimo), LAC.

¹¹ Ibid.

¹² Ibid.

¹³ Inspector S.T. Wood, "Crime Report Re Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana, and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula," 29 August 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

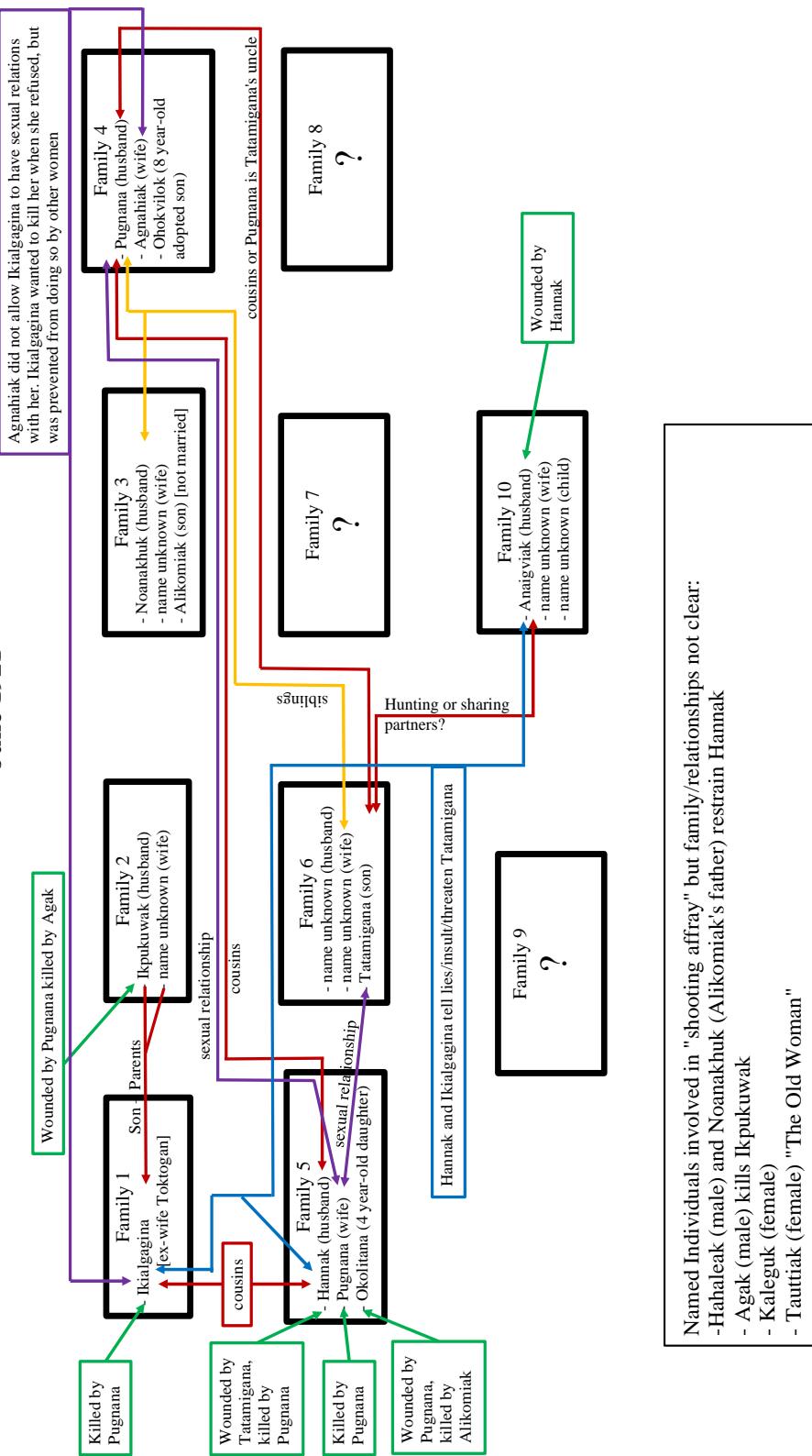
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Inspector Wood's account gestures to the complex range of relationships, both kinship and others at play in the violence. We learn that Ikialgagina was the son of Ikpukuwak, and Ikpukuwak was Hannak's cousin. Many more details emerge from this report and subsequent statements regarding the familial, sexual and other relationships of the community. My working diagram of these relationships follows:

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"Shooting Affray" in Inuinnaqtun Summer Camp

June 1921



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Figure 3: Working diagram of families in the summer camp and the various connections/relationships between them. Drawn from archival record only, without the benefit of oral histories. Oral histories would shed more light on the complex relationships in the Summer Camp.¹⁴

In these documents, there is no mention that Tatamigana was related by blood to Anaigviak, thus it is possible that Tatamigana was Anaigviak's hunting or sharing partner. Hunting partnerships were one of the most important non-kinship relationships between men. Sharing was also central to Inuit society and were predicated on apportioning and sharing game.¹⁵ This bond, whether through hunting or sharing, was not necessarily one of kinship, but was as strong as a blood relationship. Partnerships could also consist of singing partners, partners in spouse exchange, or partners in verbal contests.¹⁶ Each of these partnerships were as strong as kinship and were the key social institutions of the Inuinnait. Even though there may not have been a blood relationship between the two men, the strength of these partnerships possibly explains why Tatamigana would have come to the aid of Anaigviak.¹⁷ Tatamigana was, however, a blood relative of Pugnana, referred to variously in the archival record as his cousin or an uncle.¹⁸ Both played central roles in the killings. But by time Corporal Doak investigated,

¹⁴ This diagram is based on the following sources: "Copy of Statement of Tatamigana," not dated, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC; "Crime Report Re: Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula," 29 August 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC; "Copy of Statement of Agnahiak," 13 December 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC; "Anaigviak states as follows" [Not dated], RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC; "Crime Report Re: Eskimo Tatamigana...Murder," 4 March 1922, RG 18 Vol 3289 File HQ-681-G-1 Tatamigana (Eskimo), LAC; "Crime Report Re: Tatamigana—Shooting with intent to kill one Hannak (Shooting Affray at Kent Peninsula) Tatamigana—Murder of Hannak, Ikialgagina, Pugnana, Ikpukuwak, and Okoklitana), RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC; *The King vs. Alikomiak* [for the murder of Pugnana], 17 August 1923, RG13, vol.1526, Alikomiak Tatamigana Part 1, LAC; and *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, LAC.

¹⁵ Jenness, *The Life of the Copper Eskimo*, 87 and 90-91.

¹⁶ Ibid., 90.

¹⁷ Collignon, *Knowing Places*, 175.

¹⁸ The trial for Tatamigana states that Pugnana is an uncle. Tatamigana's statement states that Pugnana is a cousin. Either way, they were likely linked through a blood relationship. *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC; "Copy of Statement of Tatamigana," not dated, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

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Pugnana had been killed and Tatamigana was the only surviving participant of the violence remaining at the summer camp.

Owing to the lateness of the season, Corporal Doak was dispatched to investigate the five killings in the summer camp and the sixth killing (of Pugnana) only after freeze up in the winter of 1921/1922. It was much easier to travel over frozen sea ice with dogs pulling a sled than to walk on the shoreline during the summer. Since the Tree River detachment did not have a boat to conduct patrols in summer during the short open water season, they were limited to winter patrols with dogsleds using the sea ice to best advantage.¹⁹ There are two advantages to traveling on sea ice: one could travel further in a single day on smooth sea ice than on summer tundra, and when conditions were good, one could travel a straighter line of travel than having to follow the shoreline walking in summer. Upon investigation, Corporal Doak took statements from Tatamigana, Anaigviak (who was wounded during the shootings) and Agnahiak (the late Pugnana's wife). The three statements reveal key elements leading to the shootings.

In his statement, Tatamigana suggested that because he had been having a sexual relationship with Hannak's wife, Hannak was the source of the trouble. Speaking to Corporal Doak through the interpreter Cyril Uingnek, Tatamigana stated:

Native Hanak and I were the best of friends and I was very much surprised when he asked me one day to fight him with rifles. He also wanted to fight my cousin Pugnana. I think he was mad because we had been using his wife although he had told me that I could have her whenever I liked. I knew that he was going to start some trouble as he said that he was going to kill some married men and also Pugnana and myself. We always kept our rifles and knives handy and watched him. Ikpahoak and his son Ikialgagina was the only friends Hanak had so if any trouble started we intended to kill them if we could.²⁰

¹⁹ Even with a patrol boat, the waters from year to year may not have been navigable due to sea ice. It was possible for the waters of Coronation Gulf to be choked with ice, even during the summer. For an RCMP discussion on boats, see "General Conditions Eastern Arctic Coast," 15 December 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

²⁰ "Copy of Statement of Tatamigana," 13 December 1922 [1921], RG18, vol. 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

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Anaigviak gave similar information to Corporal Doak through the interpreter Cyril Uingnek. He said:

I have a wife and one child and live around Kent Peninsula. I went inland last summer with my family and joined a native camp. About the fourth day after my arrival, I was coming from the fish hole towards the camp when I heard a bullet whiz by my head. I stopped and the next second I was shot through the abdomen and went rolling on the ground. I don't remember anything else as I was suffering very much. I was told later that Hannak had shot me. I don't know why he did it as we were good friends.²¹

Agnahiak (the late Pugnana's wife) also names Hannak as the source of the conflict suggesting that he was trying to get an extra wife for Ikialgagina. Through Cyril Uingnek, the police interpreter, she stated:

About the middle of Summer Native Hanak started to make trouble by trying to get an extra wife for Ikialgagina I knew there was going to be trouble and I wanted my husband to move away. One day I heard a shot and got out of the tent in time to see Hanak fire a second shot and hit Anaigviak. By this time both my husband and Tatamigana were out with their rifles and knives. They were expecting this to happen and always kept their weapons handy.²²

These statements provided by Tatamigana, Anaigviak and Agnahiak was taken by Cyril Uingnek, the Inuk interpreter, and was witnessed by Constable Woolams of the Tree River Detachment. Each person's signature was marked as an "x" because they could neither read nor write English.

By the time Corporal Doak typed his final report on the Kent peninsula shootings, all reference to Toktogan and Otto Binder's relationship had been dropped. Instead, reference to Binder was replaced with 'Ikialrina [Ikialgagina] was a troublemaker' and Toktogan was not

²¹ "Statement by Anaigviak," not dated, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

²² "Copy of Statement of Agnahiak," 13 December 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

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referred to at all. Corporal Doak's crime report derived from his interviews with the Inuinnait witnesses and quoted here in its entirety, offers the following details:

While on patrol to the Eastward, I investigated the shooting Affray which took place last Summer, at Kent Peninsula. The Natives killed were. — Hanak and his wife Pugnana, and their four year old child Okalitana, also Ikpahahoak and his son Ikalgina. It seems that the native Hanak and his [wife] was the cause of all the trouble, his main object in life was to secure an extra wife or two for himself. In order to do this he would have to kill all or some of the married men, and he had threatened to do this. He had also threatened to kill Pugnana and Tatamigana, as they were too friendly with his wife. He challenged them to fight with guns, but they did not accept, and they decided to kill him on his making any hostile move. They knew also that Ikpahahoak and his son Ikalgina were going to stand by Hanak if any trouble started IKIALGINA [sic] was a useless troublemaker and could not keep a wife when he had one and Hanak had promised to get a wife for him. The rest of the natives could see that there was going to be trouble so they decided to move away and leave Hanak, Ikpahahoak and Ikalgina by themselves. However, the day before their proposed departure, Hanak commenced to make good his threats, by shooting at Anaigviak when he was walking from a fish hole to the camp. The second shot fired hit Anaigviak in the abdomen passed through the muscles and lodged in his right arm. By this time Pugnana and Tatamigana were on the job. Tatamigana shot at Hanak wounding him in the chest and Pugnana shot and killed Ikalgina. then Pugnana rushed down and killed Hanaks wife with his knife (her name was also Pugnana) He also found Hanak to be still living so he finished him off with his knife. In the meantime Tatamigana and Ikpahahoak had taken cover and were exchanging shots Pugnana went to the aid of his partner and shot Ikpahahoak dead. Then Pugnana went over to Hanak's tent and killed Okalitana Hannaks four year old daughter. This was considered an act of mercy by the people. After the fighting was over, Pugnana and Tatamigana carried all the bodies to a large lake nearby and threw them in. I arrested Tatamigana who is the only survivor of the actual combatants he is also connected with the murder of his partner Pugnana, although Native Alikomiak did the killing. This comes under a separate Crime Report. I have taken Native Anaigviak as a witness, also Agnahuk, wife of the late Pugnana. [Signed in blue ink by Cpl. Doak].²³

A few key details are missing (perhaps deliberately) from Corporal Doak's report that were previously included in the various witness statements and the report by Inspector Wood. For

²³ Corporal Doak, "Crime Report Re: Eskimo Tatamigana...Murder previous heading: Re murder of Eskimo Ikialgagina, Ikpukuwak, Hannak, his wife Pagnana, and daughter Okolitana, and wounding of Eskimo Anaigviak at Kent Peninsula," 4 March 1922, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

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example, the crime report does not implicate Otto Binder as the source of the argument over Toktogan, it merely states, “IKIALGINA was useless troublemaker and could not keep a wife when he had one and Hanak had promised to get a wife for him.”²⁴ Yet, the RCMPs official annual report of 1923 spells otherwise: “Binder had taken “Ikialgagina’s wife, Toktogan, and his cousin Hannak was helping him [Ikiakgagina] to get another wife.”²⁵ Correspondence between the HBC and the RCMP make it clear that the HBC were pleased that Otto Binder was not named in the official report as being a part of the source of the shooting deaths of Hannak, Ikpukuwak, Ikialgagina, Hannak’s wife Pugnana, or of the strangling death of Hannak and Pugnana’s four-year-old daughter Okolitana. And they were also relieved he was not implicated in the wounding of Agnavik. A. Brabant the Fur Trade Commissioner writes: “Your courteous reply of the 26th. to our enquiry regarding Otto Binder is very much appreciated, and it is a pleasure to note that the report of Inspector Wood does not connect Binder with the regrettable affair above mentioned. I am. Sir, Your Obedient Servant, [Signed] A Brabant Fur Trade Commissioner.”²⁶ Doak’s crime report states that Tatamigana and Pugnana were “friendly” with Hannak’s wife, but it failed to mention that Tatamigana was having sexual relations with her. Tatamigana disclosed this relationship in his official statement:

Native Hannak and I were the best of friends and I was very much surprised when he asked me one day to fight him with rifles. He also wanted to fight my cousin Pugnana. I think he [Hannak] was mad because we had been using his wife

²⁴ Corporal Doak, “Crime Report Re: Eskimo Tatamigana...Murder previous heading: Re murder of Eskimo Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana, and daughter Okolitana, and wounding of Eskimo Anaigviak at Kent Peninsula,” 4 March 1922, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

²⁵ Inspector S.T. Wood, “Crime Report Re Tatamigana—Shooting with intent to kill one, Hannak. (Shooting Affray at Kent Peninsula) (Tatamigana—Murder of Hannak Ikialgagina, Pugnana, Ikpukuwak and Okolitana),” 13 August 1923, RG18, vol. 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

²⁶ A. Brabant, Hudson’s Bay Company Fur Trade Commissioner to A. B. Perry, Commissioner, RCMP “Re: Murder of Five Eskimos at Kent Peninsula, N.W.T.” 2 February 1922, RG18, vol. 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

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although he had told me that I could have her whenever I liked.²⁷

According to Pugnana and Tatamigana, Hannak was a “troublemaker,” who had expressed the desire to kill them both as well as other married men.²⁸ According to Pugnana’s wife, Agnahiak, Pugnana had also said, “I guess that’s all the bad ones killed for I killed Hannak’s wife [also named Pugnana] in the tent. [sic] and I will now kill the little one as she has no one to look after her.”²⁹

What seems clear from this reconstruction of events through the archival record is that Otto Binder had pursued a relationship with Toktogan, Ikialgagina’s wife, and the resulting friction arose from other Inuinnait trying to find new wives for Ikialgagina as well as Hannak and in the end led to their deaths. In many ways, however, the exact details of the killings of these five individuals are not as important as what this episode tells us about Inuinnait life, culture, and justice. These events hint at processes of negotiation and power dynamics in this “contact zone” of Inuit-Qablunaat encounter.

This process unfolded in many different ways in Inuinnait territory and beyond throughout the years, 1921 to 1924, that this case unfolded. At different times and in different parts of Inuinnait territory this process was peaceful and fleeting, at others it was violent and intense. Sometimes the violence remained within Inuit communities, other times it spilled over into clashes with the incoming Qablunaat men. In this case of the shootings on the Kent Peninsula, it had disastrous consequences for the Inuinnait men who visited ‘violence’ upon other Inuinnait, and for the same Inuinnait who killed Qablunaat. Infanticide, marriage practises

²⁷ “Copy of Statement of Tatamigana,” not dated, RG18, vol. 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

²⁸ Ibid.

²⁹ “Copy of Statement of Agnahiak, Native Eskimo Woman,” 13 December 1921, RG18, vol. 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

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and Inuit justice were fundamental aspects of the contact zone at this time in this place and represent points of potential and actual understanding and misunderstanding between Inuinnait and newcomers in this case.

An examination of the cultural and historical context of the killings also contributes to an understanding of this series of events. Using an ethnohistorical approach, it is possible to untangle some of the Western or outsider's understandings and mis-understandings of Inuit practises around which life and justice revolved. The Inuinnait statements and Corporal Doak's reports highlights conflicting ideas about Inuinnait and Western cultural beliefs about infanticide, women and marriage (sex), and anger and justice. The beliefs about these practises shaped the manner in which the government, represented by the RCMP, responded to what they perceived as "problems" in the contact zone. Other Indigenous beliefs, such as traditional marriage practises, were sometimes as much about clashing and grappling in the contact zone as they were about cementing ties of kinship and economic ties with the incoming European men. These factors had an impact on RCMP responses to the Inuit as well as Inuit response to the RCMP.

Corporal Doak's report points to the practise of infanticide among Inuinnait. He notes that the Inuit considered the killing of the child Okolitana an "act of mercy." Infanticide, including the killing of newborn infants as well as children up to 3 or 4 years old, was selectively practised in Inuinnait culture.³⁰ Babies were sometimes exposed during especially difficult winters, in times of food shortage, or whenever rearing posed too much of a burden on parents, families, or extended families. Sometimes babies were killed before being exposed to the elements, other times they were simply left outside. Any parent who abandoned a child forfeited

³⁰ Not all Inuit groups had similar cultures. The early anthropologists comment, for example, that the Inuinnait and their neighbours to the north practised infanticide, while others did not. Knud Rasmussen, *Intellectual Culture of the Copper Eskimos*, 18.

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their right to the child. And unless the child was killed first, another woman or family could pick up the child and raise the boy or girl as their own.³¹ In other cases, like that of Okolitana, if a baby's parents died or were killed, the baby or young child could also be killed as an act of mercy because there were no others able to look after the child. Until girls were old enough to marry, they were considered another mouth to feed and as such could be a burden on the family in times of economic stress. Boys grew up to become the hunters and providers, and more hunters in a family meant more food and a better life. When a couple became too old to care for themselves, they hoped that a grown son would hunt and provide for them.³² There is significant debate about the gender balance in Inuinnait communities. Commentators at the time such as Stefansson reported close to equal male/female ratios in Inuinnait camps, and Jenness argued that infanticide was a survival mechanism not a persistent attribute of Inuit culture.³³ Modern anthropologists have continued debating this point and some such as Richard Condon believe that “the pre-contact practise of selective female infanticide did result in a scarcity of women and thus a skewing of the sex ratio.”³⁴

Part of the RCMPs mandate to introduce the Inuit to government control (and Western notions of law and justice) included an attempt to curb infanticide among the Inuinnait. To curb this practise, the RCMP handed out ‘Baby Bonuses’ in the form of trade goods. Legal scholar Sidney Harring argues that the success of the RCMPs campaign to curb infanticide (introduced in 1925) was difficult to measure because it coincided with an increase in the standard of living

³¹ Knud Rasmussen, *Intellectual Cultures of the Copper Eskimo*, 42.

³² John Bennet and Susan Rowley, eds., *Uqalurait: An Oral History of Nunavut* (Montreal: McGill-Queens University Press, 2004), 415.

³³ Harring includes a good discussion of infanticide in his article. See Harring, “The Rich Men of the Country,” 27-30.

³⁴ Pamela Stern and Richard Condon, “A Good Spouse is Hard to Find: Marriage, Spouse Exchange, and Infatuation Among the Copper Inuit,” in *Sexualities in Anthropology* Harriet P. Lyons and Andrew Lyons, eds, (London: Wiley Blackwell), 346.

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and was often taken out of the context of Inuit life.³⁵ Prior to the introduction of the official campaign to stem infanticide, on their long patrols, the RCMP inquired at each Inuinnait group they contacted about the practise and noted the Inuit reluctance to discuss it with them. RCMP reports throughout the 1920s are peppered with anecdotes from these long patrols encountering resistance and evasion to talking to the RCMP about the practise, but equally some of the RCMP officers seemed to understand the nature of this practise within the context of Inuit culture. Staff Sergeant Clay, on patrol to Bathurst Inlet in the winter of 1920, relayed such an awareness in his description of the Kelewiktomiut:

These people were not a bit backward in giving me information that was required, the subject of which is contained in a separate report. They were, however, somewhat reticent when questioned by me as to the extent of child murder amongst them and kindred tribes. From their point of view infanticide is justifiable, it being only resorted to when hunger strikes the band, or they are on the move from one district to another, and it becomes an impossibility for the mother to care for and rear the child. This practice is without doubt becoming less common amongst them and with the advent of the missionary, and other aids to civilization will in short while be discontinued entirely.³⁶

There is no way to estimate the incidence of infanticide, and as Harring suggests, was one prong of the deliberate government attempt to interfere in Inuit lives.³⁷

Outsiders were also interested in marriage practises of the Inuinnait. If the sex ratio was skewed, when the time came to marry, then, there were a number of demographic, social and economic dynamics that dictated how this occurred. For an Inuit man to marry, he must have reached the first major milestone in his life and have killed his first caribou or adult seal. After

³⁵ Harring, “The Rich Men of the Country,” 29.

³⁶ Canada, Royal Canadian Mounted Police. *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920* (Ottawa: Thomas Mulvey Printer to the King’s most excellent Majesty, 1921) 27.

³⁷ Sidney Harring, “The Rich Men of the Country,” *Ottawa Law Review*, 21, no. 1 (1989), 27.

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that, marriage marked the next major milestone for both men and women.³⁸ Most Inuinnait were married at a young age, women generally just at or before puberty and men slightly older.³⁹ Marriage was not marked by an official ceremony, but was usually subject to the agreement between the couple's parents.⁴⁰ If the couple lived near the woman's family, no exchange of goods was required, but if they moved far away, it was expected that the man would give items of value to the woman's family in return for taking her far from them.⁴¹ Anthropologist Diamond Jenness noted that celibacy among men and women was unknown and the culture was generally free about sexual matters.⁴² If for whatever reason the marriage was not suitable, either partner could leave and return the goods that had changed hands, leaving both parties free to contract new arrangements.⁴³ These practises allowed for fluid social relations, as Anthropologists Pamela Stern and Richard Condon explain: "In short Inuit men and women could have passions. These passions could result in a young girl rejecting a marriage partner selected by her parents, they could lead a man to kidnap another man's wife, and they could motivate a woman to urge her husband to enter a spouse exchange relationship with an enticing trading partner."⁴⁴

The practise of selective female infanticide resulted in a skewed gender ratio and therefore "competition between males for wives, occasionally leading to murder, was commonplace in some areas."⁴⁵ Men could also marry a woman by force.⁴⁶ The Interviewing

³⁸ Jenness, *The Life of the Copper Eskimos*, 157-158.

³⁹ Ibid., 158.

⁴⁰ Ibid., 159.

⁴¹ Rasmussen, *Intellectual Culture of the Copper Eskimos*, 18.

⁴² Jenness, *The Life of the Copper Eskimos*, 158.

⁴³ Knud Rasmussen, *Intellectual Culture of the Copper Eskimos*, 18.

⁴⁴ Pamela Stern and Richard Condon, "A Good Spouse is Hard to Find: Marriage, Spouse Exchange, and Infatuation Among the Copper Inuit," in *Sexualities in Anthropology*, 346.

⁴⁵ Ibid., 346.

⁴⁶ Jenness, *The Life of the Copper Eskimos*, 159. Rowley and Bennet, eds., *Uqalurait: An Oral History of Nunavut*, 414.

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Inuit Elders Series is a five volume series of books devoted to Inuit oral traditions. Students of the Inuit Studies program at the Nunavut Arctic college interviewed Inuit elders at the college, where the students conducted interviews in Inuktitut which were simultaneously interpreted into English. In 1999, one of the Elders, Kilaaja described her arranged marriage: "He asked my parents. I was taken away without having consented to it. I wanted someone else that I liked more by appearance... I have heard the ones that were taken without consent say, 'I don't agree deep inside, I don't want to become a wife, I am afraid.' That's how I was also. But it is true that I love him more as time passes."⁴⁷

Among the Inuinnait, there was also a tradition of fighting over a woman, referred to as aqhautijuuk, which has been described as a tug of war.⁴⁸ Two men desiring the same woman would grab her caribou parka at opposite shoulders and try to pull her towards him. She was to remain neutral, but sometimes leaned in the direction of the man she favoured. This fight could last hours, and if her parka was torn, a rope would be tied around her waist and both men would tug on the rope until she was clearly pulled to one side or the other.⁴⁹ Sometimes after a number of days, the man would return her to her original husband or sometimes he would keep her as his wife.⁵⁰ The threat of violence could be a part of this process of taking a wife, but did not always end in reprisals or murder. In 1973, the Catholic priest Maurice Metayer interviewed Inuinnaq James Qoerhuk who explained his experience "stealing" a wife through aqhautijuuk:

A long time ago because a great need made itself felt—I had been for a long time without a wife - I took the wife of another man ... I wanted to steal a woman. I was not in the least afraid - the desire to do it was stronger than I was. My actions struck fear into the hearts of my good parents, but in spite of their protests I

⁴⁷ Jarich Oosten, Frédéric Laugrand, Wim Rasing, eds., *Interviewing Inuit Elders Perspectives on Traditional Law* (Iqaluit: Nunavut Arctic College, 1999), 65.

⁴⁸ Rowley and Bennett et. al., *Uqalurait*, 415.

⁴⁹ Ibid., 414.

⁵⁰ Maurice Metayer ed., *Unipkat: Tradition esquimaude de Coppermine, T.N.O., Canada* (Quebec: Université Laval), text 78.

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intended to take another man's wife. Kilgaivk, my paternal uncle, encouraged me by at first being too timid to protest. From then on I couldn't hide what I wanted; and so I made my decision for real, and took the wife of another man - the first woman I had, Kanajuq's wife - even though they had been living together for a long time... We fought for a long time over the woman (aqhautijuuk); and as we each pulled on opposite sides of her, her clothing tore to shreds and fell aside. Nalvalhroaq picked them up because he was watching - there were many people watching. After our struggle for the woman had gone on for a long time and I as I had succeeded in taking Hupuq for my wife the person we call Iqqimiulik, big Tupiq (Tupiq was his real name, and Iqqimiulik was his nickname), made a move to stab her. I pushed him away with my other arm, my right arm. I nearly made him fall — I hardly pushed him — he was going to stab his daughter-in-law Hupuq because I wanted to steal her. Of course she had no desire to return to her first husband because she had nearly been stabbed. As we had fought for a long time and because her clothing had been torn to shreds I finally pulled her towards me, wanting to bring her into the iglu. They were ready to use their bows and arrows because they weren't thinking; but I was not going to give in. After going to get their bows, they said nothing about bows; they were being deceitful. As they seemed to want to make use of their weapons I brought her to my dwelling. When one after the other we had entered out iglu, we both reacted in the same way, walking this way and that in the iglu, and having the same thoughts. The others were vain and angry. They wanted to show off; but because they didn't go through with their idea and didn't show off I didn't have the least bit of fear, and the woman was happy. I wasn't in the least frightened ... The next day without waiting Kanajuq took off toward the north, and he didn't take his wife. I didn't give her to him because I had taken her for myself. Our actions were meant absolutely seriously. When men take action for serious reasons they don't know fear; they're afraid of nothing.⁵¹

Commonly, marriages were between one man and one woman, though Vilhjalmur Stefansson, Diamond Jenness and Knud Rasmussen reported that polygamy (and rarely polyandry, the practise of women taking multiple husbands) was also practised.⁵² It was therefore possible that one man had two or three wives while another man of the same community had none. Corporal Doak alluded to this practise in his report, saying that Hannak was trying to find another wife or

⁵¹ Maurice Metayer ed., *Unipkat: Tradition esquimaude de Coppermine, T.N.O., Canada* (Quebec: Université Laval), text 78.

⁵² Vilhjalmur Stefansson, *My Life with the Eskimos* (New York: The MacMillan Company, 1913), 150; Rasmussen, *Intellectual Culture of the Copper Eskimos*, 51 and Diamond Jenness, *The Life of the Copper Eskimos* (Ottawa: F.A. Acland Printer to the King's most excellent Majesty, 1922), 158, 162.

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two for himself. Owing to the presumed or actual shortage of women, the only way to obtain a wife was either to take her from her current husband or kill her current husband, and then take her.⁵³

Western outsiders saw this violence as a “problem” of the Inuinnait culture. Rasmussen even claimed that in one Inuinnait community, every single man had been implicated in a murder caused by “temper, jealousy, the desire for a wife, or vendetta.”⁵⁴ Tatamigana admitted to frequently visiting Hannak’s wife, while Hannak was away. This highlights another form of sexual practise commented upon by Western observers—unmarried and married men sharing wives. If her husband was out hunting or if she was attracted to someone else, for example, it was acceptable for a woman to have sexual relationships with another man.⁵⁵ Richard Condon and Pamela Stern, anthropologists who have spent a great deal of time in the community of Ulukhaktok (Holman) point out this tension between sexual relationships and marriage: “That Inuit husbands would be concerned over the potential loss of their wives to a competitor while at the same time accepting their [wives’] sexual liaisons with other men highlights one of the paradoxes of Inuit culture.”⁵⁶

Inuinnait Elders emphasize the duty to obey one’s parents and husband, but also the freedom to have other sexual partners. As Elder Tulimaaq explains in 1999: “I was told that when I got a husband, I had to listen to him. My mother told me to obey him. If I had sex with

⁵³ Rasmussen, *Intellectual Culture of the Copper Eskimos*, 18. Sidney Haring contests that there was a shortage of women in Inuinnait communities and suggests that numbers were at or very close to parity. Haring, “The Rich Men of the Country,” 9. Even if numbers were at parity and the practise of polygamy was present, it is still possible that some men had a wife or wives, while others did not. We cannot know for certain what the gender balance was.

⁵⁴ Rasmussen, *Intellectual Culture of the Copper Eskimos*, 18.

⁵⁵ Oosten et al., eds., *Perspectives on Traditional Law*, 64.

⁵⁶ Pamela Stern and Richard Condon, “A Good Spouse is Hard to Find: Marriage, Spouse Exchange, and Infatuation Among the Copper Inuit,” in *Sexualities in Anthropology*, 346.

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another man then I had to tell my husband right away and not be ashamed of this, because if I didn't tell him and he heard this from others he would start distrusting me and not be happy.”⁵⁷

Although there was a significant emphasis on women obeying their husbands, women were not lacking agency in their relationships with men. Tulimaaq explains that she could initiate relationships with another man without her husband knowing at first, as long as she disclosed the liaison. Also Tulimaaq did not consider herself to be a “victim” of her culture, as many outside observers described Inuit women and when asked about the power of women: “They used to say, ‘You are just a woman.’ Even though, women were very useful. They were the ones that created ties between families and the ones that kept everyone clean and well dressed. Maybe they thought there were too many women. As for me, I am a woman.”⁵⁸ Just as a woman could initiate a sexual relationship with another man, she could also decline a sexual relationship when she did not want it. Part of the tension that led to the killings in the summer camp was due to the following episode. According to Alikomiak’s testimony, “Ikialgagina had gone to Pugnana’s tent and wanted to sleep with Agnahiak [Pugnana’s wife] but she would not let him, thereupon he wanted to shoot her but was prevented from doing so by women.”⁵⁹

In contrast to these liaisons, spouse exchange was one type of formalized sharing partnerships that were critical to the healthy functioning of Inuinnait society. Spouse exchange between married couples could last from a single night, to a week, or to a much longer time and did not result in jealousy or violence.⁶⁰ The children of the two families practising spouse

⁵⁷ Oosten et al., eds., *Perspectives on Traditional Law*, 64.

⁵⁸ Jarich Oosten et al., eds., *Interviewing Inuit Elders Perspectives on Traditional Law*, 63.

⁵⁹ Inspector S.T. Wood, “Crime Report Re Tatamigana—Shooting with intent to kill one, Hannak. (Shooting Affray at Kent Peninsula) (Tatamigana—Murder of Hannak Ikialgagina, Pugnana, Ikpukuwak and Okolitana),” 13 August 1923, RG18, vol. 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁶⁰ Stern and Condon, “A Good Spouse is Hard to Find,” 346.

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exchange were considered related and forbidden to marry.⁶¹ These exchanges had social and economic many other benefits—they could assure an exchange partner’s safe passage when visiting one’s originating territory, they solidified hunting partnerships, or if a man was infertile, for example, they made it possible to have children. They could also cement friendships and family alliances.⁶² Spouse exchange was institutionalized in Inuinnait culture to admit infatuation and desire for a person other than one’s spouse, and functioned to preserve the social order, not undermine it. Anthropologists suggest that the motivations for spouse exchange were more complex than purely economic, or practical reasons.⁶³

Marriage was centred on the Inuit need to build relationships and economic alliances to ensure survival in the North. These relationships were also important to white male fur traders, who were far from home, and resulted in what have been referred to as marriages *à la façon du pays*.⁶⁴ Native marriages were not formal church marriages but were recognized relationships between Inuit (and, in other contexts, First Nations) women and Qablunaat. Men and women held very different, but complimentary gender roles. An Inuk woman was expected to learn how to be a good wife, to obey her husband, to prepare food and sew clothing, and to care for their children.⁶⁵ These tasks were equally critical to the survival of the family, as hunting was, which is why marriage was the desired partnership.

In keeping with the cultural importance of having a wife, Knud Rasmussen proposed another motivation for the killings of the five Inuit on the Kent Peninsula, which he published in

⁶¹ Jenness, *The Life of the Copper Eskimos*, 85.

⁶² Ibid., 85-87.

⁶³ Stern and Condon, “A Good Spouse is Hard to Find,” 346.

⁶⁴ Sylvia Van Kirk, *Many Tender Ties: Women in Fur Trade Society 1670-1870* (Oklahoma: University of Oklahoma Press, 1983):

⁶⁵ Jean Briggs, ed., *Interviewing Inuit Elders Childrearing Perspectives* (Iqaluit: Nunavut Arctic College, 2000), 73-80.

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his 1932 account of the Fifth Thule Expedition. He travelled from Greenland across the Canadian Arctic and in 1924 one of his Inuinnait informants suggested that Tatamigana's motivation for killing was to obtain a wife.⁶⁶ Tatamigana, along with Alikomiak and Ikialgagina, were unmarried although all three were old enough to be in partnerships. Tatamigana, and possibly Alikomiak and Ikialgagina, was having a relationship with Hannak's wife, Pugnana, and other married women. Ikialgagina was also angling for a new wife after Toktogan had left him to marry Binder. Assuming the desired state of being in the community was marriage, the anecdotal evidence suggests that there was a shortage of marriageable women in the community, though it is not clear if this was the result of infanticide or other reasons.⁶⁷

Once tensions boiled over, Pugnana took a leading role in the killing in the summer camp and Tatamigana helped. Rasmussen suggests that Tatamigana was disappointed because Hannak's wife Pugnana was killed in the violence in the summer camp before he could marry her, so he later killed Pugnana because he wanted Pugnana's wife.⁶⁸ It stands to reason that Tatamigana would have feared for his life. Killing another man and taking his wife left one open to reprisals from his family, sometimes resulting in death. Perhaps Tatamigana wanted a wife, but if he had killed his relative Pugnana solely for his wife, would he have lasted as long as he did in the community after Pugnana's death? The community was reluctant to allow Tatamigana and Alikomiak to be arrested and taken away by Cpl. Doak because they felt he had done the right thing in killing Pugnana.⁶⁹ Perhaps Tatamigana did take Pugnana's wife for himself after

⁶⁶ Rasmussen, *Intellectual Culture of the Copper Eskimos*, 62-63.

⁶⁷ It was possible to have fluctuations in the male/female ratio due starvation, death in childbirth, hunting accidents.

⁶⁸ Rasmussen, *Intellectual Culture of the Copper Eskimos*, 63.

⁶⁹ Corporal Doak's patrol report, detailing his patrol to the Kent Peninsula to investigate the killings on the Kent Peninsula, was partially quoted in *Annual Report of the Royal Canadian Mounted Police for the year ended September 30, 1922*. Ottawa: F.A. Acland, 1923, 43-44.

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Alikomiak killed Pugnana, but taking her was not the reason they killed Pugnana? It is also possible that Knud Rasmussen, in attributing Tatamigana's actions to wanting a wife, was sharing that having a wife was a fundamental cultural necessity.

Women were responsible for creating and maintaining ties between families.⁷⁰ The same role that women performed in fostering relationships between Inuinnait families extended to their relationships with Qablunaat traders.

In an unusual request at the time, Inspector Fitzgerald, who had established the Qikiqtaruk (Herschel Island) RCMP detachment in the early 1900s, sought official sanction from his supervisor to marry an Inuit woman. He was denied. Nevertheless, the relationship continued.⁷¹ Often children of mixed-ancestry resulted from these unions.⁷² Toktogan had two children, one of whom was with Binder.⁷³ Binder was not married to Toktogan in a church marriage, but “a la façon du pays,” though there are conflicting accounts about how she came to live with him. One account suggests that Binder took Toktogan from her Inuinnaq husband, Ikialgagina, in much the same way it was possible for an Inuinnait man to “steal” a wife. Thomas P. O’Kelly from the HBC Fur Trade Commissioner’s office, questioned a newspaper report that suggested that Binder took Toktogan:

Taking this literally [referring to a newspaper article]; if Binder had taken the other man’s wife, the taking of her would be sufficient evidence that she suited him, and that he intended her for his own, otherwise he need not have taken her at all, as in that part of the country, there is a considerable amount of give and take

⁷⁰ Oosten et al., *Perspectives on Traditional Law*, 120.

⁷¹ Letter From Inspector Wood to Officer Commanding RCMP Edmonton, “Re Otto Binder—Deceased” 9 January 1924, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

⁷² Inspector Fitzgerald one of the founding members of the RCMP detachment on Herschel Island also had a daughter with an Inuk woman. C.H. Clarke the HBC trader on Kent Peninsula fathered two children with an Inuk woman. These are but a few examples.

⁷³ Letter from Inspector Wood to Officer Commanding RCMP Edmonton, “Re: Otto Binder-deceased.” 14 February 1924, RG 18 Vol 3293 File 1922-HQ-681-G-4, LAC.

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in regard to the women.⁷⁴

If Binder “stole” Toktogan from Ikialgagina, Binder’s behaviour was not necessarily any different from Inuit behavior, except that as a Qablunaat, there was the added level of a power dynamic and cultural difference between himself and Ikialgagina. Binder was not a social equal to Ikialgagina in the Inuinnait community. If Ikialgagina had tried to take her back, how could he have known what kind of response to expect from Binder? On the other hand, Ikialgagina knew what to expect from the other Inuinnait men in his community and their range of responses to his agitation for a new wife. Instead of engaging in a potential confrontation with Binder, Ikialgagina may have directed his attention to other men’s wives. Also, Binder did not have kin ties, but gave the extended family access to the fur trade, which brought Binder into kin relations with them.⁷⁵

Another account suggests that Toktogan was married to Ikialgagina, but was unhappy with the arrangement. Some of the most powerful ministers in the Dominion Government were discussing the marital status of a very ordinary Inuinnaq woman and her non-Inuinnaq husband. They were more concerned with exonerating Binder from being named as the source of the affray, and were not keen that Binder and Toktogan’s union be termed a “marriage.” Dominion officials were taken up discussing the status of Binder and Toktogan’s marriage. No less than Cortlandt Starnes and a Mr. Gallagher of the Department of Justice discuss her history and how she came to be with Binder. In his letter to Mr. Gallagher, Cortlandt Starnes relays the information from Captain O’Kelly of the H.B.C.’s steamship *Kindersley* about this case:

This girl, [Toktogan] whose father lived on Victoria Land was when very young, sold by her father to an Eskimo who lived East, - towards Repulse Bay. This man

⁷⁴ Thomas P. O’Kelly, “Alleged Murder at Kent Peninsula,” 24 December 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁷⁵ Van Kirk, *Many Tender Ties*, 21.

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took her away to his own part of the country. Apparently she did not get along with him and left him. He has never been heard of and apparently being satisfied, never came West again. The young woman travelling with different tribes, gradually made her way back to her father's estates on Victoria Land. Some few years ago Binder went to Victoria Land on business of the company and for himself, and there stayed with the girl's father, with whom he had business. The father, who had known him for a long time, offered the girl to him. He hesitated at first, being a white man and a Hudson's Bay employee, but was finally persuaded by the father to take the girl. He took her with him, and she had lived with him ever since and appears to have been very well treated by him. It is quite clear from Captain O'Kelly's story that the fact of this woman living with Binder had no connection whatever with any of the killings.⁷⁶

Toktogan left her earlier marriage to Ikialgagina [the same Ikialgagina who was threatening Pugnana and Tatamigana and was one of the men killed in the summer camp] returned to be with her parents on Victoria Island. It was rumoured that she had many suitors, including Binder who had fur trade business on Victoria Island, where he stayed with her father: "Mrs. Binder is quite good looking and seems a very nice girl... As the wife of Binder, her lot in life is much improved, and if one may judge by appearances — she appreciates it. According to gossip, she had many suitors, or rather her father had many offers of worldly goods for her, but he preferred to bestow her on his friend Binder."⁷⁷ Toktogan's relationship with Binder cemented economic, trade, and kin alliances between her family and the HBC. Perhaps Toktogan's life with Binder was also much easier than her life would have been out on the land? Perhaps she felt deep affection for him? She may have occupied a more prominent position in her own community as a result of her union with Binder, with all of the associated economic, trade relationships. Binder would have new Inuit in-laws as well, drawing him into relationships of reciprocity. Likely the result of these multiple forces, Toktogan came to live with Binder at Tree River in the summer of

⁷⁶ Captain O'Kelly quoted in Cortlandt Starnes to Mr. Gallagher, Department of Justice, Ottawa, 29 November, 1923, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

⁷⁷ Thomas P. O'Kelly, "Western Arctic District Alleged Murder at Kent Peninsula," 24 December 1921, RG 18 Vol 3289 File HQ-681-G-1 Tatamigana (Eskimo), LAC.

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1920.⁷⁸ Whether he took her by force from Ikialgagina, or whether she and/or her parents chose Binder over other suitors, she had been previously married to Ikialgagina.⁷⁹ She resided at Tree River for a year when the killings on the Kent Peninsula occurred.

Anger not only pervades this story of murder, but has some interesting manifestations in Inuit culture. The Inuktitut word *surjuk* means: “If someone has made me angry and I go over to their house to express this anger and displeasure and want to fight, that is *surjuk*.⁸⁰ Expressions of anger are closely linked to traditional Inuit law and justice. It is important to note that Inuit culture differs significantly among the communities of the western Arctic, the central Arctic, and the eastern Arctic.⁸¹ Yet, underpinning the entire Inuit justice system is a concern for the communal good. Inuit law is interconnected to cultural practises and both law and culture are facets of the strong Inuit oral tradition. Neither laws nor cultural practises and responsibilities were codified, but handed down orally from one generation to the next.⁸² There are three significant Inuktitut terms which capture different aspects of traditional Inuit law. The three terms “maligait, piquajait, and tirigusuusiit refer to what had to be followed, done or not done in Inuit culture.”⁸³ Elder Aupilaarjuk explains about maligait (often translated as “laws”):

We are told today that Inuit never had laws or *maligait*. Why? They say, “Because they are not written on paper.” When I think of paper I think you can tear it up and the laws are gone. The *maligait* of the Inuit are not on paper. They are inside people’s heads and they will not disappear or be torn to pieces. Even if a person dies, the *maligait* will not disappear. It is part of a person. It is what makes a

⁷⁸ Toktogan’s husband Cyril Uingnek confirms this in his testimony. *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 8, LAC.

⁷⁹ Toktogan confirmed this in her statement and trial testimony. “Copy of Statement of Toktogan, Native Woman Re: Murder of Corporal Doak and Otto Binder,” 14 April 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC; See also *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 17, LAC.

⁸⁰ Oosten et al., eds, *Perspectives on Traditional Law*, 168.

⁸¹ Ibid., 6.

⁸² Ibid., 1.

⁸³ Ibid., 4-5. These terms are commonly used as equivalents to modern Western notions of law, although the meanings of the terms are more nuanced than simple equivalencies.

person strong.⁸⁴

Piquajait is translated as “customary law,” but it is a “Western concept that did not exist in Inuit society before the introduction of the Canadian system of law. The deeper meaning of the word is that “which is asked to be done (by somebody)” the implicit meaning is “which is asked by an authorized person to be done.”⁸⁵ Piquaq “emphasized the importance of the relation involved: people will comply with what those they respect ask from them.”⁸⁶ Maligaq means that “which is followed in an inherent manner” and is the root word of maligait which are often called “laws,” as they are “things that had to be followed.”⁸⁷ “Using malik or maiksaq instead of puqujaq for customary law would mean that the focus is put on the result of a request (the obligation to obey) rather than the request itself (the wish to obey).”⁸⁸ Tirigusuusiit refers to observing specific (ritual) rules with respect to game. The more often game was used the more tirigusuusiit there were to observe.⁸⁹ The idea behind Tirigusuusiit is to refrain from doing what is not allowed, and played an important part in the preservation of Inuit society, through maintaining respectful relationships with the animals and the land.⁹⁰ Elder Aupilaarjuk in 1999 explained the relationship between the three aspects of Inuit traditional law:

Tirigusungniit are the rules relating to *pittailiniq*, things one should refrain from. *Maligait* are things that had to be followed. Back then we didn’t use the term *maligaq*, but there was a set way of doing things that had to be followed. They are

⁸⁴ Oosten et al., eds, *Perspectives on Traditional Law*, 14.

⁸⁵ Desmond Brice-Bennett and Michèle Therrien, *English-Inuktitut-French Legal Glossary* (Iqaluit: Nunavut Arctic College, 1997), 253.

⁸⁶ Oosten et al., eds, *Perspectives on Traditional Law*, 2.

⁸⁷ Ibid., 16.

⁸⁸ Michèle Therrien’s *Legal Glossary* quoted in Jarich Oosten et al., eds, *Perspectives on Traditional Law*, 14; See also Desmond Brice-Bennett and Michèle Therrien, *English-Inuktitut-French Legal Glossary* (Iqaluit: Nunavut Arctic College, 1997); 255-256.

⁸⁹ Tirigusuusiit in the anthropological literature have often been referred to as taboos or superstitions, though these English phrases do not capture the depth of meaning of the term. Oosten et al., eds, *Perspectives on Traditional Law*, 2.

⁹⁰ Ibid., 2.

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not really the same, but they are related to each other. To obey a *pittailiniq*, we would have to *tirigusuk*, refrain from doing certain things. If I did not follow the *trirgusungniq*, I would be doing something wrong because I would be breaking the *maligaq* relating to the *pittailiniq*.⁹¹

Elders emphasize that transgressions were “not so much sanctioned by the community as by spiritual “agencies” such as the weather or game. Stingy people would catch less game. Sins would evoke bad weather...a murderer would have short life.”⁹²

There are two distinct ways that anger had a role in Inuit culture. It was expected that individuals be able to control themselves and behave in ways in keeping with the maintenance of the collective good. Having an attitude of good cheer and friendliness was highly valued.⁹³ Expressing unprovoked anger, however, was not. Expressing anger, and any of its manifestations such as shaking uncontrollably or physically and verbally threatening another Inuk was interpreted as a loss of reason and self-control and thus, insanity.⁹⁴ In such instances, if the angry person could be talked down, the threat would blow over.⁹⁵ There were also other sophisticated forms of resolving conflict without violence, including verbal sparring for example.⁹⁶ If non-violent conflict resolution was not successful and they could not be talked down, and continued to threaten, the Inuit believed that the angry person had it in his mind to kill and had to be forestalled in this action. In many cases, killing an unprovoked angry person was not planned, but occurred in the heat of the moment. This occurred infrequently within Inuit camps and

⁹¹ Ibid., 16.

⁹² Ibid., 3.

⁹³ Early anthropologists all comment on this attitude. See for example, Jenness, *The Life of the Copper Eskimos*, 235.

⁹⁴ Oosten et al., eds, *Perspectives on Traditional Law*, 65. Stefansson, Jenness and Rasmussen also comment on this.

⁹⁵ Some Elders reported that they were sometimes called upon to talk down angry people, Oosten et al., eds, *Perspectives on Traditional Law*, 140. Rasmussen also recounts an episode where he was threatened and was able to talk down an Inuinnaq man who wanted to kill him. Knud Rasmussen, *The Intellectual Culture of the Copper Eskimos*, 20-21.

⁹⁶ Harring, “The Rich Men of the Country,” 33 and 35-36.

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communities, and also appears to have occurred in other cases of Inuit killing Qablunaat in the early twentieth century such as in the killings of Harry Radford and George Street murders in Bathurst Inlet in 1912, and in the killings of Le Roux and Rouvière near Coppermine River. In other instances, such as the killing of Robert Janes⁹⁷ in Pond Inlet in 1920, Janes had threatened the collective good and his murder was planned and carried out while he was most vulnerable to alleviate the threat to the community.⁹⁸ Whether committed in the heat of the moment or planned, in Inuit culture killing an angry or insane person who was a threat to the community was considered a legitimate act.⁹⁹ This system of law and justice was in stark contrast to Canadian law that emphasized premeditation as the measure of an act of murder.¹⁰⁰ Inuit traditional law also recognized killing in self-defence. If attacked without provocation, one could kill in self-defence and not fear reprisal or revenge from the victim's relatives.¹⁰¹ Corporal Doak's crime report and the witness statements provide further insight into Inuit justice. Two of the witnesses reported that Pugnana said, "I guess that's all the bad ones killed"¹⁰² In his statement Tatamigana goes further in describing his actions:

That's the last of them I have killed all the bad ones so we will throw them into the lake. We carried all of them over to the lake and threw them in. I was glad they were killed as they were not good hunters and they were always causing trouble. I am sure they would have killed a lot of people if they had not been killed first.¹⁰²

⁹⁷ Shelagh Grant, *Arctic Justice On Trial for Murder, Pond Inlet 1923* (Montreal and Kingston: McGill Queen's University Press, 2002), 15.

⁹⁸ Grant, *Arctic Justice*, 15.

⁹⁹ For an explanation of culpable and non-culpable homicide see W.J. Treemeer, *Annotated Criminal Code, 1919 Canada* (Calgary, Burroughs & Co., Limited, 1919), 289-308.

¹⁰⁰ Jarich Oosten et al., eds, *Perspectives on Traditional Law*, 160. If a victim did not have relatives to avenge the murder, or the murderer was strong and considered an essential part of the camp or community, the murderer was not necessarily punished or killed. Similarly, if relatives saw understood the necessity of killing, they may forgive the killer. Oosten et al., eds, *Perspectives on Traditional Law*, 165.

¹⁰¹ "Copy of Statement of Agnahiak," 13 December, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

¹⁰² "Copy of Statement of Tatamigana," RG18, vol 3289, File HQ-681-G-1 Tatamigana (Eskimo), LAC.

In some cases, a council of Elders decided how to punish the misbehaviour based on its severity and how it transgressed Inuit cultural norms.¹⁰³ For other Inuit groups, it was by informal and common consensus of the hunters or other members of the community to decide what type of punishment was appropriate for a first offence and any subsequent offences.¹⁰⁴ If efforts to modify the behaviour of the wrongdoer were not successful, they could decide to execute that individual. Execution was a last resort, often preceded by counselling, derision, and shunning.¹⁰⁵ The goal of traditional Inuit justice was one of peace and reintegration, for killing a man was to lose a valuable hunter and killing a woman also meant the loss of an important community member.¹⁰⁶ Always, in Inuit traditional law, whether through formalized mechanisms in some groups or the informal consensus of others, justice was based on reintegration and not necessarily on punishment and/or deterrence by example.¹⁰⁷

On the other hand, in the early twentieth century at the time of these killings, Diamond Jenness and Knud Rasmussen commented on what they considered as a “darker side” of Inuit culture. During the period of contact from the early 1910s and 1920s with the Inuinnait, six Qablunaat were killed and about 40 Inuit were killed among the Inuinnait, with all of this violence occurring in a community of about seven hundred.¹⁰⁸ They believed that unprovoked murder was also quite common, suggesting that “the cause of the murders is temper, jealousy,

¹⁰³ For example, on Baffin Island there is a stone sentencing circle used where the “wrong-doer” faced a council of Elders. Norman Hallendy, “The Last Trial,” *Equinox*, (September 1998), number 100, 21-27.

¹⁰⁴ Jarich Oosten et al., eds, *Perspectives on Traditional Law*, 48.

¹⁰⁵ *Ibid.*, 44.

¹⁰⁶ *Ibid.*, 56.

¹⁰⁷ *Ibid.*, 7.

¹⁰⁸ Sidney Harring, “The Rich Men of the Country,” 4; Rasmussen, *Intellectual Life of the Copper Eskimos*, 18; Jenness, *The Life of the Copper Eskimos*, 95.

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the desire for a wife, or vendetta.”¹⁰⁹ Rasmussen gestured to such ‘blood feuds,’ during which one unprovoked killing was avenged for another until all the members of both families involved were killed or the families decided to call a peace.¹¹⁰ “Blood feud” along with “love triangle” was also the phrase that most often accompanied the lurid newspaper articles about the shootings that emphasised the “violence” of the Inuinnait.¹¹¹ However, the idea of a blood feud obscures the reality of a much more complex set of relationships, both kinship and other partnerships at play in the community.¹¹² There was a division along family lines in terms of the response to the violence. Ikpukuwak was Ikialgagina’s father, and Hannak who was also a relative, and all three engaged against Tatamigana and Pugnana who were also related to each other. It is not clear how Anaigviak was related to the rest of the participants. But it is also true that Tatamigana and Alikomiak were related to Pugnana and this blood relationship did not stop them from killing Pugnana. Blood feud also implies that the violence is senseless and purely retaliatory. This along with the layers of sexual relationships in the community, indicates that “blood feud” as used by the southern media at the time to describe the violence is too simplistic a term to explain what happened. And even though Corporal Doak’s crime report only names the major actors, these events occurred within a relatively large community of approximately 50 people. Later, statements and reports cite other community members who did not commit the actual shooting, but participate in the violence, by restraining, distracting or otherwise helping in the deaths of the

¹⁰⁹ Rasmussen, *Intellectual Life of the Copper Eskimos*, 18.

¹¹⁰ Jenness, *The Life of the Copper Eskimos*, 95. The vendetta Jenness refers to was ended by destroying the whole family, though one son was able to escape, and the other recovered from his injuries.

¹¹¹ For example, “Arctic Tragedies, Blood Feud Amid the Snows, Eskimos to Pay Forfeit, Relentless Arm of Justice,” *The Hawera and Normanby Star (New Zealand)*, 2 November 1923, 3; see also “Arctic Cupid Goes Hunting With Gun: Five Are Dead as a Result of Eskimo Matrimonial Tangle.” *Globe and Mail*. 21 December 1921: 3.

¹¹² Sidney Herring proposes that blood feud was too simplistic and does not account for the complex relationships in the summer camp. Sidney Herring, “The Rich Men of the Country,” 49-50 and 56-57.

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five people.

As quickly as anger flared, it could also dissipate. Once the anger dissipated, either by talking the angry person down or simply leaving the angry person alone, it was possible to restore relationships.¹¹³ Such incidents may not have been forgotten, but they were resolved so that the two could maintain their relationship without being threatened.¹¹⁴ Considering this social context, it is possible to see how Tatamigana could be close friends with Hannak and also be surprised when Hannak wanted to fight him with rifles because he had sexual relations with his wife. It is also possible to see how, past the initial five killings, the violence continued. The next turn of events would see Pugnana killed, and Tatamigana and Alikomiak eventually tried and hanged for their role in killing Pugnana.

Corporal Doak left Tree River on December 3, 1921 on extended patrol to Kent Peninsula.¹¹⁵ He was sent to investigate the five killings and the injury of the sixth in the summer camp and while on patrol he learned that Pugnana, the major aggressor was later killed. The following chapter turns our attention towards Pugnana's murder, Corporal Doak's investigation of Pugnana's murder and traditional mechanisms of justice present in the Inuinnait community.

¹¹³ Oosten et al., eds, *Perspectives on Traditional Law*, 168.

¹¹⁴ Rasmussen, *Intellectual Culture of the Copper Eskimos*, 21. Rasmussen left his dogs in charge of an Inuinnaq man and paid him a rifle in return. When Rasmussen later returned, the man had not taken care of the dogs and Rasmussen gave him a lecture. The man threatened to kill Rasmussen and yet once the incident was over the man often called at Rasmussen's house. See also Jenness, *The Life of the Copper Eskimos*, 95.

¹¹⁵ "Copy of Notes Re Murder of Corporal W.A. Doak and Otto Binder," 1 April 1922," RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

Chapter Two

The Killer is Killed: Alikomiak and Tatamigana Kill Pugnana

After the violence in the summer camp when five Inuit were killed, four of the ten families fled camp with their pack dogs and moved one or two days' travel away.¹ One family was composed of Pugnana, his wife who walked with the aid of two sticks, and their adopted son.² Another was Tatamigana's family including his parents. The third family comprised Alikomiak and his parents, and the fourth family included Anaigviak, his wife and their child.³ Anaigviak had to be carried to the new camp as he has been shot and wounded by Hannak and could not walk.⁴ As Anaigviak's wounds healed, life mostly returned to normal in the small camp. Tatamigana, Alikomiak, Pugnana and the other men hunted deer and caribou for their meat and so the women could sew the new clothing for the coming winter from the pelts. They also fished for char to split and dry in preparation for the coming winter. The women and children collected arctic berries that carpeted small patches of the landscape. Many kinds of berries were collected and dried along with the bounty from other fauna that hugged the earth at these northern latitudes. If it was an abundant

¹ Inspector Wood's preliminary report suggests that Pugnana, Tatamigana and Anaigviak left with pack dogs to the east in the direction of Back River and Baker Lake. "Crime Report re: Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula," 29 August 1921. RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), Library and Archives Canada (hereafter LAC).

² The adopted son, Ohokvilok, is mentioned in Tatamigana's statement regarding the murder of Pugnana. Tatamigana pre-trial statement, "Statement of the Accused Preliminary Inquiry Indictable Offence," 24 April 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

³ They carried Anaigviak because he had been shot and could not walk. "Crime Report re: Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula," 29 August 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁴ The information about the four families leaving the larger camp comes from Tatamigana pre-trial statement, "Statement of the Accused Preliminary Inquiry Indictable Offence," 24 April 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC. There were possibly other members of the families including Elders and other children but only a few of the family members' names are given.

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year, there were also squirrels, birds, wolves, and bears to hunt and kill, and warm winter clothing to make from the skins.⁵

It was the pretext of arctic squirrel hunting that spelled the end of another Inuk man.⁶ The small group of hunters was only about 800 yards from their camp.⁷ Two men, Tatamigana and Pugnana, walked abreast, and a third, Alikomiak, walked behind with Pugnana's young son trailing close on his heels.⁸ A knowing look passed quietly from Tatamigana to Alikomiak.⁹ Smoothly and silently Alikomiak shouldered and sighted his rifle on Pugnana's back between his shoulder blades. The click of the trigger preceded the report of the shot by a split second, and the bullet ripped through Pugnana's back exactly where Alikomiak aimed. The bullet exited out the front of his ribcage.¹⁰ Pugnana half turned and fell, blood pooling under him; he died quickly.¹¹ The two men and the boy covered the body with moss and dirt and promised not to tell anyone in the community that they had shot him. If asked, they were to say that Pugnana went out hunting on his own.¹²

Alikomiak and Tatamigana reported in their witness statements that Pugnana had become

⁵ John Bennett and Susan Rowley eds., *Uqalurait: An Oral History of Nunavut* (Montreal: McGill-Queens University Press, 2004), 410. The authors include a chart of the seasons indicating what type of animals were hunted and which plants were ready for harvest during the different seasons.

⁶ Some of the other statements suggest they were going hunting deer or caribou hunting. This could be a problem with translation or transcription. "Copy of Statement by Tatamigana," 13 December 1921, RG13, vol 271, number 1520, 1922, LAC.

⁷ "Crime Report Re Murder of Eskimo Native Pugnana" 4 March 1922, RG13, vol 27, number 1520 1922, LAC.

⁸ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC, 7.

⁹ Ibid., 7.

¹⁰ Ibid; see also *The King v. Alikomiak* [for the murder of Pugnana], RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC, 8.

¹¹ Both Tatamigana and Alikomiak report that Pugnana died quickly. *The King v. Alikomiak* [for the murder of Pugnana], RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC, 8. *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC, 9.

¹² The way in which Alikomiak, Tatamigana and Ohokvilok covered Pugnana's body varies in the statements and the trial transcripts - earth, rocks and moss are all given as covering material. See "Copy of Statement of Tatamigana" 13 December 1923, RG 13, vol 271, number 1520, 1922, LAC. "Copy of Statement of Alikomiak" 13 December 1923, RG 13, vol 271, number 1520, 1922, LAC.

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increasingly angry after he and Tatamigana participated together in the earlier violence on the Kent Peninsula. Pugnana talked of killing more people and asked Tatamigana to help him. Tatamigana refused and instead enlisted Alikomiak, the small slight Inuk who was somewhere between 16 and 25 years old, to kill Pugnana.¹³ Both agreed that Pugnana was angry after the killings and if he were not killed, more killings would occur. Alikomiak fired the fatal shot, but Tatamigana had planned the shooting and had given Alikomiak the new cartridge with which to kill Pugnana. While they were out hunting, he also motioned to Alikomiak when to shoot Pugnana.

This time, community life returned to normal. If there was any lingering malice in the community against Alikomiak and Tatamigana for killing Pugnana, it did not manifest in any further violence. Unbeknownst to the community, however, these events had not gone unmarked outside. The captain of the Hudson's Bay Company supply ship *Fort McPherson* reported to Inspector Wood that there had been a shooting in an Inuinnait camp on the Kent Peninsula mainland. Once the ice froze and provided better travelling conditions, Inspector Wood dispatched Corporal Doak, Constable Woolams and the interpreter Cyril Uingnek of the Tree River detachment to investigate.¹⁴ Pugnana's death occurred in September 1921, but it was months before the RCMP could investigate.

¹³ Pete Norberg the HBC trader who sold Alikomiak his rifle for 10 foxes, had known Alikomiak for six years and describes him looking the same as when he first met him. "Extract from Report of Insp. S.T. Wood dated at McPherson, N.W.T. 2 July 1922," 2 July 1922, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC. Alikomiak's young age also became a reason to stay his execution. The affidavit referred to above was enough to convince the authorities of his age and his execution was carried out.

¹⁴ Corporal Doak's patrol report, detailing his patrol to the Kent Peninsula to investigate the killings on the Kent Peninsula, was partially quoted in *Annual Report of the Royal Canadian Mounted Police for the year ended September 30, 1922*. Ottawa: F.A. Acland, 1923, 43-44.

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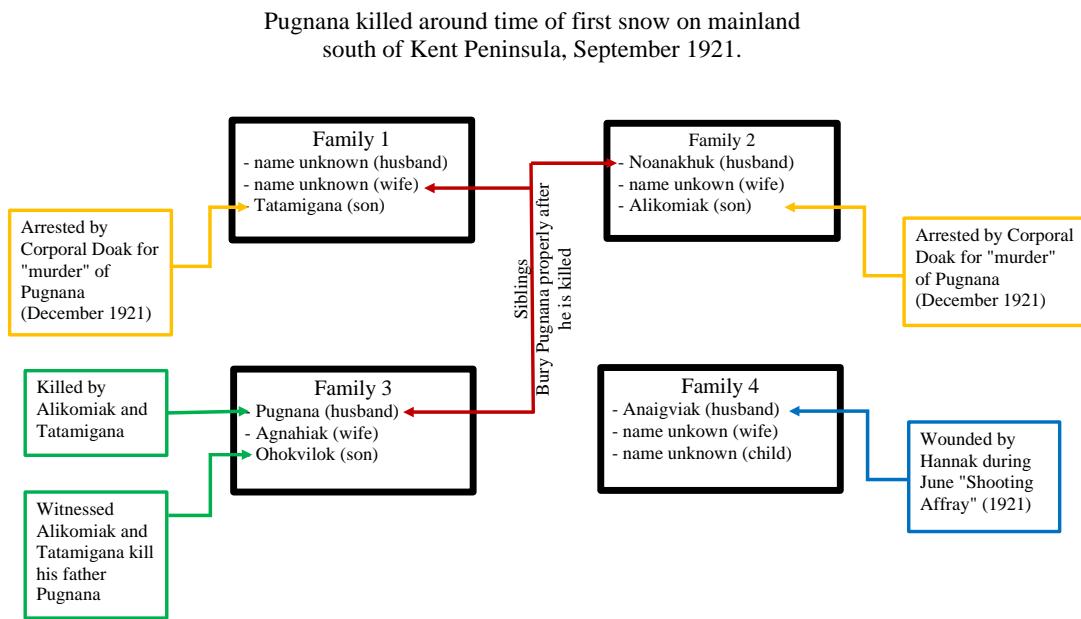


Figure 4: Working diagram of families at the time of Pugnana’s “murder.” Based on archival sources only.¹⁵

In the meantime, the bounty of the summer gave way to the blazing colour of the ground arctic flora obeying the dipping temperatures and shortening daylight. The Inuit families collected food throughout the abundant summer, dried blueberries in the warm sun, and they put away dried char for winter sustenance.¹⁶ The daylight hours shortened daily. Some families moved back to the coast for the fall time, others moved inland, establishing their camps along major lakes or rivers and along the coast. Around the time of the first snow, families replaced their summer skin tents with

¹⁵ Tatamigana pre-trial statement, “Statement of the Accused Preliminary Inquiry Indictable Offence,” 24 April 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC; “Crime Report re: Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula,” 29 August 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

¹⁶ Diamond Jenness, *Report of the Canadian Arctic Expedition 1913-1918 Volume XII: The Life of the Copper Eskimos* (Ottawa: F.A. Acland, 1922), 104.

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the partial snow tents of the fall. Pugnana was killed around the time of the first snow.¹⁷ During this season, when the ice was not thick enough to move out onto the ice sheet and the snow was not yet suitable for a full iglu, snow tents were erected. The families cut snow blocks for walls and entranceways and because the snow was too weak to provide a solid roof, they used skins for the roofs.¹⁸ When the first ice formed, Inuinnait set fish nets under the ice of rivers and lakes to provide a supply of char and grayling, before they could hunt seals that provided rich oil and blubber for light and heat year round.¹⁹

The environment plays a deliberately central role in this story. It is not just the backdrop against which human activity took place, but it is at the centre of shaping the types of activities, practises and relationships that took place within it. From an Inuit perspective, their relationship with the land (nunaat, meaning homeland) was (and is) also an important relationship. The Inuit viewed (and view) the environment and the landscape as alive with agency; the environment was (and is) not an inanimate object.²⁰ According to Inuit elders, “If people [Inuit] did not respect wildlife, or the weather they would have to pay the price. The weather and wildlife would turn against them and disaster would ensue.”²¹ This relationship has been described in other contexts as a kind of kin relationship, requiring ongoing reciprocity and attention.²² The sea ice in particular

¹⁷ According to Tatamigana’s Indictment, Pugnana was killed in September. Tatamigana pre-trial statement, “Statement of the Accused Preliminary Inquiry Indictable Offence,” 24 April 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

¹⁸ Pictures of skin tents can be seen in Vilhjalmur Stefansson, *My Life with the Eskimo* (New York: MacMillan Company, 1913), 174-175; and Jenness, *The Life of the Copper Eskimos*, 142.

¹⁹ Holes were chopped in the ice, and a rope longer than the length of the net was fed from one hole to the next with a long pole under the ice. At the last hole the rope with the net attached was pulled through and then “set.” See Stefansson, *My Life With the Eskimo*, 450, 580.

²⁰ This is a central aspect of Shari Fox-Gearheard, Lene Kielsen Hom, et al. eds., *The Meaning of Ice: People and Sea Ice in Three Arctic Communities* (International Polar Institute Press, 2015).

²¹ Jarich Oosten, Frédéric Laugrand, Wim Rasing, eds., *Interviewing Inuit Elders Perspectives on Traditional Law* (Iqaluit: Nunavut Arctic College, 1999), 5, 175.

²² This is also a central focus of anthropologist Julia Cruikshank’s work, in particular, *Do Glaciers Listen? Local Knowledge, Colonial Encounters and Social Imagination* (Vancouver, UBC Press, 2005)

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denotes strong meanings of home and food, as well as providing the essentials for life such as tools and clothing. In this sense it is much more than its physical characteristics. Geographer Sheri Fox-Gearheard explains:

To Inuit, Inughuit, and Iñupiat, sea ice is much more, and to understand sea ice, one must understand how sea ice is known and connected to ideas of home, to physical, spiritual, and emotional nourishment from harvesting, sharing, and eating traditional food, to the gift of freedom, to travel, and to the practical and life-saving genius that goes into the tools and clothing used every day on the ice. To understand these things is to understand what sea ice means to those whose lives are intimately connected to its annual and seasonal cycles every day of the year.²³

Eventually the darkness of ukiuq (winter) engulfed life on the coast. Dipping temperatures signaled the formation of sea ice. First icy slush formed on the surface of the seawater of Dolphin and Union Strait and Coronation Gulf. Consistent cold thickened the slush until it formed sheets of ice, which grew together and was thick enough to permit travel. Some years during the summer, Coronation Gulf was ice choked, while in other years it was mostly ice free, though there was usually multiyear ice that survived the previous summer's melt. The new ice that formed compacted with the wind and the currents until chunks of new and multiyear ice became grounded and formed siku, landfast ice.²⁴ This landfast ice extended out from the coastline and was relatively stable and suitable for building a community of iglus. But before building on the siku (ice), the women sewed all the winter clothing while still on land; sewing this clothing on the sea ice was taboo according to RCMP descriptions.²⁵ From an Inuit perspective, Aupilaarjuk an Elder explained in 1999 more

²³ Shari Fox Gearheard, et al. eds., *The Meaning of Ice* (IPI Press, 2015): xxxiii-xxxv. This book affirms that the sea ice is not just something the Inuit use to move on, but rather it is an intimate and essential part of Inuit culture and life and is considered to be “warm.”

²⁴ For further information on sea ice see Shari Fox Gearheard, et al. eds., *The Meaning of Ice*; Inuit Sea Ice Use and Occupancy Project, “Inuit Siku (Sea Ice) Atlas,” Siku Atlas [Accessed 20 September 2016] <http://sikuatlas.ca/index.html>; Igor Krupnik, Claudio Aporta, Shari Gearheard, Gita G. Laider Lene Kielsen Holm, eds. *Siku: Knowing Our Ice Documenting Inuit Sea Ice Knowledge and Use* (Dordrecht: Springer Science and Business Media B.V., 2010).

²⁵ Skins from animals caught on land needed to be sewn separately from the skins of animals caught on the ice. Cpl. Doak on his patrol to Kent Peninsula from December 3, 1921 to January 2, 1922, reports visiting an

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about this:

When Inuit used to go *ataaq-*, go down to the coast from inland, or when they would look for game, they would have to do this according to the *maligait*. There was a *piqujaq* that the sewing of all caribou clothing had to be completed before we migrated from inland to the sea; only repairs could be done once we reached the sea. Why did they do this? They did not want to break the *piqujaq* because they did not want to go through hardships while they were out seal hunting.²⁶

Even if the community was short of seal oil—a key source of food and fuel—or was down to eating deerskins for a few weeks, the winter clothing had to be sewn before families ventured out to live on the ice. When sewing was complete, the skin tents were packed away and stored in rock caches on the coast secured above the reach of the sea ice and any marauding polar bears or foxes.²⁷ The Inuit moved out onto the ice in December or January (depending on freeze up) and usually stayed there until the ice was no longer safe, around the end of April.²⁸

Clear ice is either multiyear sea ice or freshwater ice that has frozen without bubbles. When seawater first freezes it is cloudy or milky white due to the salt content. If the ice does not melt completely during the summer, when it re-freezes again during the following winter, the salt content which initially caused the ice to look milky, dissipates the ice leaving behind clear blue ice. This freeze-thaw process takes a number of years, at which time the ice is considered to be completely fresh (and therefore suitable as drinking water). A block of this clear blue ice is sometimes cut and shaped to replace one of the snow blocks of the iglu, admitting light and creating

entire Inuinnait camp that was down to eating deerskins for a few weeks because they were running out of food even though the winter clothing had not yet been sewn. See *Report of the Royal Canadian Mounted Police for the year ending September 30, 1922* (Ottawa: F.A. Ackland, 1923), 43. Vilhalmur Stefansson, Daimond Jenness and Knud Rasmussen also reported this strict observance by the Inuinnait.

²⁶ Oosten et. al. eds., *Perspectives on Traditional Law*, 4.

²⁷ Similarly, sledges, dog traces and other winter items not needed in the summer months were cached until the winter. Though the caches were often piled with large rocks around and on top, sometimes bears or foxes broke into them. See Jenness, *The Life of the Copper Eskimos*, 91 and 122.

²⁸ Rowley, et al. eds., *Ugalurait: An Oral History of Nunavut*, 410.

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beautiful and elegant wave-like patterns on the inside of the iglu.²⁹

Iglu (snow houses) were constructed at places that provided the right kind of snow called auvvivik. The snow for an iglu had (and has) to be uniform across the entire depth of the snow block and was first tested with a harpoon or snow probe to ensure this uniformity (the tool would glide evenly through the snow if it was uniform or encounter resistance if there were multiple layers of snow).³⁰ A snow knife was used to cut and shape the snow blocks as the builder formed the spiraled walls and dome of the iglu. If the wind was particularly biting and abrasive, additional snow blocks would be cut to form a windbreak on the outside of the iglu.³¹ A tunnel with an entrance perpendicular to the prevailing wind kept the wind out. If the wind shifted, the entrance could be quickly changed with couple of new snow blocks. Larger iglus were built to house dances and ceremony, and sometimes two or more snow houses shared a common entrance.³² Entranceways were built below the surface of the snow to act as a cold sink and cold storage.

A snow house is an architectural marvel. Even when the outside temperature was -25 or -35 or colder, the interior of the snow house would be a very comfortable couple of degrees below zero on the sleeping platform.³³ Once the qulliq (a soapstone oil lamp that burned seal oil) was lit the temperature would be even warmer. A small implement called an atqun was used to keep the flame

²⁹ Ibid., 236.

³⁰ Rowley, et. al., *Uqalurait*, 233.

³¹ Diamond Jenness, *The Life of the Copper Eskimos*, 79 and 253.

³² Knud Rasmussen, *Report of the Fifth Thule Expedition 1921-24 The Danish Expedition to Arctic North America in Charge of Knud Rasmussen*, Vol. IX, *Intellectual Culture of the Copper Eskimos* (Copenhagen: Gyldendalske Boghandel, Nordisk Forlag, 1932), 141-142; and Jenness, *The Life of the Copper Eskimos*, 78-79.

³³ Department of National Defence, *Down But Not Out Survival Manual* (Canada: Department of National Defence, 1953), 77. The sleeping platform inside a snow house was covered in skins (caribou, musk-ox, or polar bear depending on the success of the hunt) to insulate and prevent the platform from melting, on top of which were placed sleeping robes (usually of caribou hides). Susan Rowley, et. al., *Uqalurait*, 233.

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and therefore the interior temperature under precise control.³⁴ Properly tended, a qulliq would not smoke or smell and provided cheerful warmth and light to the interior of the iglu. This is the same warmth that Elders refer to when they compare the qulliq to the warmth of sea ice:

Sea ice is home in both a permanent and temporary sense. It is a permanent, integral part of who we are—we think about it, talk about it, dream about it, and as Jacopie Painpak said, we are *homesick* for it when we are away from it for too long. It also provides a temporary physical home sometimes, a place to set up our hunting, whaling and fishing camps, over the seasons. In the past, before settlements, we would live on it during certain times of the year. It is the sea ice that in the past was the ultimate source of warmth—a word that Elders today use frequently when they reminisce about their lives growing up and living on the ice. They remember life in the igloo, set on the sea ice for its superior warmth over the land, and the warm glow of the *qulliq/quleq*—the oil of this lamp from the animals hunted from the sea ice. Sea ice means warmth, and the light of home... It is where life happens.³⁵

Qulliq provided both light and heat, were used for cooking, and for drying clothing.³⁶ This reveals a deep and detailed knowledge that people had about warmth and survival and its opposite—the extreme cold that could lead to hypothermia and death.

RCMP members did not always possess the cultural and environmental knowledge required to survive and thrive in this environment. At the same time as the RCMP relied on the Inuit to act as guides and interpreters and work at the detachment, they were also trying to extend control over the Inuit. These seasonal changes also impacted travel for the RCMP and other newcomers to the land. The ice was a barrier to European travel, until they learned to navigate it and adopted Inuit modes of travel. Staff Sergeant Clay on patrol in 1919 in the vicinity of Tree River, found that the iglu their Inuit guides erected in half an hour was more comfortable than his tent and that a “primus

³⁴ Gwen Agulalik, ed.; *Inuinnaqtun English Dictionary* (Iqaluit: Inhabit Media, Nunavut Arctic College, Kitikmeot Heritage Society, 2013), 159.

³⁵ Shari Fox-Gearheard et. al, eds., *The Meaning of Ice*, 63.

³⁶ Clothing was suspended from small sticks driven into the interior of the iglu above the qulliq to dry wet clothing. Care was always taken not to allow the interior temperature to climb too high, for otherwise the iglu would drip and soak its occupants.

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stove is unsuited to an igloo, as it fouls the air, and a native lamp, using blubber, served better.”³⁷ The RCMP officers at Tree River were initially accompanied by Inuit “murderers” Sinnisiak and Ulusak (convicted of murdering Father Le Roux and Rouviere) and Kumik and Cayugana (accused, but later acquitted of murdering a woman in the Coronation Gulf region). Sinnisiak and Ulusak were imprisoned for two years at Fort Resolution but their sentence was commuted and they were sent back north with Staff Sergeant Clay who was to return them to their communities in the vicinity of the Tree River detachment. Although these men had been labelled “murderers,” they were valuable to the RCMP as guides: “It is characteristic of the Eskimo that the relations between them and the Police were excellent, and that on arrival at Tree Island, one of them Sinnisiak entered the service as a special constable and did useful work as a guide, hunter, etc.” Staff-Sergeant Clay remarked, referring to Sinnisiak’s time down south in Calgary and Edmonton for the trial of Le Roux and Rouviere, that “his now rather long acquaintance with the Police has had its advantages.”³⁸

Owing to the lateness of the fall season Corporal Doak could not easily investigate the reports of the murders of five Inuinnait on the mainland of the Kent Peninsula. The Tree River RCMP detachment did not have its own boat to patrol the Arctic Ocean during the short summer and fall. Their only option was to reach Walker Bay by foot along the coastal shore. Overland tundra travel would have taken much longer and they would have had to dip south to cross Bathurst Inlet and then head north to reach the Inuit camp. Doak waited for winter; so that he could follow a more direct line of travel with sled dogs doing most of the work. Travelling on the sea ice was

³⁷ Canada, Royal Canadian Mounted Police, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920*. (Ottawa: F.A. Acland: 1921), 27.

³⁸ Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920*. (Ottawa: F.A. Acland: 1921), 27.

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much easier, and unless the ice was rough and compacted into jagged chunks by the winds, it was possible for the dogs to make many kilometers each day. In December 1921, Corporal Doak with Constable Woolams and Cyril Uingnek left on patrol to investigate the murders.

The rhythm of activities in the Inuinnait camp was interrupted by the December arrival of the RCMP patrol asking questions about what had happened earlier that summer and fall. When Corporal Doak found the community, it was set up inland and dispersed into smaller groups. Inquiries revealed that Pugnana and Tatamigana had killed five people, and that Alikomiak and Tatamigana had later killed Pugnana. Doak arrested Tatamigana for his role in the killings of the five Inuit and for planning the murder of Pugnana that fall. Tatamigana was cooperative and gave Doak a full confession of what happened. After spending the night at the HBC post on Kent Peninsula, Tatamigana led Doak to the camp where Alikomiak was staying, a two-day journey away.³⁹ While community members eventually cooperated with Doak, he reported that most were not pleased that he had arrested Alikomiak and taken him to the Tree River detachment. Corporal Doak's own words perhaps best describe why neither Alikomiak nor Tatamigana were harmed in the months that elapsed in between Pugnana's death and their arrests:

We stayed that night at the Hudson's Bay Company's post at Kent Peninsula, and the next day I went inland after Alikomiak, using Tatamigana as guide. We reached the native village about 9 p.m. on the second night and I arrested native Alikomiak. The Natives at this village were not particularly friendly, for according to their customs the boy had just done the right thing in killing Pugnana, and it was hard for them to see why I should take him away.⁴⁰

³⁹ "Corporal Doak's Report of Patrol to Kent Peninsula from 3 December 1921 to 2 January 1922," quoted in: Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920* (Ottawa: F.A. Acland: 1921), 43-44

⁴⁰ Ibid.

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Alikomiak was acting in full accordance with his Inuinnait legal traditions that sanctioned killing when that person was a threat to the community. But according to the Canadian Criminal Code, Alikomiak had committed murder.

Canadian law did not distinguish why a murder took place (except for murders committed in self-defense, or unintentionally, as in manslaughter). Thus, the fact that the Inuit had deliberately planned the killings meant they were classified as murder, regardless of how the murder was viewed by Inuit categories of justice. Clearly the two systems of law were at odds in relation to determining when a murder was justified. They also held differing goals. Canadian law, based on British law, was concerned with providing examples of deterrence, rather than reintegration.⁴¹ Traditional Inuit law was more concerned with establishing peace through behavioural controls and reestablishing relationships and alliances through reintegration of the person at fault back into the community.⁴² Punishment and/or deterrence were not necessarily the goals of traditional Inuit justice. Whether a killing was planned or not was irrelevant.

By December 18, Corporal Doak had arrested Tatamigana for the murder of the five Inuinnait and Alikomiak for shooting Pugnana. But the patrol took place during the darkest and coldest months of the year. Alikomiak's heels froze and all five of the members on patrol remained at the HBC post on Kent Peninsula until December 24 because he was unfit to travel.⁴³ Alikomiak rode on the sled the entire way back to Kent Peninsula, even when Doak made a detour to pick up another Inuinnaq man suspected in an unrelated murder. All three Inuinnait men were brought back to the Tree River detachment to await further notice of their fates.

⁴¹ Report by Judge Dubuc to the Secretary of State, Ottawa, "Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana," 22 September 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

⁴² Oosten et al, eds., *Perspectives on Traditional Law*, 48.

⁴³ "Corporal Doak's Report of Patrol to Kent Peninsula from 3 December 1921 to 2 January 1922," quoted in: Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920* (Ottawa: F.A. Acland: 1921), 44.

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Figure 5: Photograph of Alikomiak taken at Fort McPherson NWT by the Canadian journalist Miriam Green Ellis. After Alikomiak was brought to Aklavik he was transferred to Fort McPherson for the summer of 1922 and then later transferred to Herschel Island. Miriam Green Ellis, "Portrait of Alikomiak," Bruce Peel Special Collections Library Online Exhibits, accessed May 9, 2016, <https://omeka.library.ualberta.ca/items/show/460>.⁴⁴

Corporal Doak's investigation revealed a significant element of planning in the killing of Pugnana. The statements given by Alikomiak and Tatamigana confirmed that they had planned to kill Pugnana. And later, both Alikomiak's and Tatamigana's trials on Qikiqtaruk (Herschel Island)

⁴⁴ The article details Miriam Green Ellis' journey and her meeting of Alikomiak at Fort McPherson. See Miriam Green Ellis, "Eskimos, Stoic, Unconcerned, Accept Fate Unprotestingly," 28 November 1923, *Toronto Daily Star*, 22.

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would focus on this aspect of premeditation.⁴⁵ Relevant sections of Tatamigana's statement indicating premeditation were even highlighted in red pencil and sent to the Office of the Commissioner of the RCMP:

I decided that the best thing to do would be to kill Pugnana and save any further trouble. I was afraid to do it alone, so I had a talk with Alikomiak, and we decided to get Pugnana to go shooting the next day and to kill him the first chance we had. [...] I made signs to Alikomiak and he shot him in the back back and [sic] Pugnana fell dead [Underlining in original].⁴⁶

For the RCMP, the statements, "I decided," "we decided," and "I made signs" all indicated a plot. It would be on this point—the planned nature of Pugnana's killing—that both Tatamigana and Alikomiak would be convicted of murder before Justice Dubuc in August 1923 and later executed by hanging on February 1, 1924. According to the justice systems of the Inuinnait, however, there was another way to interpret the coordinated killing of Pugnana. The action was driven by the need to eliminate a threatening individual while he was in a vulnerable position, before he could harm any others. Yet, these Inuinnait explanations for the killing of Pugnana were not enough to gain an acquittal or a lesser sentence, though both the defense and prosecutor recognized the Inuit justification for murder.

Other questions regarding community relationships arise from the documentary record. What were the larger community dynamics that led to Pugnana losing his life? Tatamigana was a relative of Pugnana, and Pugnana had asked him for help in killing other people in the community because he claimed they were against him.⁴⁷ Why would others be against him? By triangulating

⁴⁵ Culpable homicide was divided into either murder or manslaughter and homicide which was not culpable was not an offence. W.J. Treemeer, *Annotated Criminal Code, 1919 Canada* (Calgary, Burroughs & Co., Limited, 1919), 289-308.

⁴⁶ "Copy of Statement of Tatamigana," 13 December 1921, RG13, vol 271, number 1520, 1922, LAC.

⁴⁷ In the trial transcript, *The King vs. Tatamigana* [for the murder of Pugnana], Tatamigana says Pugnana is his uncle. Whether Pugnana was a cousin or uncle, could be obscured by transcription, translation or misinterpretation, though we can suggest that there was a familial relationship between them.

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the information contained in the statements from various people taken at various times throughout the year, along with the information presented at trial the following year, we can get some sense of the complex Inuit-Inuit and Inuit-non-Inuit relationships involved in these cases.

The captain of the HBC supply ship *Fort McPherson* first informed Inspector Wood of the shooting deaths of five Inuit people. The events as narrated by the ship's crew were wildly divergent and totally inaccurate. During Inspector Wood's preliminary inquiries, an Inuit woman at Tree River gave him the most accurate indication of the events. The woman is not named in Wood's report, even though she gave the following information about Pugnana: "Pugnana worked all last winter for Pete Norberg, Trader for H.B.C at Kent Peninsula. He had a bad reputation among his people for stealing from caches and was therefore forced to live by himself."⁴⁸ Her statement suggests why people were against him and he found himself at odds with his community. Doak's own patrol report is also quite clear that according to the Inuit, Alikomiak had "done the right thing in killing Pugnana."⁴⁹

Perhaps Pugnana's role in the killings on the Kent Peninsula spurred his anger or ill countenance, but it would appear from Inuit accounts that he had a negative reputation to start with, even before the tensions leading to the shootings earlier in the summer. Inuinnait justice was focused on reintegrating the wrong-doer back into the community. Depending on the severity of the initial transgression, the wrong-doer would often be counseled by Elders. If the behaviour continued, more severe forms of controls were put in place. This could include public derision or even banishment. If most of the community felt threatened, it was quite possible that they would all

⁴⁸ "Crime Report Re: Murder of Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula," 29 August 1921, RG 18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁴⁹ Corporal Doak's patrol report, detailing his patrol to the Kent Peninsula to investigate the killings on the Kent Peninsula, was partially quoted in *Annual Report of the Royal Canadian Mounted Police for the year ended September 30, 1922* (Ottawa: F.A. Acland, 1923), 43-44.

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pack up and quickly leave the banished individual on their own.⁵⁰ If Inspector Wood's earlier report of Pugnana's thefts is correct, Pugnana and his family may have been banished from the community and forced to live on their own for a period of time.⁵¹ By the time of the shootings, Pugnana was again a member of the community, although just before tensions erupted, he was going around with a knife and a loaded gun and some families were preparing to move away.⁵² He had already been subject to community sanctions once for breaking into caches and was known to be "one of the toughest men of the tribe, besides being very quick with boyh [sic] gun and knife."⁵³ It seems he was well known to the entire community as a troublemaker and intimidating figure.

Other relationship dynamics emerge from Tatamigana's detailed deposition. For example, Tatamigana stated, "Alikomiak and I were at a creek fishing one day from the camp in September and Alikomiak told me that he would like to kill Pugnana because he had killed Ikialgagina."⁵⁴ Ikialgagina, Toktogan's former husband, had been shot by Pugnana on the Kent Peninsula. There is no further mention in other statements of the relationship between Alikomiak and Ikialgagina. And it is not entirely clear how Alikomiak regarded these shootings, other than he and his family were members of the camp and were present during the violence. In fact, Alikomiak was the one to kill the little girl, Okolitana during the violence in the summer camp.⁵⁵ However, this statement does

⁵⁰ Rowley et al, eds., *Uqalurait*, 103.

⁵¹ Pugnana was married to Agnahiak and Ohokvilok was his adopted son. "Copy of Statement of Agnahiak," 13 December 1921, RG 18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁵² "Crime Report re Eskimo Tatamigana.....Murder (previous heading: Re murder of Eskimo Ikialgagina, Ikpukuwak, Hannak, his wife Pagnana and daughter Okolitana, and wounding of Eskimo Anaigviak, at Kent Peninsula," 4 March 1922, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁵³ "Crime Report Re: Murder of Eskimo Native Pugnana," 4 March 1922, RG13, vol. 271, number 1520, LAC.

⁵⁴ "Statement of the Accused (Preliminary Inquiry, Indictable Offence) Tatamigana for the murder of Pugnana," 24 April 1923, RG13, vol 1526, Alikomiak Tatamigana part 1, LAC.

⁵⁵ Report by Inspector Wood, "Crime Report Re: Tatamigana—Shooting with intent to kill one Hannak (Shooting Affray at Kent Peninsula) Tatamigana—Murder of Hannak, Ikialgagina, Pugnana, Ikpukuwak, and Okoklitana)," RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

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suggest that there was possibly some element of avenging the previous killing.

After the shootings on the Kent Peninsula earlier in the summer, Pugnana must have again lapsed into behaviour that was threatening to the community. In their testimony, Tatamigana and Alikomiak both confirmed Pugnana's general attitude, but without referring to Pugnana's history. Neither referred to Pugnana's prior bad reputation, nor to his actions before the killings, but only to his behaviour after the killings, and then only in relation to themselves and not the entire community. Tatamigana recalled that,

After the shooting affair at Kent Peninsula, Pugnana and I went out caribou hunting. He was still excited over the killing and asked me if I would help him kill some more people. I talked to him and tried to get him to change his mind, but he said that he was bound to do more killing as the other people were against him. On our return to camp I decided that the best thing to do would be to kill Pugnana and save any further trouble. I was afraid to do it alone, so I had a talk with Alikomiak, and we decided to get Pugnana to go shooting the next day and to kill him the first chance we had. Alikomiak agreed to do the killing. Our chance came soon after leaving camp, when Pugnana was a little ahead. I made signs to Alikomiak and he shot him in the back backand [sic] Pugnana fell dead. I had nothing against Pugnana for he was my cousin and we were good friends, but I did not want to see him kill more natives.⁵⁶

Alikomiak relates similar details:

My name is Alikomiak. I was living with my father and mother at the native camp when Pugnana shot the natives. A few days after that Tatamigana came to me and said; the best thing we can do is to kill Pugnana as he is talking of killing a lot more people. We talked it over and decided to entice Pugnana away from the camp and kill him. Tatamigana asked me if I would kill him, and I said yes. So the next morning we all left camp and after walking a short distance Pugnana happened to be a short distance ahead. Tatamigana made signs to me to shoot. I fired, hitting him in the back, I think the bullet went right through him for he turned partly around and then dropped dead. I was always afraid of him and was glad when I saw that he was dead. We placed his body on some rocks and I expect that the foxes and wolves have torn him to pieces by this time.⁵⁷

⁵⁶ "Copy of Statement of Tatamigana," 13 December 1923, RG13, vol. 271, number 1520 1922, LAC.

⁵⁷ "Copy of Statement of Alikomiak," [Not dated, likely 13 or 15 December 1921], RG13, vol 271, number 1520 1922, LAC.

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Almost a year later in 1923, more information came to light—first during the preliminary depositions taken by Inspector Wood and then, later in July during the separate trials of Alikomiak and Tatamigana for the murder of Pugnana. In addition to the friction in the camp over women and potential wives, it appears that insults had been hurled among the men. As Tatamigana testified, “Alikomiak told me that Pugnana said we were no good and did not know how to shoot.”⁵⁸ There was also evidence that Pugnana’s behaviour was out of the ordinary. Tatamigana continued, “I was not scared of Pugnana at all but I watched him as he carried a loaded rifle all the time.”⁵⁹ The Inuit belief was that once someone committed murder, they were likely to do it again.⁶⁰ If a murderer was remorseful, and demonstrated through their actions the willingness to change, they were often allowed to rejoin the camp. Either way, it was customary that after someone murdered, another person was delegated by the camp to observe that person and their behavior.⁶¹ If the community felt the murderer presented a continued threat, then he or she was killed.⁶² Indeed, trial snippets confirm that Pugnana’s behaviour had changed and that he was “looking different.” Alikomiak, as the Crown witness against Tatamigana, answered questions at the trial:

- Q. Was there any agreement between you and Tatamigana to shoot Pugnana?
A. Yes.
Q. When did you make that agreement?
A. We made that agreement when Pugnana was looking different.⁶³

“Looking different” would have meant that his countenance had changed. This could simply be the phrase the translator used, but in the context of the trials, “looking different” was understood by the

⁵⁸ “Statement of the Accused (Preliminary Inquiry, Indictable Offence)” 24 April 1923, RG13, vol 1526 Alikomiak Tatamigana Part 1, LAC.

⁵⁹ Ibid.

⁶⁰ Jarich Oosten et. al. eds., *Interviewing Inuit Elders Perspectives on Traditional Law*: 164.

⁶¹ Ibid., 160.

⁶² Ibid., 165.

⁶³ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, LAC: 6.

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Inuit as the manifestation and expression of anger in body language and actions. Other insights come to light from Tatamigana's testimony in Alikomiak's trial:

- Q. Since the trouble in June when a number of people were killed, what was Pugnana's attitude towards the people with whom he was living?
A. Pugnana told them that Tatamigana was no good.
Q. Any differences between Pugnana and the people living there at that time?
A. Pugnana did not mind if he killed a woman or anyone.
Q. How do you know this?
A. Because he always loaded his gun.
Q. Is it strange for a men [sic] to carry a loaded gun?
A. Because Pugnana was always angry with the fellows.⁶⁴

Regardless of whether Pugnana actually said he would kill other community members, it is plausible that his behaviour and actions were threatening to the entire community. Alikomiak considered Pugnana's intention to "kill anyone," including women, because he carried a loaded gun and also possibly a knife, and he had insulted Tatamigana and Alikomiak. These actions, in combination with his sustained angry countenance, was enough to suggest that he would follow through with his threats. Since previous efforts to modify his behaviour had been unsuccessful and the community felt under increasing threat, it seems apparent that they acted according to their own legal traditions.⁶⁵

But this is not what Tatamigana, Alikomiak, or other community members told Corporal Doak during his investigation. Tatamigana and Alikomiak were always forthcoming with the details of the "crime," and they made "confessions," but their testimony limited community responsibility for Pugnana's death. Both of their statements taken in December 1921 by Corporal

⁶⁴ *The King v. Alikomiak* [for the murder of Pugnana], RG13, vol.1526, Alikomiak Tatamigana Part 1, page 10, LAC.

⁶⁵ Sidney Herring believes that the blame would not suddenly be transferred from Hannak and Ikialgagina to Pugnana except under exceptional circumstances of major community disruption. Herring hypothesizes that this disruption is possibly a result of Binder having taken "Toktogan." Sidney Herring, "The Rich Men of the Country," *Ottawa Law Review*, 21, no. 1 (1989): 57.

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Doak suggest that Tatamigana and Alikomiak considered limiting larger culpability. While they were away from the community hunting, Pugnana had told Tatamigana that he wanted to kill more people. Tatamigana refused and instead asked Alikomiak to help him kill Pugnana.⁶⁶ It seems this critical conversation between Alikomiak and Tatamigana took place while they were out on the land and away from the rest of the community. Yet, when Tatamigana was the Crown witness during Alikomiak's trial, he alluded to broader community discussion about killing Pugnana:

Q. Take your mind back to the time Hannak and the others were killed, shortly after that you and Alikomiak were at a creek fishing, there was some talk about Pugnana?
A. They were talking to get him when they got home.
Q. What do you mean by 'get' him when he got home?
A. To go with him? To do anything to him?
A. To shoot him.⁶⁷

As the Solicitor for the Crown, Howatt's job was to convict Tatamigana therefore he did not ask for further clarification. However, Tatamigana seems to reference a larger group of individuals "talking" about the need to kill Pugnana according to Indigenous systems of law and justice. In Inuinnait social structure, knowledgeable men and women took on leadership positions; there was no official hierarchy or a single headman in a community or group. The decision to "execute" Pugnana was not likely to have been Tatamigana's alone; it was more likely the result of community consensus. Tatamigana was in the position of carrying out the community's will, and Alikomiak, as the younger man and Tatamigana's blood relative was expected to assist.⁶⁸

The trial transcripts both gesture to and hide the complex relationships that existed to maintain community cohesion and equilibrium. When questioned at the trial, Tatamigana's and

⁶⁶ "Statement of the Accused (Preliminary Inquiry, Indictable Offence)" 24 April 1923, RG13, vol 1526 Alikomiak Tatamigana Part 1, LAC.

⁶⁷ *The King v. Alikomiak* [for the murder of Pugnana], RG13, vol.1526, Alikomiak Tatamigana Part 1, page 6, LAC

⁶⁸ The Bishop of the Yukon intimated this in his petition for clemency for Alikomiak. Bishop of the Yukon to the Minister of Justice, 25 September 1923, Anglican Fonds COR 261 f. 4, Yukon Archives.

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Alikomiak's deflected community responsibility. Crown Prosecutor Irving Brass Howatt's questioning of Alikomiak during Tatamigana's trial reveals the complexity of community responses to Pugnana's death:

Q. Were you frightened of anybody?

A. No.

Q. When you returned hom [sic] and it was found out, were the people in camp pleased?

A. No.

Q. What did they say?

A. They were talking about Pugnana being up against everybody.

Q. But they were sorry that he was dead?

A. Yes.⁶⁹

Telling the prosecutor that people were not pleased with Pugnana's death may have been a strategy to support the prevailing belief that Alikomiak and Tatamigana were alone responsible. This also meant that the case could be neatly concluded according to Canadian law in the conviction of a single murderer. Either way the outcome was the same—Alikomiak alone was considered responsible for firing the fatal shot, and Tatamigana for planning the “murder.”

One important person to recall is the adopted boy who trailed after Alikomiak, Tatamigana and Pugnana when they went out “hunting” and who witnessed the killing of his adopted father. In Tatamigana’s court testimony, taken almost one year after his original statement and Corporal Doak’s crime report, he made reference to the presence of a fourth person during the murder of Pugnana. Tatamigana recalled, “The second day after we came back from fishing, Pugnana asked us to go hunting squirrels and we started out about mid-day. Alikomiak, Pugnana, and Ohokvilok

⁶⁹ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, page 13, LAC.

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and myself. Ohokvilok was Pugnana's adopted son, about 8 years.”⁷⁰ The presence of Ohokvilok at Pugnana's murder was mentioned only in passing during the trial, when Alikomiak noted that a boy was following the group. Mr. Irving, the crown prosecutor continued interrogating Alikomiak regarding the death of Pugnana and eventually came back to question the boy's knowledge:

Q. Was anything said to the boy about where Pugnana went?

A. No.

Q. Are you sure of that?

A. We told the boy not to tell his mother, about Pugnana, but to say he had gone hunting deer.⁷¹

From a western perspective, it does not seem reasonable to expect a child to keep quiet about his father's murder. Maybe he did, but maybe he did not. But it seems clear that the community knew about Pugnana's death, so news from the little boy that his father had been killed would not have been a surprise. Instead, it was an important lesson in Inuit justice for Ohokvilok. By testifying that they did not tell the community about the killing, Alikomiak and Tatamigana ensured the questions about community collaboration were stopped. Neither the defence or prosecutor pursued the idea that the community was complicit. Community complicity does not fit with the Western definition of murder, and really shows this conflict between the Canadian justice system and Inuinnait traditional law.

Though he was executed because he was a threat, even in death, Pugnana was accorded the respect of the Inuinnait. After Pugnana's death, Alikomiak, Tatamigana, and possibly with the help of Pugnana's 8 year-old boy, Ohokvilok, placed his body on rocks and covered it with moss and earth. Later Pugnana's brother, who was Alikomiak's father, and Pugnana's sister who was

⁷⁰ “Statement of the Accused (Preliminary Inquiry, Indictable Offence),” 24 April 1923, RG13, vol 1526 Alikomiak Tatamigana Part 1, LAC.

⁷¹ *The King v. Tatamigana* [for the murder of Pugnana]. RG13, vol. 1526, Alikomiak Tatamigana Part 1, page 9, LAC.

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Tatmigana's mother, buried Pugnana according to Inuinnait practises and traditions. During the trial Alikomiak explained through his answers both the level of community involvement and the burial practises that they employed:

- Q. After Pugnana was killed, what was done with the body?
A. His brother found out that Pugnana was dead, they covered him.
Q. Who covered him?
A. My father [Alikomiak's father] and Tatamigana's mother covered him.
Q. When he was shot the body was not covered at the time of shooting?
A. After we shot him we covered him.
Q. When was he covered, just as soon as he was shot or later?
A. A little while after.
Q. One day? How long?
A. After we shot him we were talking for a while and then covered him.
Q. Who covered him?
A. Both of us.
Q. You said just now that your father and his mother covered him?
A. After they found out they put another cover on.
Q. Why did you and Tatamigana cover the body?
A. Because we would not be back any more.⁷²

During the trial, Alikomiak explained that later they, "took dried deer-skins and buried him properly."⁷³ According to Inuinnait custom, a proper burial included interring the individual's tools and implements and covering the burial with deer hide, or protecting the burial with a tent in the summer or snow blocks in the winter, ostensibly to keep the corpse "warm."⁷⁴ It seems Pugnana's rifle was also left lying alongside the body.⁷⁵

⁷² *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 12, LAC.

⁷³ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 13, LAC.

⁷⁴ Jenness, *The Life of the Copper Eskimos*, 175.

⁷⁵ *The King v. Alikomiak* [for the murder of Pugnana], RG13, vol.1526, Alikomiak Tatamigana Part 1, page 12, LAC. Sometimes the implements were broken before being laid alongside the body. According to Diamond Jenness, "The man is dead, the natives say, and wants to have his implements dead also." An example of a burial includes the corpse dressed in one set of deerskin inner clothing, with coat, pants, socks and mittens and a pair of sealskin slippers, tied in two deerskins and the head resting on a pair of folded outer pants. See Jenness, *The Life of the Copper Eskimos*, 175.

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From this case, it is clear that the Inuit resisted the intrusion of the RCMP and Western forms of law and order. In killing Pugnana, Alikomiak acted on behalf of his relative Tatamigana and the entire community. Their confessions may have been a strategy to limit culpability for what was, in fact, a community decision. Alternatively, if the killing of Pugnana had not been a community decision and Alikomiak and Tatamigana had killed Pugnana out of malice and without justification, they would have likely feared for their lives. The length of time between the killing of Pugnana in September and Corporal Doak's arrest in December also suggests community complicity. Alikomiak and Tatamigana shot Pugnana within earshot (800 meters) of the camp and returned from the hunting trip without a true explanation about his whereabouts. The RCMP were satisfied with the explanation to their inquiry that Tatamigana and Alikomiak were alone responsible for Pugnana's murder. Their goal was to try the two individuals for murder as a deterrent to further "crime." Even though the RCMP were aware of the cultural explanations for violence, in this case, they were blind to larger Inuinnait community dynamics. Scholars have often characterized the Inuit as honest and forthcoming in the face of questioning.⁷⁶ Such honesty and silence could also be viewed as a form of resistance to colonial powers and a way to deflect responsibility from the community to the individual in these transforming times. Community members were not happy when the police took Alikomiak away because, according to Inuit forms of law and justice, he had done the right thing.

Alikomiak or Tatamigana would not have understood where their statements would lead them. And it turns out neither would see their communities or homeland again. Corporal Doak took both prisoners back to Tree River, arriving at the detachment on New Year's Day in 1922.

⁷⁶ Shelagh Grant, *Arctic Justice On Trial for Murder, Pond Inlet, 1923* (Montreal and Kingston: McGill Queen's University Press, 2005), 91 and 171.

Chapter Three

The Killings at Qurluqtualuk: Alikomiak Kills Corporal Doak and Otto Binder

Corporal Doak, Constable Woolams, the Inuk interpreter Cyril Uingnek, Alikomiak and Tatamigana along with Ikalukpiak, the other Inuinnait prisoner, arrived back in Tree River on New Year's Day 1922. Corporal Doak had orders from Inspector Wood to transfer anyone arrested in connection with the five initial killings and the killing of Pugnana to Herschel Island.¹ The Royal Canadian Mounted Police (RCMP) detachment at Tree River would be a temporary stop for the detainees Tatamigana, Alikomiak, and witnesses before they were transferred to Herschel Island for the trials for killing Pugnana. Alikomiak rode on the sled the entire way back from Kent Peninsula because his heels were frostbitten and he was in no state to walk.

Despite the presence of prisoners, daily life at Tree River detachment carried on. There were dogs to feed from the meat cache, white fox traps to check and, if lucky, pelts to skin and prepare. The officers melted snow and ice for water, and kept the detachment barracks and storeroom cleaned and tidied. They carefully tended the fire in the stoves, using the coal stores judiciously since there were no sources of wood this far along the coast. And they prepared meals of bacon, beans, and baked bread, supplemented with “country food,” including seal, char, caribou and deer when available.² Corporal Doak attended to Alikomiak’s frozen feet and in time they healed, and so he pressed the young prisoner into service for light duties around the

¹ “Crime Report re: Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula,” 29 August 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), Library and Archives Canada (hereafter LAC).

² William Barr, *Red Serge and Polar Bear Pants: The Biography of Harry F. Stallworthy* (Edmonton: University of Alberta Press, 2004): 175. Stallworthy was a contemporary of W.A. Doak also posted to a number of Arctic detachments over the course of his career and he describes meals like this.

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detachment.³ Alikomiak occupied a bunk in the RCMP barracks and the other prisoners—Tatamigana and Ikalukpiak—found themselves comfortably quartered in an iglu at the Seal Camp a few miles from the detachment, under the careful watch of Constable Woolams and Mr. Clarke, inspector of the eastern section of the HBC trading posts in Coronation Gulf, as well as the police interpreter Cyril Uingnek.⁴ Corporal Bonshor and Constable Stevenson were out on patrol at the beginning of April, so they were also absent from the detachment.⁵ And so on April 1, 1921, Corporal Doak found himself alone in the RCMP barracks with Alikomiak. Toktogan, Otto Binder, and their two children were at the HBC post 150 yards away.⁶

Although these cases reveal much about the social and legal clash between Inuinnait and non-Inuinnait, they are also about land and sovereignty. For Inuinnait (and all Inuit), the land is inextricably and very intimately tied to culture. Long before the permanent presence of Qablunaaq in Inuinnait territory, geography and the mineral wealth of the country played a significant role in Inuinnait life and trade. Geographic and economic imperatives also explain why intensified contact between Inuinnait and Qablunaaq occurred during the early twentieth century in this place, much later than in other parts of the Eastern and Western Arctic or in Canada more generally. The land sets the stage for the entire unfolding of this story. The attachment to the land explains Alikomiak's resistance to being taken away to Herschel Island, which lay outside of Inuinnait territory. It also underscores the relationships and conflicts

³ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 20, LAC.

⁴ "Statement of Mr Clarke Re: Murder of Corpl. W.A. Doak and Otto Binder," April 15, 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

⁵ Corporal Bonshor, "Crime Report: The Murder of Corpl. W.A. Doak and Otto Binder," 8 April 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

⁶ "Statement of Mr Clarke Re: Murder of Corpl. W.A. Doak and Otto Binder," April 15, 1922. RG 18 vol 3293 file 1922-HQ-681-G-4, LAC.

between Qablunaat and Inuinnait and the mineral and animal resources they each sought.

Why were the RCMP in Tree River in the first place? The short answer is tiriganniaq (arctic foxes). The global popularity of the pure white pelts caused the arctic fox trade to increase significantly by the late 1910s.⁷ In the eastern and western parts of the Arctic, the whaling trade had already led to significant contact between the Inuit and European whalers and traders. The Central Arctic, Inuinnait territory, however did not experience such an influx of outsiders until the fox trade spurred the expansion of private traders, the Hudson's Bay Company, and the RCMP into the center of Inuinnait territory. Tiriganniaq was the direct reason why the RCMP found themselves in Qurluqtualuk (Tree River), but there were other forces of a national scale that also led to the formation of the arctic police detachments. The longer answer to why the RCMP was in Tree River must be understood in light of the deep connection between the land and its resources. The economy was shaped by geography. Human relationships with the land and with each other were also part of this complex interplay of people and geography; they were fundamental aspects of the Inuit “economy.” Humans, animals, and the sea ice (landscape) all played significant roles in the Indigenous economy and this dictated where, when and how contact occurred in Qurluqtualuk (Tree River) and surrounding areas.

Tree River is known as Qurluqtualuk, which means “the big waterfalls or big rapids (depending on the context).”⁸ Inuit place names, are a key part of the relationship to the land and they convey a bevy of information about the “land, environment, weather, hazards, safe harbours, and other conditions at that location including about sea ice.”⁹ Inuit place names,

⁷ The arctic fox trade really picked up in the 1920s and remained important for many Inuit (not just Inuinnait) until the 1970s. Arthur Ray, *The Canadian Fur Trade in the Industrial Age* (Toronto: University of Toronto Press, 1990).

⁸ Beatrice Collignon, *Knowing Places: The Inuinnait, Landscapes, and the Environment* (Edmonton, Alberta: Canadian Circumpolar Institute Press, 2006), 23.

⁹ Shari Fox-Gearheard, et. al. eds., *The Meaning of Ice*, 20.

explains Shari Fox-Gearheard in *The Meaning of Ice*, “are made to carry information, to communicate to people an idea of the land’s features or resources available, what it may look like, what may be found there,” and “what may have happened there in past times, or what conditions can be expected.”¹⁰ For example, Qurluqtualuk was named for its waterfalls and rapids, a significant geographic feature. There were also high quality deposits of soapstone are found in the area, and the river itself was a rich source of arctic char. Qurluqtualuk and a number of places nearby had long been meeting places for Inuinnait before tiriganniaq drew Qablunaat to this part of the Central Arctic and the Tree River RCMP detachment was founded.

Long before white foxes brought Qablunaaq traders to the Central Arctic, and Qurluqtualuk, other natural resources formed the backbone of an extensive Inuinnait trade. The Inuinnait includes a number of adjacent regional groups who traded raw materials and finished goods distinct to their area. For example, Inuinnait fashioned natural soapstone mined near Qurluqtualuk into lamps and pots and traded them westward until these objects found their way as far as Kotzebue Sound in Alaska and Cape Bathurst in the Canadian Arctic.¹¹ Iron pyrites, also originating in the area of Qurluqtualuk, were critical survival tools, that threw sparks when struck together and were valuable for fire-starting.¹² High quality raw copper found northwest of Kangirjuaq (Prince Albert Sound) and deposits of lesser quality found near Kugluktuk (Coppermine) was exported raw and also fashioned into various articles, including snow knives.¹³ Inuinnait trade networks extended southeast to Tipjalik (Beverly Lake). This trade route ran from Victoria Island to Bathurst Inlet and connected to Akiliniq (meaning, “it has

¹⁰ Ibid.

¹¹ David Morrison, “Copper Inuit Soapstone Trade,” *Arctic*, 44, no. 3 Spetember 1991, 239-245.

¹² Kitikmeot Heritage Society, “Kitikmeot Regional Trade in 1900,” Web:

<http://www.kitikmeotheritage.ca/Angulalk/inuitrd/regtrade/regrtrade.htm> [Accessed 6 May 2016].

¹³ Kitikmeot Heritage Society, “Kitikmeot Regional Trade in 1900,” Web:

<http://www.kitikmeotheritage.ca/Angulalk/inuitrd/regtrade/regrtrade.htm> [Accessed 6 May 2016].

driftwood") on the shores of Beverly Lake.¹⁴ Here, driftwood was collected for tent poles, sledges, bows and other accoutrements, and then brought back and traded in the Kitikmeot. Kitikmeot Inuit (including Inuinnait) also traded for guns, ammunition and knives at Akiliniq.¹⁵ This trade route linked the Kitikmeot region with the Kivalliq region and vice versa. Beverly Lake is in the same chain of lakes as Baker Lake and connected the trade goods from the posts on Hudson Bay with the northern Inuit. Other routes extended down the Kugluktuk (Coppermine) River and overland to and Great Bear and Great Slave Lakes.¹⁶

These networks and trading sites provided not only a flow of necessary goods but were also the places for the exchange of news, ideas, and information. The journeys to reach these trading places sometimes took more than a year.¹⁷ When an individual or small family group returned to their home territory, they traded some of the goods they acquired and shared news and information.¹⁸ Owing to the composition of Inuinnait families and patterns of travel, larger family groups congregated in the fall and winter before moving off in smaller groups during the spring.¹⁹ News and information would have dispersed according to this yearly cycle of congregating and breaking off into smaller groups. It is also possible that due to the yearly cycle

¹⁴ Kitikmeot Heritage Society, "Akiliniq," Web, <http://www.kitikmeotheritage.ca/Angulalk/inuitrd/akiliniq/akiliniq.htm> [Accessed 6 May 2016].

¹⁵ Kitikmeot Heritage Society, "Akiliniq," Web, <http://www.kitikmeotheritage.ca/Angulalk/inuitrd/akiliniq/akiliniq.htm> [Accessed 6 May 2016].

¹⁶ Cpl. Cornelius describes this trade route taken by one group during his first year at Tree river in 1919. Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920*. Sessional paper number 28, vol 57, issue 8, (Ottawa: Thomas Mulvey, 1921), 24.

¹⁷ Diamond Jenness met an Iniuunnaq man, Ilatsiak, who made the journey three times to Alikiniq, and traded for guns, ammunition and knives, and Ilatsiak himself obtained a saw, axe, gunpowder and snow knives. He crossed in the early winter and returned in the following spring. Diamond Jenness, *The Life of the Copper Eskimos*, 48-50.

¹⁸ This exchange of information is described in, Diamond Jenness, *The Life of the Copper Eskimos*, 48-50. Susan Rowley et. al. eds., *Uqalurait*, 126. See also; Kitikmeot Heritage Society, "Kitikmeot Regional Trade in 1900," Web: <http://www.kitikmeotheritage.ca/Angulalk/inuitrd/akiliniq/akiliniq.htm> [Accessed 6 May 2016].

¹⁹ Collignon, *Knowing Places*, 25.

and the remoteness of some groups, this flow of information took a number of seasons or even years to make its way to various points in Inuinnait territory or among neighboring groups of Inuinnait. The sea ice, as a lived space, was also intimately connected to this flow of information: “The sea ice meant we could travel and catch up on all the latest news and happenings from friends and family after being apart during the open water season. The formation of sea ice every winter brought great anticipation and excitement because of this and this is a very important meaning of sea ice to Inuit.”²⁰ Inuinnait economic activities were shaped by geography and environment and were part of daily life before the first Qablunaaq came to the area. This was why contact happened at certain times and places and why Inuinnait territory remained largely outside the influence of Qablunaat longer than in other parts of the Arctic and the rest of Canada.

It was the promise of discovery and exploration and the possibility of finding a shorter route from the Atlantic to the Pacific Oceans that led to the search for the Northwest Passage through the Arctic Ocean. Rumors of a passage had persisted in Europe for centuries, yet it was the British in the mid-1800s who “discovered” the Northwest Passage during the halcyon days of the British Royal Navy’s rule of the seas. The hunt for the elusive Northwest Passage captured the imagination of generations of Europeans and many ship-born Arctic expeditions to investigate its possibility.²¹ These expeditions inevitably mapped and explored what was (and is) Inuinnait territory. Yet, Europeans named geographical features according to their own understandings and misunderstandings of place. Many expeditions mistook sea channels for deep bays and mistakenly named these features. For example, the English names Dolphin and Union

²⁰ Fox-Gearheard, et. al. eds., *The Meaning of Ice*, 141.

²¹ The Northwest Passage is a misnomer since there is not one passage through the archipelago, but there are a number of “passages,” though these are not always ice free, or accessible.

Strait, Coronation Gulf and Dease Strait, and Queen Maud Gulf, names that remain on maps of the region today, are a testament to these geographical misnomers.²² This tradition of renaming places is one of the processes inherent in the contact zone of early Indigenous-non-Indigenous encounter, and has the effect of erasing Indigenous histories and markers of the land.

During the hundreds of years of the hunt for the Northwest Passage (and John Franklin's lost ships, *Erebus* and *Terror*, stuck in the ice) only two ships overwintered in Inuinnait territory. In the 1850s, only two British naval expeditions—the *Investigator* and the *Enterprise*—came into contact with one of the northernmost Inuinnait groups, the Ulukhaktokmiut.²³ These encounters were peaceful and temporary and did not result in significant cultural alterations to Inuinnait life, unlike other parts of the Arctic where contact with early sailors and whalers was sometimes violent and resulted in challenges to Inuit culture. In 1851, Robert McClure and his crew on the *Investigator* overwintered in the ice pack of Prince of Wales Strait. The winter expedition met a small group of Inuit from whom they inquired through an interpreter about the surrounding geography and the location of Sir John Franklin's lost 1845 expedition. Their largest impact, however, was economical in terms of the material the expedition left behind. The crew abandoned the *Investigator* after it became trapped in the sea ice in Mercy Bay and cached their goods on shore. Inuinnait of Minto Inlet and Prince Albert Sound scavenged metal and softwood for decades.²⁴ The goods made out of these materials found their way into the local Inuit trade until the 1890s.²⁵

Richard Collinson and his crew on the *Enterprise* explored the southern part of Banks

²² Beatrice Collignon, *Knowing Places*, 15, 32.

²³ Richard Condon and Julia OGINA, *The Northern Copper Inuit: A History* (Norman and London: University of Oklahoma Press, 1996); 22-35.

²⁴ Richard Condon, *The Northern Copper Inuit*, 26.

²⁵ Ibid., 27-28.

Island, wintered in Walker Bay on Victoria Island and continued through the Coronation Gulf, past the Kent Peninsula to what is now Cambridge Bay. Collinson and his crew retraced this route through the Coronation Gulf on their way back to Alaska. Members of Collinson's expedition made fleeting and peaceful contacts with Inuinnait.²⁶ Although these "first contacts" likely created deep and lasting memories of these events, they did not lead to significant transformations of the society and social structure. Early encounters can be characterized during this period as fleeting and peaceful in terms of face-to-face contact, but they had a lasting economic impact for more than forty years after Europeans left. For example, generations later, tools that had been fashioned from some of these cast off goods were still in use.²⁷ These tools became prized possessions and also valuable trade goods within the Inuinnait trade networks.

A half-century would pass before further contact would occur. Then, another economic pursuit—based on whaling—brought more Qablunaat to the Arctic throughout the remainder of the nineteenth century. The abundance of bowhead whales in Arctic waters drew American and British whaling fleets to the Eastern and Western Arctic.²⁸ Where whales went, whalers followed. But whales did not venture into the Central Arctic Archipelago, including Dolphin and Union Strait, Coronation Gulf and Dease Strait and Queen Maud Gulf, at the heart of Inuinnait territory. The waters were too cold and shallow for the whales and so whalers did not visit Inuinnait territory (the Central Arctic).²⁹ In the Western Arctic, the fleet concentrated on Alaska's North Coast, and the Mackenzie Delta including Herschel Island, the location where Alikomiak and Tatamigana's trials were later held. In the Eastern Arctic, whaling was

²⁶ Ibid., 32-36.

²⁷ Ibid., 32-36.

²⁸ J.R. Bocstoce with William A. Baker and Charles F. Batchelder, *Steam Whaling in the Western Arctic* (New Bedford, Massachusetts: Old Dartmouth Historical Society, 1977), 41.

²⁹ Collignon, *Knowing Places*, 38.

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concentrated on the western shores of Hudson Bay and eastern and southern Baffin Island.³⁰ In the Western Arctic, owing to the short open water season and the length of time to make the journey from the Arctic to markets down south in Vancouver and San Francisco, whalers wintered on Herschel Island, where the best natural harbour in the region, Pauline Cove, was located.³¹

Bishop Bompas, the Anglican Bishop of the Yukon consistently complained to the Canadian government of the negative effects the whalers introduced, including the introduction of alcohol, and what he perceived as the sexual exploitation of Inuit women. These complaints resulted in the founding of the Herschel Island RCMP detachment in 1903.³² These relationships between Inuit women and Qablunaat left in their wake many mixed ancestry children. These children, however, were often proudly raised as Inuit in their Inuit families.³³ The openness about sexuality in Inuit culture allowed these relationships between white men and Inuit women. They also facilitated important trading alliances and brought whalers into kin groups and relationships of responsibility. Whalers relied on Inuit knowledge and assistance making it through the long winters, while their ships were frozen in the sea ice off Herschel Island. These relationships created a more intense and much earlier sustained contact between the two groups in the Eastern and Western Arctic than in the Central Arctic. By the latter half of the nineteenth

³⁰ Ibid.

³¹ J.R. Boestoe with William A. Baker and Charles F. Batchelder, *Steam Whaling in the Western Arctic* (New Bedford, Massachusetts: Old Dartmouth Historical Society, 1977), 31.

³² Diamond Jenness, *Eskimo Administration in Canada* (Montreal: Arctic Institute of North America, 1964), 36.

³³ A number of the respected Inuit elders interviewed for the Nunavut arctic college interviewing Inuit Elders Series are children of Inuk mothers and Qablunaaq fathers. They proudly call themselves Inuit. Elisapee Ootoova an elder interviewed in the *Interviewing Inuit Elders* introductory volume tells the interviewer that her father was an RCMP officer. Oosten et al. eds., *Interviewing Inuit Elders Introduction*, 27. Sullu Nakasuk also has a Qablunaaq father, *Interviewing Inuit Elders Introduction*, 62-63. Joe Mello Leavitt a respected elder in Alaska is the son of a whaling captain and an Inuk mother, see Fox-Gearheard, *The Meaning of Ice*, xxvi.

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century, the Mackenzie, Yukon, and Dawson Districts were founded and the RCMP and Anglican and Catholic Church missions along with the HBC were well established.³⁴

This period also saw new kinds of explorations aimed to expand scientific and cultural understanding. Vilhjalmur Stefansson, visited south-western Victoria Island in 1910 and from 1913-1916, he organized and directed the *Canadian Arctic Expedition* of which anthropologist Diamond Jenness was a part. They spent 1914-1916 in Bernard Harbour on the Arctic mainland.³⁵ Knud Rasmussen led the Fifth Thule Expedition, which traversed the sea ice from Greenland to the Canadian Arctic from east to west. He stayed in Bathurst Inlet (located in Inuinnait territory) for only a couple of months, from December 1923 to January 1924.³⁶ Each of these expeditions made contact with Inuinnait of the Central Arctic and collected and recorded population statistics and ethnographic information, including stories, oral histories and songs and their publications have shaped western narratives and the understandings of the Inuinnait to this day. In relation to the focus of this thesis, Stefansson brought Otto Binder north as an engineer on one of the expedition's gasoline motor schooners.³⁷ After Stefansson's expedition, Binder wanted to stay in the Arctic. He signed on with the Hudson's Bay Company as a fur trader, was stationed at Tree River and married an Inuit woman, Toktogan, "à la façon du pays."³⁸

By this time Qablunaat were lured further into the Arctic. It was the small tiriganniaq, the arctic fox, that brought fur traders like Otto Binder and the RCMP to heart of Inuinnait

³⁴ Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty*, 135.

³⁵ Vilhjalmur Stefansson, *My Life with the Eskimos* (New York: The MacMillan Company, 1913), 23; and Diamond Jenness, *The Life of the Copper Eskimos* (Ottawa: F.A. Acland, 1922): 158 and 162.

³⁶ Collignon, *Knowing Places*, 26; and Rasmussen, *Intellectual Culture of the Copper Eskimos*, preface.

³⁷ Thomas P. O'Kelly, "Western Arctic District Alleged Murder at Kent Peninsula," 24 December 1921, RG 18 Vol 3289 File HQ-681-G-1 Tatamigana (Eskimo), LAC.

³⁸ "Statement of Toktogan, Native Woman," April 14, 1922, RG 18 vol 3293 file 1922-HQ-681-G-4, LAC.

territory.³⁹ By the outbreak of World War I in 1914, no more commercial whalers came north, but demand for the fine winter-white pelts spurred a booming expansion of the fox trade throughout the Arctic. Inuinnait territory felt these effects first-hand. Independent traders arrived first, operating from schooners in Dolphin and Union Strait and Coronation Gulf.⁴⁰ This gave Inuinnait direct access to trade goods that previously had originated in the posts on Hudson Bay or Great Slave Lake and which had been obtained through extensive Inuit trade networks. The Inuinnait traded tiriganniaq pelts for trade goods such as firearms and ammunition, cloth, metal pots and pans, flour, tea, sugar, and metal fox traps. By this time the HBC, always with its ear to the ground and its best economic interests in mind, started expanding into Inuinnait territory to capitalize on the tiriganniaq trade. The trade at Qurluqtualuk was focused almost exclusively on white fox, though occasionally an Inuinnaq would bring in kajuqtuq (red fox), qianngaqtuq (blue fox or silver fox), or even a kiahirutilik (cross fox) along with their tiriganniaq.⁴¹ Inuinnait also

³⁹ Also known as white fox, in latin *vulpes lagopus*. The average salary for a Corporal with the RCMP was \$1.75 per day including expenses. A white fox pelt had a value between \$35 and \$40 dollars at this time in the early 1920s. Trapping white foxes was highly lucrative. Harwood Steele, *Policing the Arctic: The Story of the Conquest of the Arctic by the Royal Canadian (Formerly North-West) Mounted Police* (London: Jarrolds, 1936), 213. Philip Godsell, *Arctic Trader: The Account of Twenty Years with the Hudson's Bay Company* (Toronto: MacMillan, 1943), 227-228.

⁴⁰ A number of whalers turned traders recognized the opportunity to trade with the Inuit. Danish trader Christian Kengenberg, was the first to trade directly with the Inuinnait in 1905/1906. He wintered on Penny Bay on Victoria Island where he traded with the Inuinnait. Captain Joseph Bernard in his small schooner *Teddy Bear* overwintered in 1910/1911, 1912/1913 and 1913/1914 in Coronation Gulf and Dolphin and Union Strait, and also traded directly with the Inuinnait. C.T. Pederson was another of the independent traders, who traded with Inuinnait along the Beaufort Coast. Kitikmeot Heritage Society, “C.T. Pedersen and Canalaska,” Web, <http://www.kitikmeotheritage.ca/Angulalk/ctpeders/ctpeders.htm> [Accessed 30 August 2016].

Kitikmeot Heritage Society, “Christian Kengenberg,” Web, <http://www.kitikmeotheritage.ca/Angulalk/whaler/klenberg.htm> [Accessed 30 August 2016]. See also David Damas, *Arctic Migrants/Arctic Villagers The Transformation of Settlement in the Central Arctic* (Montreal: McGill Queens University Press, 2004), 19.

⁴¹ The Inuinnaqtun names for the different foxes are found in: Gwen Agulalik ed., *Inuinnaqtun English Dictionary*, 141. Kugluktuk (Coppermine) was only 30 miles from Qurluqtualuk and the treeline was relatively close, following the Coppermine River inland. Inuinnait would travel the length of the river and animals would too, so the odd stray red or blue (silver) fox found its way above the tree line. Neither red nor blue foxes were common, cross-foxes even less so. Some years there was only 1 in 225 red foxes

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trapped Qalvik (wolverine), but they were rarely traded as the Inuinnait kept wolverine fur for trimming skin clothing and parkas. Sometimes sealskin was traded, though not in large numbers and it was not exported, but would have been used domestically or shipped to another HBC post in the Arctic. White fox was the single most critical export from these posts.⁴²

Beyond trading for personal use, some Inuit took advantage of the economic opportunities offered by this new trade. RCMP Constables Cornelius and Brockie commented on some enterprising Inuit who took on intermediary roles in the new fur trade:

At the Eskimo villages which we visited on the Victoria Land coast we met a number of Eskimo fur runners who are employed by the traders on the mainland. Some of these fur runners are entrusted with an outfit amounting to four or five hundred dollars at outside prices, and so are able to do quite a business with their native friends.⁴³

Perhaps one of these Inuit fur runners on Victoria Island was Toktogan's father, who had warmly welcomed Otto Binder when he visited Victoria Island to conduct business for the HBC and for himself. Cortlandt Starnes described Binder's association with Toktogan and her father: "Some few years ago Binder went to Victoria Land on business of the company and for himself, and there stayed with the girl's father, with whom he had business. The father, who had known him for a long time, offered the girl to him."⁴⁴ Arranging such marriages between Inuit women and

traded in, and other years there were none in 1200 or more traded in. F.R. Ross, Interviewed by J.W. Anderson, Edmonton: Alberta, 24 May 1959, Hudson Bay Company Archives (HBCA) T6-29: Side B and C.

⁴¹ At Tree River all goods were priced in foxes. The Inuit who came in to trade would place one pelt on the counter at a time, and request its equivalent in goods, F.R. Ross, Interviewed by J.W. Anderson, Edmonton: Alberta, 24 May 1959, Hudson Bay Company Archives (HBCA) T6-29: Side B and C.

⁴² F.R. Ross, Interviewed by J.W. Anderson, Edmonton: Alberta, 24 May 1959, Hudson Bay Company Archives (HBCA) T6-29: Side B and C.

⁴³ Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920* (Ottawa: Thomas Mulvey, 1921), 26.

⁴⁴ Cortlandt Starnes to Mr. Gallagher, Department of Justice, Ottawa, 29 November, 1923, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

Qablunaat traders was one way in which Inuit families brought fur traders into kinship relationships. These practises were one of the many shifts that occurred as a result of this contact in this part of the central Arctic.

The dawn of the fox trapping trade brought with it shifts in Inuinnait hunting and social practises. Fox fur had always been part of Inuit clothing and foxes were traditionally trapped in a beehive style trap, built by stacking stones, or ice blocks in a tall beehive shape leaving the top open and baiting the bottom with a savoury piece of meat.⁴⁵ The trap was wider at the bottom and narrower at the top, so the curious and crafty animal would jump in to devour the meat but could not jump out. By the early 1920s, the global demand for tiriganniaq spurred a shift to a trapping economy Inuinnait “progressively organized their movements and their social life as a group around the trapping activity. A new nomadic system was established.”⁴⁶

Many Inuinnait had dogs, used to sniff out seal breathing holes, or when hunting polar bear rather than a lot of sledge work.⁴⁷ The fox trade, however, changed that too. Trapping white foxes was highly lucrative, and many Inuinnait set up winter trap lines.⁴⁸ The traditional beehive traps gave way to the steel traps available for purchase at the trading post. In some areas, Inuinnait trappers also wisely set traps near their meat caches, which drew foxes from miles around. Trapping then, around a cache created a circular pattern of harvest. Other areas developed longer traplines. Checking these traplines was a singular activity that did not require a

⁴⁵ Department of National Defence, *Down But Not Out Survival Manual* (Canada: 1953): 107. When I was in Yellowknife in 2014 a couple of Inuit Canadian Rangers confirmed the use and description of the traditional beehive traps.

⁴⁶ Collignon, *Knowing Places*, 38.

⁴⁷ Ibid., 28.

⁴⁸ about 10 traps was the average size of an Inuinnait trapline, though in later years the rare Inuinnait trappers would have upwards of 200 traps covering more than 40 miles. Interview with F.R. Ross HBCA T6-29 F.R. Ross May 24 1959 Side B and C. See also David Damas, *Arctic Migrants/Arctic Villagers*, 20, 24.

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hunting partner and necessitated the use of dogsleds. The shift from a hunting to trapping lifestyle had already begun, though was not yet in full swing in 1922 at Qurluqtualuk.⁴⁹ The Inuinnait still hunted seal for their own consumption, to feed their dogs and their oil lamps, but the pattern of hunting seal changed, along with the important social relationships underpinning these hunting activities to accommodate the importance of trapping white foxes. Where formerly camps on the ice sheet were common, they became less so; the ice sheet was something to be traversed without lingering, instead of a lived space.⁵⁰ Formerly a successful seal hunt relied on many hunters covering the aglu (breathing holes) on the ice sheet, but with more hunters becoming trappers, men gradually gave up hunting at the aglu. Trapping also altered the times of year Inuinnait would congregate. Instead of camps out on the ice sheet during the winter months, families traveled their traplines between November and April. Hunting caribou shifted from summer to winter, and with it the lived space upon the land changed. As geographer Beatrice Collignon explains, “Winter and spring were now the time of the mainland, of caribou and the individual; summer and fall the times of the sea, of the seal and of the community.”⁵¹

Trapping brought with it new forces and challenges that included the RCMP’s presence in the area as a result of the increasing Qablunaat interest in the economy. After Confederation in 1867 and the 1870 sale of Rupert’s Land from the HBC to Canada for 30,000 pounds, a transfer that occurred without consulting the Indigenous residents of this territory, in 1873, the Dominion government established the North West Mounted Police (NWMP) to maintain law and order in

⁴⁹ These shifts occurred between 1925-1935 and 1955-1960. This period of trapping is known as “Trapping Period 1” in Milton Freeman, Canada, Department of Indian Affairs and Northern Development, *Report of Inuit Land-Use and Occupancy Project* (Ottawa: Canada, 1976).

⁵⁰ Collignon, *Knowing Places*, 38.

⁵¹ Ibid., 39.

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the region.⁵² In 1896, gold was discovered in the Klondike region, propelling the federal government to send a NWMP detachment to maintain law and order among an influx of foreign, and primarily American, prospectors. From this period, the NWMP, then, became an active presence in the North and also the enforcers of Canadian sovereignty in the North.⁵³

In 1903, the Canadian and American government squabbled over the boundary between Alaska and the two Canadian territories (Yukon and British Columbia) bordering Alaska. When The Alaska Boundary Commission favoured of the American position, the Canadian delegation expressed concerns about Canadian sovereignty in the North. The Canadian government viewed with renewed concern the American whaling activities in the Beaufort Sea centred in Canadian territory on Herschel Island. Other whaling fleet activity was located in Canada's Hudson Bay. In response, the NWMP established posts on Herschel Island in the Western Arctic, at Fort McMurray (which was the main overland access point to the North), and at Fullerton Harbour on Hudson Bay.⁵⁴ Both Herschel and Fullerton detachments were charged with collecting customs duties and issuing whaling licenses.⁵⁵ In their negotiations, the Canadian government often downplayed sovereignty concerns, but with the introduction of a national police force and a permanent police presence in the Arctic, there was little doubt that sovereignty was part of the reason for their presence.⁵⁶

The RCMP in their “Red Serge” soon became symbols of the Dominion’s sovereignty, yet it was the eastward march of HBC posts established in the vicinity at Tree River—at Port

⁵² R.C. Macleod, *The North-West Mounted Police and Law Enforcement 1873-1905*. Toronto: University of Toronto Press, 1976): 7.

⁵³ Gordon W. Smith, *A Historical and Legal Study of Sovereignty in the Canadian North: Terrestrial Sovereignty, 1870-1939* (Calgary: University of Calgary Press, 2014), 350.

⁵⁴ Ibid., 75.

⁵⁵ Ibid., 75.

⁵⁶ Grant, *Arctic Justice*, 15.

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Epworth, Agiak (18 miles from Tree River) and on the Kent Peninsula—that resulted in the expansion of the RCMP to Tree River.⁵⁷ As an RCMP report noted in relation to the expansion of the HBC and the fur trade, “These circumstances naturally entail an extension of Police supervision.”⁵⁸ Another reason for the establishment of the Tree River post was the extremely arduous travel the RCMP patrols encountered during their investigation of the murders of Henry Radford, George Street, Father Le Roux, and Father Rouviere. One of these patrols started from Hudson Bay and made their way up the Back River to Bathurst Inlet. The other patrol went overland from Great Slave Lake to the Coppermine.⁵⁹ Due to geographic features and the lack of detachments on the Hudson Bay side, it was not possible to resupply Coppermine or Tree River from the East (nor overland from Great Slave Lake); it could only reasonably be reached from Herschel Island in the West. To supplement the detachment at Herschel Island, another detachment, Tree River, was established 65 miles east of the Coppermine River in September 1919.⁶⁰ The Tree River detachment, which was resupplied from Herschel Island in the Western Arctic, served as a convenient jumping off place to manage the fur trade and conduct patrols into Inuinnaqtun territory, and subsequently introduce the Inuinnaqtun to government control.⁶¹

Qurluqtualuk had a number of features that were particularly conducive to police work: “The harbour is excellent, the anchorage is good and a vessel drawing 12 or 14 feet of water can

⁵⁷ David Damas, *Arctic Migrants/Arctic Villagers The Transformation of Settlement in the Central Arctic* (Montreal: McGill Queen’s University Press, 2004), 19.

⁵⁸ Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920* (Ottawa: Thomas Mulvey, 1921), 22. Ken Coates and William Morrison acknowledge that Canadian “sovereignty” usually took this form during this period. Ken Coates and William Morrison, *Strange Things Done: Murder in Yukon History* (Montreal and Kingston: McGill Queen’s University Press, 2004): 105.

⁵⁹ Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920* (Ottawa: Thomas Mulvey, 1921), 22.

⁶⁰ Ibid., 22-23.

⁶¹ Ibid., 22.

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come within 300 yards of the detachment," reported Corporal Clay.⁶² The post was also intentionally located here because it was close to places where Inuinnait traditionally congregated:

Moreover, a few miles away is a spot where the Eskimo congregate from December to March, and at Hepburn Island, also in the general vicinity, is a place where these people assemble in November, before the sea is firmly frozen. There is a similar place of assembly at the Coppermine [Kugluktuk], but of the two Tree River seems more advantageously situated for intercourse with the natives.⁶³

Strategically, the RCMP located their post at Tree River to supervise the fur trade and to bring the Inuinnait under police control. Tree River also had the benefit of supplementing the detachment at Herschel and characteristic of the long patrols the RCMP frequently undertook, "could extend our [RCMP] control over the coast as far as Bathurst Inlet and Kent Peninsula, and northwards into Victoria Land [Victoria Island]."⁶⁴ These long patrols, often encompassing hundreds of miles, undertaken during the time of the sea ice was an opportunity to contact Inuinnait (and Inuit) camps all across the arctic, ask questions and introduce the Inuit to RCMP control and they also performed the many government functions as the often sole government presence in many parts of the arctic.⁶⁵

During the first two years at Tree River, a temporary barracks and storehouse were erected because the ship hauling building supplies did not arrive before their departure from

⁶² Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920* (Ottawa: Thomas Mulvey Printer, 1921), 22.

⁶³ Ibid., 22-23.

⁶⁴ Tree River is located at 67° 46" north latitude and 111°59" west longitude. The closest post office is Fort McPherson, N.W.T. over 600 miles away as the crow flies, and the nearest telegraph office is Dawson, some 500 miles still further away." Ibid., 23.

⁶⁵ These long patrols are considered a key part of the sovereignty activities of the RCMP in the arctic. Smith, *A Historical and Legal Study of Sovereignty in the Canadian North*, xix and 359.

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Herschel Island.⁶⁶ A more permanent barracks was built in the summer of 1920 though similar to other Arctic detachments, there were no lockup facilities. In fact, the only detachments with gaols were Herschel Island and Aklavik. What does this say about what the RCMP expected of the Inuinnait? The RCMP assumed the Inuinnait were more violent in relation to other Inuit groups, they considered them docile under Qablunaaq control and therefore lockup facilities were not necessary. Historians Ken Coates and William Morrison describe the Government and RCMP attitude: “The police by this time had developed a contradictory view of the Inuit [Inuinnait]: they were considered primitive and violent, fond of infanticide and other forms of killing, but once brought under control of the government, they were believed to be friendly and docile.”⁶⁷

Alikomiak was not locked up while held at Tree River. And once his heels healed and he could walk again, he was “free” to perform the small jobs and duties Corporal Doak assigned.⁶⁸ But Alikomiak became increasingly resentful of Doak’s “little hard jobs.” One morning in April, two of the RCMP members were out on patrol and another was with the interpreter, prisoners, and witnesses at the Seal Camp, leaving Alikomiak alone with Doak at the detachment.⁶⁹ After an incident where Doak became annoyed with him, Alikomiak felt increasingly “bad inside” and

⁶⁶ Inspector Wood, “Report Re: Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak,” 29 August 1921, RG 18 Vol 3289 File HQ-681-G-1 Tatamigana (Eskimo).

⁶⁷ Coates and Morrison, “To Make These Tribes Understand,” 222.

⁶⁸ “Letter to Officer Commanding RCMP Edmonton from Inspector Wood,” July 2, 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

⁶⁹ “Statement of Mr Clark Re: Murder of Corp. W.A. Doak and Otto Binder,” April 15, 1922. RG 18 vol 3293 file 1922-HQ-681-G-4, (LAC).

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resolved to kill Doak.⁷⁰ On the morning of April 1, Alikomiak retrieved a rifle from the storehouse and entered the barracks. He positioned himself slightly beside and behind the heater and through the wooden half wall he spied Doak sleeping. He then shot Doak.⁷¹ Cpl. Doak lived for a short time and then died. Alikomiak knowing that the fur trader Otto Binder usually stopped by the detachment in the mornings, waited for Otto Binder, intending to shoot him too.

After breakfast, at the HBC post, 150 yards away from the RCMP post, Otto Binder went outside and then came back in to roll a cigarette.⁷² He then left the HBC post to make his routine morning call to the detachment. This time, however, he would not return. Within 50 yards of the detachment Alikomiak took aim and fired on Binder.⁷³ Blood pooled in the snow where Binder fell, and he was dead almost instantly. Meanwhile, Toktogan was busy cleaning up after breakfast and attending to her two young children (one of whom was Binder's and the other, Ikialgagina's).⁷⁴ Not long afterwards, Alikomiak came into the post with his rifle and said, "I scared, I killed both of them," Toktogan was "crying plenty."⁷⁵ Toktogan and Alikomiak went to Binder's body and carried him to the detachment, laying him on the floor because he was too heavy to lift onto the bed. Ayeglak and Toletuk, Inuinnait from the Seal Camp, arrived shortly thereafter with white foxes wanting to trade. Instead they found Alikomiak and Toktogan at the post, where they learned of Doak and Binder's death. Toletuk and Ayeglak went to the barracks,

⁷⁰ "Statement of Alikomiak, Native Eskimo," RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

⁷¹ See crime scene diagram below figure 6, showing where Alikomiak stood when he shot doak and

⁷² *The King v. Alikomiak* [for the murder of Pugnana], RG13, vol.1526, Alikomiak Tatamigana Part 1, page 11, LAC.

⁷³ See Figure 6. The window through which Binder was shot is marked on the diagram. The diagram showing the HBC and RCMP buildings also shows where Binder was shot in relation to the detachment.

⁷⁴ Toktogan had a young child when she came to live with Binder and had another child with Binder. The children were 9 or 10 months apart according to reports. "Statement of Toktogan, Native Woman," April 14, 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

⁷⁵ Alikomiak Statement, 30 June 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

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at Toktogan's request, and laid out Binder's body on the bed next to Doak's.⁷⁶ Toktogan then asked to be taken to the Seal Camp, the Inuinnait camp that had been established for many years on the sea ice seven miles from the RCMP detachment and HBC post at Tree River.⁷⁷ The Seal Camp, as it was referred to by RCMP, was one of the main congregating places from which the Inuinnait around Qurluqtualuk hunted seals.⁷⁸

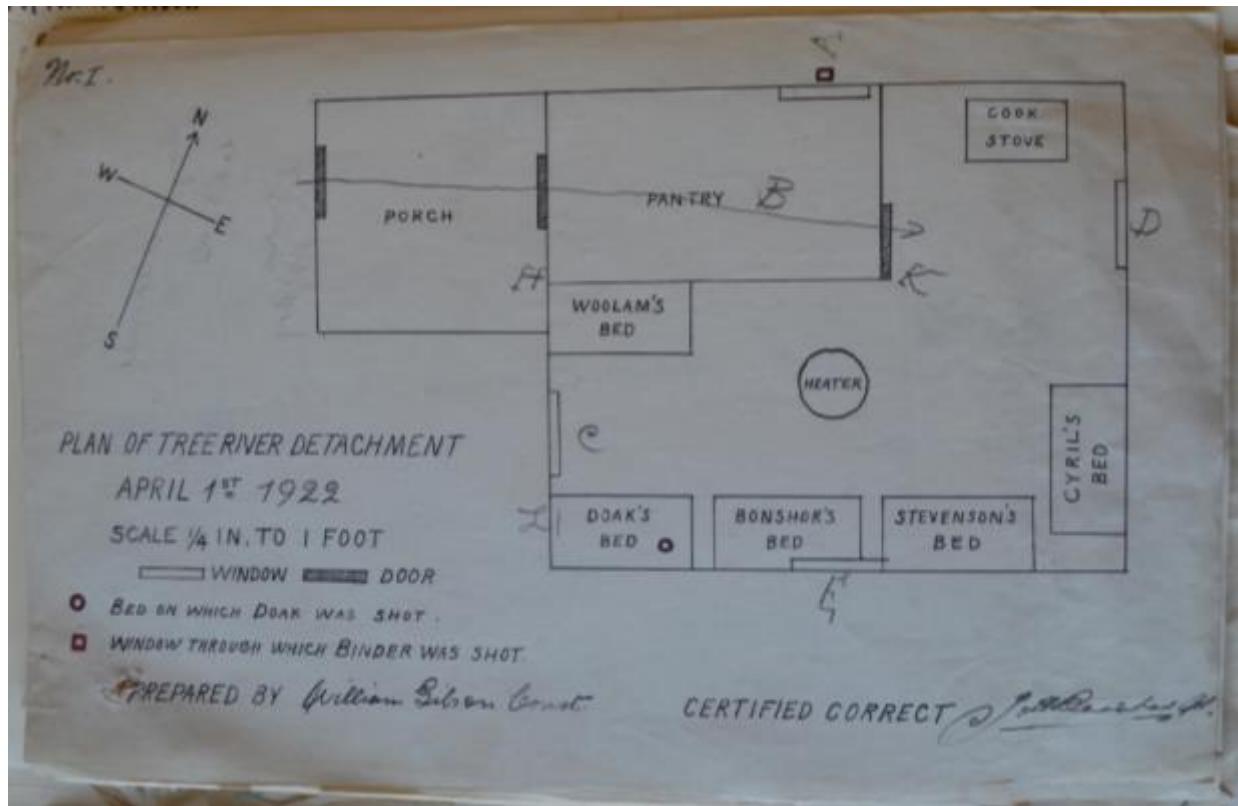


Figure 6: Exhibit no. 2. Police diagram of the plan of the Tree River RCMP detachment, April 1, 1922. The diagram is to scale and Doak's bed is clearly marked as is the window through which Alikomiak shot Otto Binder. "A" Broken window; "B" line of entrance to house; "C" window; "E" window; partition (full of cracks) marked

⁷⁶ *The King v. Alikomiak* [for the murder of Pugnana], RG13, vol.1526, Alikomiak Tatamigana Part 1, LAC, 20-21.

⁷⁷ The hunters in the Seal Camp likely hunted in larger groups in a radius 5 miles around the camp. When all the seals within a five-mile radius of the camp were hunted (usually within a month), the camp would pack up and move on 10 miles, continuing to hunt in such a manner. See Stefansson, *My Life With the Eskimo*, 169-170; and Jenness, *The Life of the Copper Eskimos*, 120.

⁷⁸ This was likely one of the congregating places the RCMP noted as the reason for the location of the detachment in Tree River. Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920* (Ottawa: Thomas Mulvey Printer to the King's most excellent Majesty, 1921), 22-23.

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with "H" and "K." *The King v. Alikomiak* [for the murder of Doak and Binder], 17 July, 1923, RG13, vol 1526, Alikomiak Tatamigana part 1, LAC.

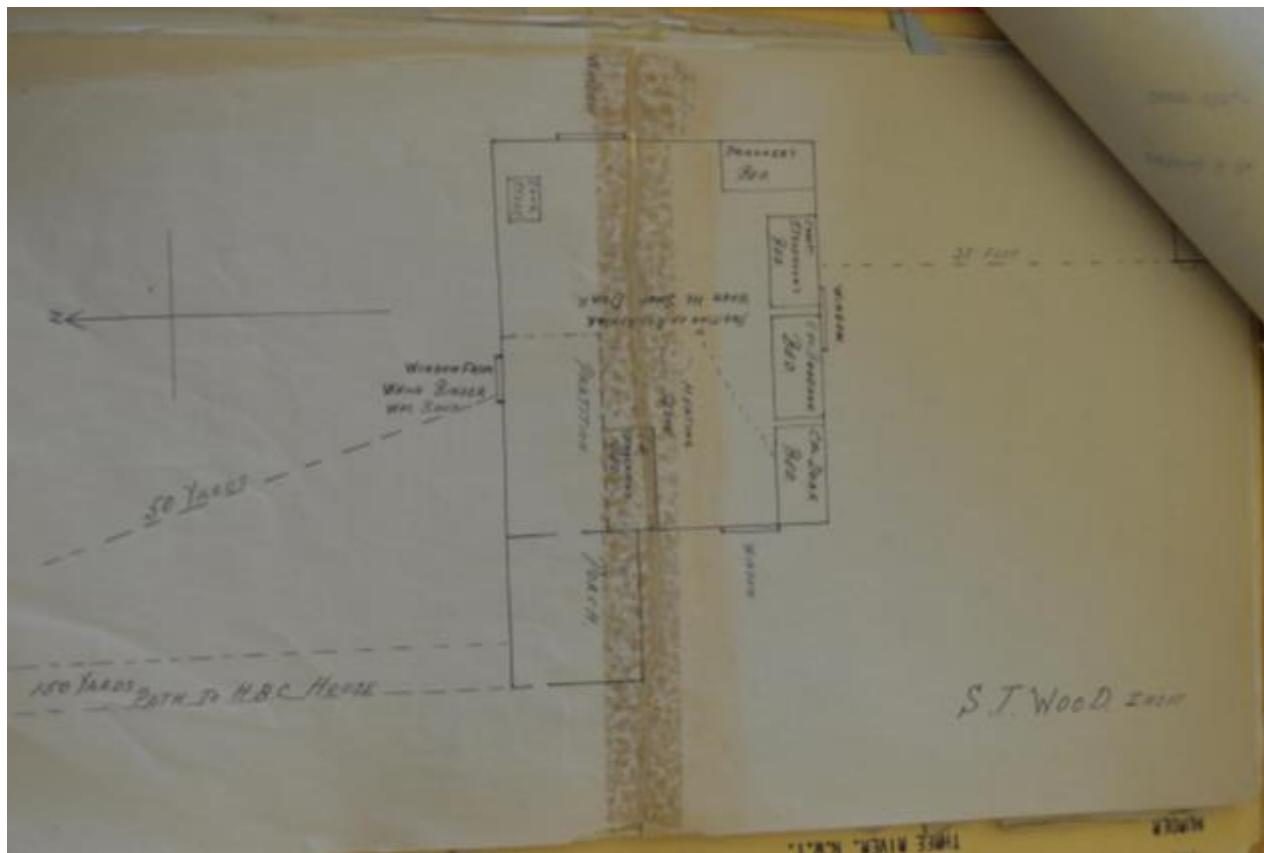


Figure 7: Working diagram of the plan of the Tree River detachment by Inspector Wood showing clearly labelled locations where Alikomiak shot Doak, and the window from which Alikomiak shot Binder. RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

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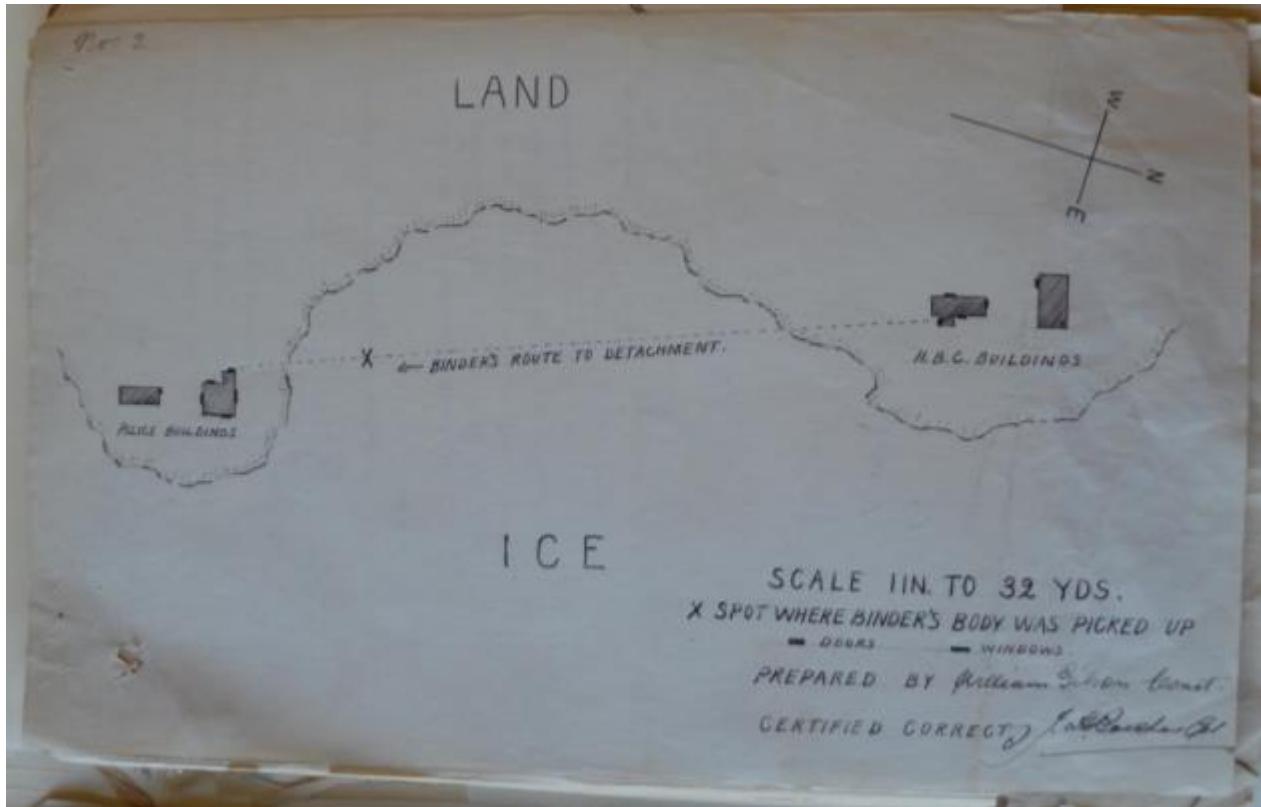


Figure 8: Exhibit 3. Police diagram showing the RCMP buildings (the building on the left is the storehouse and the building on the right is the barracks) and HBC buildings at Tree River. The dotted line shows Binder's morning route from the HBC to the police barracks. The "X" marks where Binder's body was picked up. Notice also the distinct labelling "Land" and "Ice." RG 13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

After laying Binder's body out on the bed next to Doak's (on Bonshor's bed) and stopping for a cup of tea at the post, the small party—Alikomiak, Toktogan and her two young boys, as well as Toletuk and Ayeglak—set out for the Seal Camp.⁷⁹ Constable Woolams of the Tree River RCMP detachment and Mr. Clarke of the Kent Peninsula HBC post along with the prisoners, Tatamigana and Ikpukuwak, and witnesses (to the earlier killing of the five Inuit) were at the Seal Camp helping to hunt and lay up stores of seal meat and seal oil. (There was also no room to house all of these people at the detachment). Alikomiak planned to kill Constable

⁷⁹ "Statement of Alikomiak, Native Eskimo Re: Murder of Corpl. W.A. Doak and Otto Binder," 10 April 1922, RG 18 Vol 3293 File 1922-HQ-681-G-4, LAC.

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Woolams and Clarke when the party arrived at the camp, thinking that Woolams would shoot him when he heard that he had killed Doak and Binder: “The time I killed Doak and Binder I intended to wait and kill Constable Woolams and Mr. Clarke when they returned from the seal camp. I thought Woolams would kill me as soon as I got in the door of the seal camp. I intended to kill Woolams and Clarke when I reached the seal camp and when near the camp, I put shells in my rifle.” However, Toletuk and Ayeglak warned Alikomiak not to shoot the white men immediately, but to wait and see how Woolams reacted: “Toletuk told me ‘Don’t kill them unless they go to shoot you, only you listen what they going to do.’” Alikomiak explained, “I then took the shells out of my gun and gave the rifle to Toletuk of my own accord.”⁸⁰ The police had their own snow house in the camp alongside the Inuinnait families. When the small party arrived at the Seal Camp, news quickly spread that something was amiss. Alikomiak was in Punaktuk’s snow house, when he was summoned to the police iglu by the interpreter Cyril Uingnek.⁸¹

Without resistance, Alikomiak went with Cyril Uingnek to the police iglu where Constable Woolams questioned him through the interpreter and then promptly arrested him. Woolams, Clarke, Uingnek and Alikomiak returned to the post the same day to survey the situation.⁸² They found the post eerily quiet. The barracks were cold and dark, the fire in the stove had gone out, and the shot out window allowed the cold breeze to waft through. Mr. Clarke lit the lamps to view the scene. The two men were found laid out on adjacent beds. Doak’s body was still warm though he had been dead some time. Blood pooled all around, in his blanket and

⁸⁰ Alikomiak, “Statement of the Accused (Preliminary Inquiry, Indictable Offence),” 17 April, 1922. RG 13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

⁸¹ Ibid.

⁸² “Statement of Mr Clarke Re: Murder of Corpl. W.A. Doak and Otto Binder” Kent Peninsula, N.W.T., April 15, 1922. RG 18 vol 3293 file 1922-HQ-681-G-4, LAC.

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deerskin robe, and Binder's limbs were rigid from having lain out on the ice before his body was dragged into the barracks. They wrapped the bodies of both men in separate blankets and placed them in the store house.⁸³ When Mr. Clarke returned to Tree River detachment in the morning, he saw the crimson snow where Binder was killed 50 yards from the detachment: "The place where Binder had fallen was plainly marked where the Blood [sic] had seeped into the snow, as also was the mark of the bullet where it had plowed the snow at the rear of where Binder had been laying."⁸⁴

News of the two deaths shook Tree River and when the news made it outside the community, the government responded swiftly. According to the RCMP, the killing of Doak and Binder was cold-blooded murder. Doak had been shot in his sleep, and Binder, while on his morning visit to the detachment.⁸⁵ The RCMP considered the murders to be unprovoked. An RCMP statement said that Doak was "a good and efficient policeman," and that he was "good to all natives, prisoners included."⁸⁶ He was also a long-time RCMP member, was experienced in the Arctic, was well liked at each of his postings, and was familiar with Inuinnait cultural practises, especially in relation to the Inuit justifications for the killings of Henry Radford, George Street, Father Le Roux, and Father Rouvière.⁸⁷

Other accounts provide a more complex description of his character and the nature of his relationship with Alikomiak. A year later, Knud Rasmussen, a fluent Inuktitut speaker, while

⁸³ "Statement of Mr Clarke Re: Murder of Corp. W.A. Doak and Otto Binder" Kent Peninsula, N.W.T., April 15, 1922. RG 18 vol 3293 file 1922-HQ-681-G-4, LAC.

⁸⁴ Ibid.

⁸⁵ Letter from Inspector Wood to the Officer Commanding the RCMP Edmonton, Re: Murder of Reg No. 4395 Corp. Doak W.A. and Otto Binder by Eskimo Prisoner Alikomiak," Fort McPherson, N.W.T. July 2, 1922. RG 18 vol 3293 file 1922-HQ-681-G-4, LAC.

⁸⁶ Ibid.

⁸⁷ "Re: Murder of Reg. No. 4396 Corp. Doak W.A. and Otto Binder by Eskimo Prisoner Alikomiak," RG 18 Vol 3293 File 1922-HQ-681-G-4, LAC.

visiting the area, spoke with Inuit members from the community. They told him about the case and suggested that Doak was in the habit of emotionally tormenting Alikomiak. In his published account of the Fifth Thule Expedition, *The Intellectual Life of the Copper Eskimos*, Rasmussen reported that “Corporal Doak is described by all as being a decent man; but he was in the habit playing on the feelings of the accused Alekámiaq by assuming a brutal and terrifying manner, despite the fact that they could not speak to one another. According to what the other Eskimos told me, Alekámiaq by and by got the idea that Doak was going to kill him, so he decided to forestall him at the first opportunity.”⁸⁸ Internal RCMP correspondence also suggests that the RCMP, at least internally, blamed Doak for his own death because he was alone with Alikomiak at the time he was shot:

The whole occurrence is of course most unfortunate and regrettable, but is also pitiable in that it should never have occurred. Corporal Doak together with all others in the Far North had received instructions that never must a Policeman travel alone or be alone among Eskimos unless it is absolutely unavoidable. It was for this reason that I strengthened Tree River detachment last year to four men so that two could be absent or on patrol and two remain at the Detachment. In this case Corporal Doak was handling a dangerous murderer, one to whom the value of a human life was nothing; one who a few days previously had deliberately killed his own Uncle and was proud of it. Corporal Doak knowing these things should have been doubly on his guard. He should have kept the Members of his party together and having come into the Detachment along with the prisoner he should have been doubly cautious in the handling of him. Again all firearms except his service revolver should have been carefully locked in the store house and the keys put in a place unknown to the prisoner. To be outspoken, Corporal Doak took an unnecessary chance and lost out. Of course none of these particulars have been given to the Press or to Corporal Doak’s relatives.⁸⁹

The question of whether Doak actually threatened Alikomiak prompted the RCMP to take

⁸⁸ Knud Rasmussen, *Intellectual Culture of the Copper Eskimos*, 63.

⁸⁹ “Re: Murder of Reg. No. 4396, Corporal Doak, W.A. and Otto Binder by Eskimo Prisoner Alikomiak, 31 July 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

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three separate statements from Alikomiak regarding the killings of Doak and Binder.⁹⁰ In these statements, Alikomiak himself contradicted his own comments regarding Doak. In the first, dated April 10, 1922 and taken at Tree River by Cpl. Bonshor and interpreted by Cyril Uingnek, Alikomiak asserted that he was afraid of Doak:

Corpl. Doak asked me to put new soles on his deerskin socks. I did not understand and cut the socks short. When Corpl. Doak returned and saw them, he was angry and I was frightened of him. I was also frightened because when we hunted deer some time ago Corpl. Doak threatened me with the dog whip. The next morning I decided to kill him the following morning while he was in bed.⁹¹

Alikomiak made a second statement on the June 30, 1922 at Aklavik on his way to Herschel Island.⁹² This statement was witnessed by Inspector Wood and Constable Stevenson, and featured another interpreter, Billy Kemiksen. This statement is much more detailed and consists of nearly two pages of single spaced typing on legal sized paper. Under repeated questioning, Alikomiak contradicted his earlier statement about Doak threatening him with the dog whip:

I was scared of Doak as he sometimes gave me little hard jobs. One time we went to haul meat and Doak made me run beside the sled with him. I rode on the sled at times and so did he. It was deep snow and I could not keep up. Doak spoke to me but I could not understand him and do not know whether he was angry with me. I was afraid he might use the dog whip on me though he never threatened or hit me with it. Cpl. Doak gave me boots and lots of things to fix and I did not like it. One time he gave me sealskin long boots to fix the bottoms and I had done one when he told me I had not done it right and for me not to fix the other boot. I was mad and did not feel good inside. The next day I think I like to kill that man. I never think before like that because I was never hungry and Doak gave me plenty to eat all the time.⁹³

⁹⁰ The question of whether Doak's actions led Alikomiak to fear Doak has been the source of much discussion in the secondary sources. Opinions are split. Sidney Harring, suggests that Doak did provoke Alikomiak, so does Knud Rasmussen, Graham Price and Ken Coates and William Morrison though they suggest that Alikomiak was perhaps a bit too sensitive to Doak. Philip Godsell dissents from the idea that Doak provoked his own death. Sidney Harring, "The Rich Men of the Country," Knud Rasmussen, *Intellectual Culture of the Copper Eskimos*, 63. Ken Coates and William Morrison, "To Make These Tribes Understand" and Philip Godsell, *Arctic Trader*.

⁹¹ "Statement of Alikomiak, Native Eskimo," RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

⁹² "Alikomiak Statement," RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

⁹³ Ibid.

Inspector Wood's repeated questioning of Alikomiak about whether Doak threatened or hit him, likely caused Alikomiak to change his story. Yet it is clear that Alikomiak felt threatened by Doak, whether Doak provoked him or not. The language barrier between them seems at least partially responsible for the sad string of events. However, by wrangling this admission that Doak never threatened to hit him or actually hit him, the RCMP provided the Solicitor for the Crown enough "evidence" to later argue for the conviction of Alikomiak for the murder of Doak. Inspector Wood solicited this second statement because he was not satisfied with Corporal Bonshor's initial investigation into the killings of Doak and Binder:

Corpl. Bonshor's investigation and report on this murder is far from satisfactory, in fact in some instances his statements are entirely wrong. I have therefore seen fit to take another statement from Alikomiak which throws more light on the case and explains many things... From Cpl. Bonshor's report and the statement he obtained from the prisoner, it might appear to some that there was some provocation for Alikomiak killing Cpl. Doak in that he states Cpl. Doak threatened him with the dog whip, but such is not the case as repeated questioning on this point showed. The whole point is that Alikomiak did not want to be taken west to Herschel Isl. and he was quite willing to go to any extreme and if necessary die rather than do so.⁹⁴

It is true that some of Cpl. Bonshor's facts were wrong. Doak was shot in the left buttock, not the right, and Cpl. Bonshor also misreported which gun Alikomiak used to kill both men. Alikomiak used Anaigviak's rifle to kill Doak and went back to the storehouse for his own rifle to kill Binder. However, it does seem reasonable that Cpl. Bonshor was closer to capturing the truth of how Alikomiak felt about Doak. Alikomiak's third statement was taken before Inspector Wood, acting Justice of the Peace at Herschel Island on April 17, 1923, as the official pre-trial statement

⁹⁴ "Re: Murder of Reg. No. 4395 Corpl. Doak W.A. and Otto Binder by Eskimo Prisoner Alikomiak," 2 July 1922, RG 18 Vol 3293 File 1922-HQ-681-G-4, LAC.

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and it had only minor differences with the second statement.⁹⁵ This time the statement was given in front of Constable Woolams, Cyril Uingnek and Toktogan.

Qablunaat, including RCMP and HBC traders who had developed relationships with the Inuit, knew not to threaten and what anger meant.⁹⁶ Historian William Morrison describes the attitude: “As anyone who knew anything about the Inuit was aware, threatening an Inuit was never safe. Many Inuit believed that a man who spoke harshly had it in his mind to commit murder, and that it was thus reasonable and proper to kill him first.”⁹⁷ Anger was equated with madness and the belief among the Inuit was that if one did not forestall the angry person by killing them, they would be killed themselves by the angry person. This belief was not limited to Inuit-Inuit interactions, but also in relationships with non-Inuit.⁹⁸ Despite this understanding of the Inuit justification of murder, the Qablunaaq officials expressed an underlying unease after the murders of Doak and Binder. All HBC employees were under instructions by Commissioner A. Brabant not to express resentment in any dealings with Inuit: “The cold-blooded manner in which the Eskimo killed Corporal Doak and Binder will no doubt exercise a considerable amount of distrust of the native among the white men, and our people have been warned against exhibiting any resentment.”⁹⁹

However, anger and its Inuinnait cultural understanding alone does not fully explain what transpired between Doak and Alikomiak. Even before he made any arrests, Cpl. Doak had been

⁹⁵ Alikomiak, “Statement of the Accused (Preliminary Inquiry. Indictable Offence)” 19 April 1923, RG13, vol. 1526, Alikomiak Tatamigana Part 1, LAC.

⁹⁶ Grant, *Arctic Justice*, 16.

⁹⁷ Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North 1894-1925*; 136.

⁹⁸ Rasmussen, *The Intellectual Culture of the Copper Eskimos*, 18; See also Diamond Jenness, *The Life of the Copper Eskimos*, 95.

⁹⁹ Confidential Report by Mr. C.H. Clark, H.B.C. forwarded with added notes by A. Brabant Hudson’s Bay Company Fur Trade Commissioner to the RCMP, 12 August 1922, RG 18 Vol 3293 File 1922-HQ-681-G-4, LAC.

given orders to transfer detainees to Herschel Island. Cyril Uingnek, the interpreter, must have explained to Alikomiak after his arrest that he would eventually be transferred to Herschel Island and tried there. But how could Alikomiak have understood what the police were going to do with him once he was at Herschel Island? Anthropologist Hugh Brody explains how relationships between colonizer and colonized were also marked by Inuit deference and/or subservience to frightening or terrifying individuals (individuals with more power, not necessarily terrifying people).¹⁰⁰ This Inuit response to Qablunaat, is *ilira*:

The word *ilira* goes to the heart of colonial relationships, and it helps to explain the many times that Inuit, and so many other peoples, say yes when they want to say no, or say yes and reveal, later, that they never meant it at all. *Ilira* is the subtle but pervasive result of inequality. Through the inequality this reveals, the words shape the whole tenor of interpersonal behaviour, creating many forms of misunderstanding, mistrust, and bad faith. It is the fear that colonialism instills and evokes, which then distorts meanings, social life and politics.¹⁰¹

One can only imagine the kind of fear Alikomiak must have felt, not only of Doak in his role as policeman, but of what he represented. Doak, after all, as a representative of the colonial apparatus had the power to detain Alikomiak and to make him do all kinds of little jobs that he was not happy about or accustomed to doing. He also had the power to send Alikomiak away—almost 1200 kilometers—from his family and community. It may very well have been that Alikomiak was afraid of Doak’s anger and temperament, but to blame Doak for his own death also obscures the layers of the relationship that went beyond a possibly justified and culturally appropriate killing. *Ilira* and its effects also explains this subservience and fear of Doak, even if Doak was not a tyrant and his manner was not intimidating. It could also explain why Alikomiak

¹⁰⁰ Hugh Brody, *The Other Side of Eden*, 43-44.

¹⁰¹ Ibid. Shelagh Grant was the first to use this idea to explain some of the context behind the killing of Robert Janes. It is pertinent in this instance as well. See Grant, *Arctic Justice*, 17 and 237-238.

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did not intend to kill Doak initially. In his statement Alikomiak said:

Doak was sleeping on his right side with his face to the wall and I shot him in the left buttock as I did not want to kill him right away as I wanted him to get mad. I wanted to wound him as there was revolver beside his bed and I did not care if he shot me as I did not want to go west to Herschel Isl. I thought Doak being wounded would shoot me with the revolver and I was not afraid to die as I did not want to go to a strange country.¹⁰²

When Alikomiak realized he killed Doak and that when Otto Binder might want to shoot him to avenge the death, Alikomiak must have changed his mind about wanting to die to avoid being sent away. With this realization, Alikomiak decided to kill Binder before Binder could avenge Doak's death. From Alikomiak's point of view, this would have been a possibility as the Inuinnait believed that a man had the right to avenge an unprovoked murder. The effects of ilira could also easily explain the different statements given by Alikomiak (and the other witnesses and accused) when pressed by different police officers using different interpreters at various times and locations. Ilira explains the murder of Doak, and also Alikomiak's fear that once Binder knew Doak was dead, Binder would shoot him on sight. Alikomiak could have had a moment of fear about losing his life after he had steeled himself to death.

Although the RCMP and the Canadian government were well aware of the Inuit cultural differences and the Inuit justification for murder, which had up to this point led the Canadian government to mete out light sentences to Inuit charged with murder in hopes that further killings of Inuit and Qablunaaq would cease. This was however not to be the case for Alikomiak or Tatamigana, for neither the killings of Pugnana nor the killings of Doak and Binder. As RCMP commissioner Cortlandt Starnes explained this shift in approach,

I consider the situation which has developed on the Arctic Coast demands that

¹⁰² "Statement of the Accused (Preliminary Inquiry. Indictable Offence)," RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

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stern measures be taken. Kind and generous treatment of the natives who have committed murders in the past has apparently had the opposite effect to that intended and I am afraid there is a danger of the Natives concluding that crime is a thing to be rewarded by the White man. In my opinion steps must now be taken to endeavour to impress upon the Eskimo that such disregard for human life will not be tolerated and those found guilty of committing murder will be adequately punished.¹⁰³

According to the government, the killings of Corporal Doak and Otto Binder were “cold blooded murder.” Doak was shot in his bed while he slept and Binder was also shot without provocation. Regardless of why Alikomiak killed Doak and Binder, the RCMP and the Canadian government was no longer in a “lenient” mood. No reprieve was forthcoming to Alikomiak or Tatamigana. Alikomiak and Tatamigana were both separately delivered to Herschel Island to await trial for the murders of Pugnana. Alikomiak alone was tried for the murder of Corporal Doak and Otto Binder. While at Herschel Island, they were tasked with odd jobs around the detachment until their trial commenced in August 1923.

¹⁰³ “Murder of Reg No 4396 Corpl. Doak W.A. and Otto Binder by Copper Eskimo Alikomiak,” 1 July 1922, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

Chapter 4:

Gallows, Graves, and the Bone Shed on Qikiqtaruk

Herschel Island had once been a bustling whaling station before the RCMP established a presence there in 1903 to curb perceived alcoholic excesses and the sexual exploitation of Inuit women. Whalers found that the Beaufort Sea held a significant stock of bowhead whales, which were prized for their baleen, blubber, and oil. Due to the short length of the whaling season, whalers overwintered to make best use of the season and to fill their holds with the precious commodity. Herschel Island had an ideal natural harbour—Pauline Cove, which was excellent for whaling ships. One of the whaling companies built a bone shed for drying and storing baleen, as well as other wooden buildings that later served as the Anglican Church mission and, by the time of Alikomiak and Tatamigana's trial in 1923, the barracks of the RCMP detachment.¹



Figure 9: Photograph showing Pauline Cove and the various buildings on Herschel Island. The white building with the brown roof and the flagpole is the former RCMP barracks. The trial proceedings were held. The building with

¹ RCMP, "Police Buildings at Herschel Island," 9 February 1916, Yukon Archives, Whitehorse.

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the red roof to the left is the Transport Shed (the former bone house where baleen and whale bone was dried) and the site of the surreptitious construction of the portable gallows. The mission house is not visible in this photograph but is to the left of the frame.

Photo courtesy of Brent Riley, Historic Sites and Restoration Planner, Government of Yukon Tourism and Culture, Cultural Services Branch. Used with permission.

By 1914 the bottom had fallen out of the global whaling industry and whalers no longer came north to hunt the bowhead. The new RCMP detachment, located in the northernmost part of the Yukon Territory, was of symbolic and political importance. Since large areas of the Arctic had been ‘discovered’ and explored by non-Canadians, Canadian sovereignty was based on occupation and administration rather than on discovery. This provided the impetus for founding other detachments in the Central and Eastern Arctic, including the Tree River detachment.² Assertions of national sovereignty along with logistical and economic considerations made the island a good choice.³

Even before Corporal Doak investigated and made arrests for the killings of the five Inuinnait and Pugnana, Inspector Wood recommended that prisoners be held on Herschel Island so they could not escape.⁴ Once the decision was made to hold the trials in the North, rather than down south in Calgary or Edmonton, there were only two possible locations for the trial—Aklavik or Herschel Island.⁵ Both were the only RCMP detachments that had lockup facilities

² Morris Zaslow, *The Northward Expansion of Canada*; 10, 12 and 25. See also *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North, 1894-1925*; 73-78. Gordon W. Smith, *A Historical and Legal Study of Sovereignty in the Canadian North: Terrestrial Sovereignty, 1870-1939* (Calgary: University of Calgary Press, 2014), 359.

³ It also more closely fulfilled the dictates of the magna carta. Graham Price, “The King v. Alikomiak (a.k.a. Alicomiak, a.k.a. Alekamiaq),” *Manitoba Law Journal*, 204, (1991), 204.

⁴ Report by Inspector Wood, “Re: Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak,” 29 August 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁵ Holding the trials in the arctic was a significant departure from previous Government policy. All trials prior to this case were held outside the Northwest Territories. See Graham Price, “The King v. Alikomiak (a.k.a. Alicomiak, a.k.a. Alekamiaq),” *Manitoba Law Journal*, 204, (1991), 204.

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(after the murder of Corporal Doak and Otto Binder at Tree River, the RCMP were reluctant to have a repeat situation) and could accommodate a judicial party. Each detachment was a major point of access to the Arctic, whether by ocean or inland. Herschel Island had suitable accommodation and enough supplies to feed all the people who travelled to the Island for the trial, including the judicial party, the witnesses, and the accused, without putting the detachment's winter supplies in jeopardy. There was also the practicality of shipping accused (seven trials were heard on Herschel Island in July 1923), witnesses both Inuinnait and RCMP constables, and the families (spouses and children of the Inuinnait witnesses) to Herschel and back to their posts within a year. Inspector Wood writes,

The total number of prisoners and witnesses who will have to be on hand for the trials next spring number about twenty-one, including three members of Tree River Detach. and two members of H.B.C.. [Sic] This does not include the children or wives of some of the witnesses, who will have to come out also as no provision can be made for them to remain in East. For this reason I believe the total number will be thirty or over. To move such a crowd, consisting of so many women and small children, to Aklavik over the ice next spring would be a hard proposition and it is most essential that as many as possible be sent back East next summer after the trials.⁶

In the end, based on Inspector Wood's recommendation, Herschel Island fulfilled both the political goals of sovereignty and the logistical, economic and practical concerns bound up in administering this part of the Dominion. Herschel Island was located where the Dominion government hoped the trial would best serve as an example to Inuit that violence would not be tolerated. This case also garnered national and international attention through newspaper articles published across Canada and internationally. Articles appeared in all of the major Canadian newspapers: *The Edmonton Journal, Calgary Star, Dawson Daily News, Vancouver Sun, The*

⁶ Inspector Wood re: Location of Trials, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

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Toronto Star, *The Globe and Mail*, and *The Montreal Gazette* for example.⁷ International articles appeared as far afield as Belgium, and New Zealand.⁸ A trial held at Herschel Island in the Arctic showed the residents of the North, the rest of Canada, and the world, that Canada was willing and able to enforce its judicial policies in every corner of the Dominion. It was also meant to illustrate to the Qablunaat inhabitants of the Arctic that their quest for economic and resource wealth would be protected and the Dominion government would exert its sovereign rights in the form of a judicial trial. The Island also had a gaol to hold the accused, and enough space to accommodate witnesses and judicial party—at least 30 people—that would swell the population of the tiny island for more than half a year. It had enough Qablunaat, “British Subjects,” to round out the ten-man jury, six of whom were picked up enroute to Herschel Island.

If Alikomiak was afraid of being shipped “outside” of Qurluqtualuk, shooting Corporal Doak and Otto Binder hastened the trip. On April 22, 1922, Constable Stevenson accompanied Alikomiak and Pete Norberg, manager of the HBC post on Kent Peninsula, to Herschel Island.⁹ This was a 726-mile trip by dogsled and a further 125 miles via schooner. Upon reaching the HBC post at Kittigazuit, they learned that Inspector Wood was at Aklavik and they had to wait

⁷ The files from LAC contain clippings of articles from the aforementioned papers. See RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC; see also RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC; Harring and Price also list a number of newspaper articles in each of their articles. See Sidney Harring, “The Rich Men of the Country” and Graham Price, “The King v. Alikomiak.”

⁸ For example: “A Love Story at the Eskimo’s Country,” *Le Soir* (Brussels), 16 May 1924, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC; See also: “Arctic Tragedies, Blood Feud Amid the Snows, Eskimos to Pay Forfeit, Relentless Arm of Justice,” *The Hawera and Normanby Star (New Zealand)*, 2 November 1923, 3. “Murder in Arctic Zone: The Unpleasant Side of the Eskimo,” *The Northern Advocate (New Zealand)*, 14 July 1923.

⁹ Constable Stevenson, “Report of Patrol from Tree River to Aklavik,” 29 July 1922, RG18, vol 3293, file 1922-HQ-681-G-1 vol 1, LAC.

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for the ice to go out from the Mackenzie River until it was safe to travel. At Kittigazuit, they left with the prisoner and secured a ride to Aklavik on the *Shamrock*, a schooner owned by an Inuit named Bennett.¹⁰ The *Shamrock* was one of many schooners independently owned by Inuit whalers, trappers and fur traders, an example of the wealth that flowed north with the whaling and arctic fox trade and the capacity that the Inuit had to take full advantage of the changing economy.¹¹ Alikomiak was held at Fort McPherson for part of the summer and then finally transferred to Herschel via Aklavik. The Canadian journalist, Miriam Green Ellis, captured the image of Alikomiak at Fort McPherson (see Chapter Two). In her newspaper article about her journey, she described how Alikomiak was given the same freedom at Fort McPherson as he was at Tree River, casting doubt on the perception that the RCMP considered Alikomiak a threat.¹²

During the open water period in the summer of 1922, Constable Woolams escorted the remaining individuals to Herschel Island—prisoners Amokok, another Inuit charged with murder in an unrelated case, Tatamigana, along with Cyril Uingnek, Toktogan, and a number of other witnesses—on board the HBC ship *Argo*. The journey took 37 days, as the party encountered heavy ice the entire way. On September 19, they arrived on Herschel Island and spent nearly 10 months there before the trials commenced in July 1923.¹³

¹⁰ Constable Stevenson, “Report of Patrol from Tree River to Aklavik” 29 July 1922, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

¹¹ The *North Star of Herschel Island* currently anchored at the maritime museum in Vancouver is another example.

¹² Miriam Green Ellis, “Eskimos, Stoic, Unconcerned, Accept Fate Unprotestingly,” *Toronto Daily Star*, 28 November 1923, p. 22. “Mrs. Ellis stayed for a time with the wife of Inspector Wood at Fort McPherson. The Eskimo murderers were being held there, but had a large measure of liberty. They used to work about the house, sweeping and washing the dishes. There was little to prevent the tragedy of Tree River from taking place again at Fort McPherson, but Mrs. Wood regarded the situation with complete equanimity. The Eskimos were cheerful, helpful, and to all appearances harmless, and she was accustomed to dispensing with the ordinary safeguards of civilization.”

¹³ Report from Constable Woolams to the Officer Commanding RCMP Arctic Sub-District Herschel Island, 8 May 1923, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

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In the meantime, preparations were being made in Ottawa regarding the jurisdiction of the trials and who would be engaged as judge and hangman since these were capital offenses.¹⁴ Judge Dubuc from Edmonton was appointed the Stipendiary Magistrate based on his previous experience in the Albert Le Beaux murder trial a year prior.¹⁵ Herschel Island was located in the Yukon Territory, so before the trials could take place there, the North West Territories Act had to be amended to allow a criminal case originating in the North West Territories to be tried outside the Northwest Territories.¹⁶ The amendment was made specifically regarding the “Eskimos [including Alikomiak and Tatamigana] now being held at Herschel Island all charged with murder,” and was framed generally in the eventuality of similar murder cases arising at a later date and spanning two jurisdictions.¹⁷ The Inuit were technically and legally British Subjects.

¹⁴ The Government’s preferred hangman, Arthur Ellis [Arthur B. English was his real name], was not available and their alternate was a Fred L. Hill of Montreal.

¹⁵ Albert Le Beaux was a First Nations man from Fort Providence who killed his wife. Judge Dubuc presided over the trial at Fort Providence and found him guilty of murder. For information regarding Judge Dubuc’s background and training see Graham Price, *The King v. Alikomiak*; 205.

¹⁶ Letter from E.L Newcombe Deputy Minister of Justice to Irving B. Howatt, 16 May 1923, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1; 114-115 of 167. Initially Bill no. 7 was tabled with two amendments. The first amendment did NOT require the ten-man jury to be made up of British Subjects. This amendment was passed by the House of Commons but vetoed by the Senate. The second amendment was to allow a magistrate to try a case originating in the NWT, outside of the NWT (and any subsequent punishment that arose from the outcomes of the cases). This amendment was passed by both The House of Commons and the Senate. These amendments caused quite a logistical problem because there were not enough British Subjects in Herschel, Aklavik or combined to provide a ten-person jury. As a result, the judicial party had to pick up British Subjects (to act as jury members), en-route to Herschel in Fort Norman and Fort Good Hope, in addition to those British Subjects at Aklavik and Herschel Island who rounded out the ten-person jury. “Report Re: Murders by Eskimos on North West Territories by Inspector Lindsay to the Commissioner RCMP.” May 22 1923. RG 18 vol 3293 file 1922-HQ-681-G-1 vol 1, LAC.

¹⁷ For Senate Debates see Canada, Senate Debates [Hansard], “Northwest Territories Bill First Reading,” 1 March 1923, 14th Parl., 2nd Sess., vol 1, page 81, http://parl.canadiana.ca/view/oop.debates_SOC1402_01/93?r=0&s=1; Canada, Senate Debates [Hansard], “Northwest Territories Bill Second Reading,” 8 March 1923, 14th Parl., 2nd Sess., vol. 1, page 104-105, http://parl.canadiana.ca/view/oop.debates_SOC1402_01/116?r=0&s=1; Canada, Senate Debates [Hansard], “Northwest Territories Bill Considered in Committee Progress Reported,” 13 March 1923, 14th Parl., 2nd Sess., Vol. 1, page 151-157 http://parl.canadiana.ca/view/oop.debates_SOC1402_01/163?r=0&s=2; see also Canada, Senate Debates [Hansard], “Northwest Territories Bill Further Considered in Committee,” 15 March 1923, 14th Parl., 2nd Sess., p 198-199, http://parl.canadiana.ca/view/oop.debates_SOC1402_01/210?r=0&s=1.

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They could legally be criminally tried, and legally they could sit on juries, though this would not be the case in the NWT until the 1950's (it was assumed, that a jury would be composed of Qablunaat men). As residents of the Northwest Territories, Inuit fell under the authority of the Department of the Interior. Inuit were NOT governed by the terms of the Indian Act introduced in 1876 or the various amendments in following years. Neither Britain or Canada had official Inuit policies until after 1939 where a suit brought before the Supreme Court of Canada finally determined that "Eskimos were Indians" and the Inuit were placed under the purview of the Indian Act.¹⁸ Judge Dubuc would try Alikomiak and Tatamigana, but he would also try the other murder cases that originated in the Northwest Territories and that were backlogged in the Western Arctic.¹⁹ While Ottawa made its preparations, the commissioner of the RCMP appointed Inspector Wood a Justice of the Peace and authorized him to carry out the pre-trial hearings on Herschel Island.²⁰ The government ensured that all aspects of the trial were "legal" according to

For House of Commons Debates see Canada, House of Commons Debates [Hansard], "Northwest Territories Act Amendment," 9 February 1923, 14th Parl., 2nd Sess., vol 1, page 180, http://parl.canadiana.ca/view/oop.debates_HOC1402_01/194?r=0&s=1; see Canada, House of Commons Debates [Hansard], "Northwest Territories Act Amendment," 13 February 1923, 14th Parl., 2nd Sess., vol 1, page 270-271 http://parl.canadiana.ca/view/oop.debates_HOC1402_01/284?r=0&s=1; Canada, House of Commons Debates [Hansard], "Northwest Territories Act," 14th Parl., 2nd Sess., vol 2, 18 April 1923, page 1973-1974, http://parl.canadiana.ca/view/oop.debates_HOC1402_02/950?r=0&s=1; Canada, House of Commons Debates [Hansard], "Northwest Territories Act Amendment Concurrence in Senate Amendment," 20 April 1923, 14th Parl., 2nd Sess., vol 3, page 2050, http://parl.canadiana.ca/view/oop.debates_HOC1402_03/6?r=0&s=2.

¹⁸ See Constance Backhouse, *Colour-Coded A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999): 1-18. See also Shelagh Grant, *Arctic Justice*, 16.

¹⁹ Letter from Judge Dubuc accepting the position of magistrate for the 7 trials held on Herschel Island, [Not Dated], RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC. To reflect his jurisdiction, Judge Dubuc's official signature on the trial transcripts is followed by the phrase, "a stipendiary magistrate in and for the Northwest Territories."

²⁰ Up to the 1970s it was common for RCMP officers to be granted Justice of the Peace status, "the powers of two"; see Shelagh Grant, *Arctic Justice*; 30. Graham Price notes that there are two issues with Inspector Wood's position: one is the possible conflict of interest as a policeman and primary investigator of the case sitting as a Justice of the Peace in the same case, and the second was the jurisdictional issue. Regarding the jurisdictional issue, Graham Price believes that that Inspector and Justice of the Peace Wood was only sanctioned to be a Justice of the Peace in the Northwest Territories, and not in the Yukon Territory, where Inspector Wood carried out his duties as Justice of the Peace. According to Price's

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the laws of the Northwest Territories and the laws of the Dominion of Canada. The legal nature of the trial, however, could not hide how unfair the process was.

The entire judicial party assembled and embarked from Edmonton, traveled to Waterways, Alberta, and arrived at Herschel Island on July 12, 1923.²¹ The party of 15 men, included Judge Dubuc, Sergeant Spriggs, Defense Lawyer T.L Cory, Crown Prosecutor Irving B. Howatt,

reasoning, the defence could have argued that Inspector Woods' pre-trial committal carried out in the Yukon Territory was invalid and therefore the trial improperly constituted. See Graham Price "The King v. Alikomiak (a.k.a. Alicomiak a.k.a. Alekamiaq)" in *Glimpses of Canadian Legal History*; 227. Inspector Wood was acting legitimately as justice of the peace in both the Yukon and Northwest Territories. According to the 1920 RCMP annual report, there were a couple of amendments made to the Royal North West Mounted Police Act in July 1919, which legitimized Inspector Woods' power as justice of the peace and the jurisdiction in which he was allowed to exert those powers. The wording of the sections is:

Section 12, Subsection (3).— Every member of the force shall be a constable in every part of Canada for the purpose of carrying out the criminal and other laws of Canada and in the Northwest Territories and the Yukon Territory for carrying out any laws and ordinances therein.

"Section 18.— It shall be the duty of members of the force subject to the orders of the Commissioner,—

"(a) to perform all duties which are now or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws and ordinances in force in any province or territory or territories in which they may be employed, and the criminal and other laws of Canada, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody.

Canada, *Report of the Royal Canadian Mounted Police for the Year Ended September 30, 1920* (Ottawa: Thomas Mulvey Printer, 1921): 5-6. Reflecting his jurisdiction in both the NWT and the Yukon, Inspector Wood signed the pre-trial depositions as "A Justice of the Peace in and for the Northwest Territories." The wording "in and for" that both magistrate and justice of the peace use pertains to their jurisdiction, which was valid for the Northwest Territories regardless that the murders occurred in the Northwest Territories and the pre-trial and trial was held in the Yukon Territory. See, "Statement of the Accused (Preliminary Inquiry Indictable Offence)," 17 April 1923, RG13, vol. 1526, Alikomiak Tatamigana Part 1, LAC.

²¹ Graham Price highlights the journey of the judicial party in his article "The King v. Alikomiak," 206. For the official report on the Judicial Party's travel see: "Re: Trip of Judicial Party from Edmonton to Herschel Island and return - re Murder Cases," RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC. Both Ken Coates and William Morrison and Graham Price mistakenly report that it was a six-man jury. See Coates and Morrison, "To Make these Tribes Understand," 206 and Graham Price, "The King v. Alikomiak," 208. En-route to Herschel Island, Judge Dubuc also heard another case. An Indigenous man was charged with indecent assault. While passing through Aklavik, he sentenced the man, William Slavi on July 3rd to one (1) year incarceration and five (5) lashes for indecent assault. Letter from Inspector Wood to Officer Commanding RCMP, Edmonton. August 12, 1923. RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

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Constable Greville, and Constable Wild, who acted as court reporter and clerk of the court.²² Part of the ten-man Qablunaat jury was picked up enroute to Herschel, since there were not enough British subjects to fill a jury on Herschel Island. Two jury members joined the party at Norman, one at Good Hope, three at Aklavik, and the final four came from the Qablunaat men on Herschel Island.²³ All jury members were Qablunaat selected, “among men of the North, who represent every phase of northern life: traders, trappers, prospectors and captains of ships. Having lived here for so many years in daily contact with the natives, we have endeavored to get men who understand the mentality, ways and customs of these primitive people, the Eskimo.”²⁴ Shelagh Grant notes that from the Justice Department’s perspective, a northern jury familiar with native traditions would be less likely to acquit, “Justice officials, on the other hand, believed that a jury of six [actually a jury of ten at Herschel Island] northern residents would be less sympathetic to native traditions than southerners, who felt no personal threat from Inuit violent behaviour and who might favour acquittal.”²⁵

²² Report by Sergeant Spriggs, “Re: Trip of Judicial Party from Edmonton to Herschel Island and return-re murder cases,” RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

²³ George Knapp and Paul Poirier were secured at Fort Norman, James Freeman at Good Hope. Report by Sergeant Spriggs, “Report Re: Trip of Judicial Party from Edmonton to Herschel Island and return-re murder cases,” RG18, vol 3293, file 1922-HQ-681-G-1, Vol 1, LAC. See also, “Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana,” RG 13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

²⁴ Report by Judge Dubuc to the Secretary of State, Ottawa, “Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana,” 22 September 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

²⁵ Shelagh Grant, *Arctic Justice*, 43.

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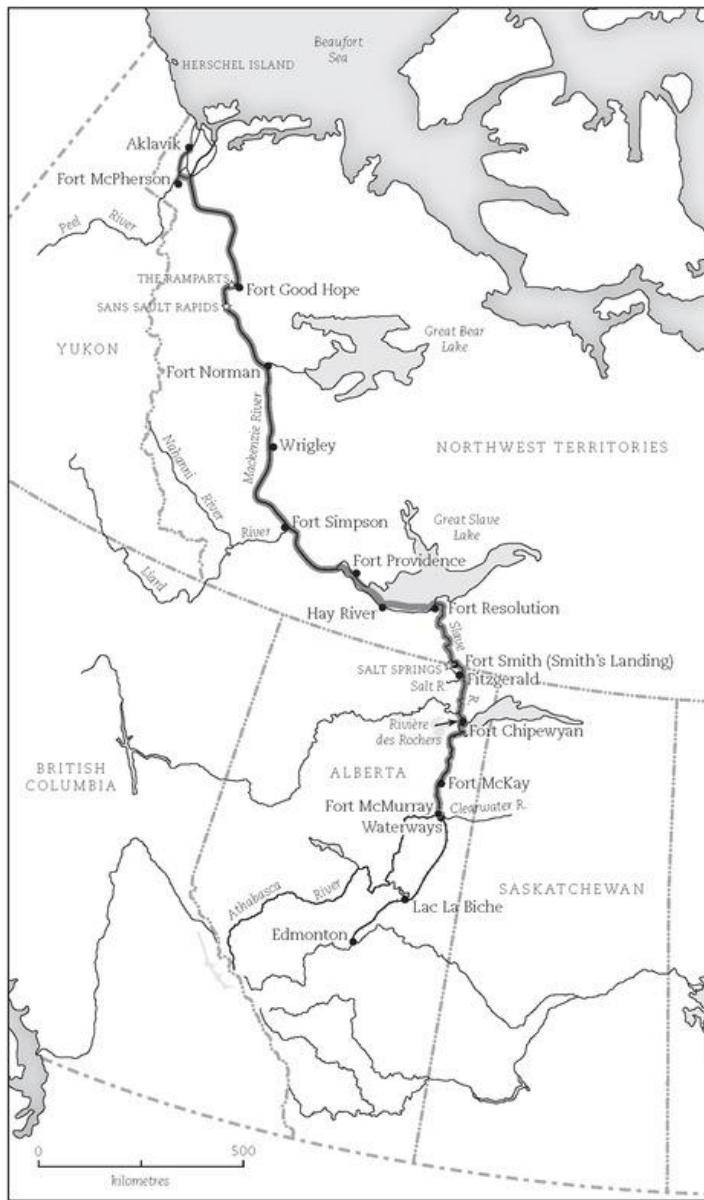


Figure 10: Map detailing the route the judicial party travelled to Herschel Island via the Athabasca and Mackenzie Rivers. Beyond Aklavik, the judicial party stopped at Shingle Point (on the coast between Aklavik and Herschel Island) and continued to Herschel Island. University of Alberta Press, “Map of Miriam Green Ellis' Aklavik Trip,” Bruce Peel Special Collections Library Online Exhibits, accessed September 1, 2016, <https://omeka.library.ualberta.ca/items/show/1482>.

Also joining the judicial party in Edmonton for the month-long journey by rail, riverboat and motor scow to Herschel Island was Special Constable Gill. But the special constable was not whom he claimed to be—he was, in fact, a Montreal Hangman named Fred L. Hill. The RCMP

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and the Department of the Secretary of State engaged Hill to carry out the hanging executions of the condemned Inuit, Alikomiak and Tatamigana (and any other Inuit convicted of murder)—if the trials concluded the way the government expected. Hill travelled with the judicial party under orders of secrecy and under the auspices that he was a special constable with carpentry experience. RCMP Commissioner Cortlandt Starnes, had organized both the hangman Hill and a gallows to accompany the party and noting that, “if [when] a hangman is required, [Hill] will volunteer for the duty at the proper time.”²⁶ Furthermore, Commissioner Starnes instructed, “Please make arrangements for such lumber and rope as Gill [Hill] may require when he reports to you, and see that his identity and the purpose of his engagement are kept secret.”²⁷ This rope and the wood for the gallows was shipped north with the judicial party. The desire for secrecy was quickly blown, however, when Hill made indiscreet comments en-route to Herschel, “Unfortunately, through some carelessness on Gill’s [Hill’s] own part, it became known to the whole Judicial Party proceeding North, that he had previous experience as a hangman.”²⁸ It was common knowledge on Herschel Island that the hangman and lumber for the gallows had accompanied the judicial party, and that the gallows were constructed between the trials and the sentencing. Owing to the transportation network, however, and the lack of wireless radio in Aklavik or on Herschel Island it was only after the trials that Bishop Bompas leaked these

²⁶ See Letter from Cortlandt Starnes, Commissioner RCMP to the Officer Commanding RCMP Edmonton, Alberta, May 31, 1923, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC. “Mr. Hill is willing to go North as a Special Constable at \$5.00 per day and expenses, and an additional \$500.00 for hanging all sentenced, whether one or all or hung. [...] Hill is the man referred to as Gill in previous correspondence, Gill being his hangman’s name. His proper name is Fred L. Hill.” Letter from J. W. Philips Commanding Quebec district to Comissioner RCMP, May 30 1923, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

²⁷ Letter from Cortlandt Starnes, Commissioner RCMP to the Officer Commanding RCMP Edmonton, Alberta, May 31, 1923, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

²⁸ Letter from Cortlandt Starnes, Commissioner RCMP to the Officer Commanding RCMP Edmonton, Alberta, May 31, 1923, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

damning facts to the press.

In these efforts to impose Western legal traditions on the Inuit, state representatives also flatly ignored Inuit traditions and understandings of peace and violence, even though they were aware of these traditions. Before Alikomiak killed Corporal Doak and Otto Binder a number of cases involving Inuit killing Inuit occurred in addition to a number of high profile killings of Qablunaat by Inuinnait. These cases coloured the way Alikomiak's and Tatamigana's cases were handled. An Inuk man, Ouangwak accused of killing two Inuit brothers near Baker Lake, was arrested in February 1920 for their deaths. While an RCMP inspector was sent to Baker Lake to conduct an inquest and preliminary hearings, Ouangwak escaped from custody and froze to death in a blizzard. This effectively quashed any possibility of a trial.²⁹ There was another case in Sanikiluaq (Belcher Islands), reported in 1919, where a man abducted another man's wife and threatened to kill anyone who came after them. The community executed him by consensus. The police investigated, but recognized their justification and dropped the matter.³⁰ A third case involving a man who abandoned his wife in favour of his wife's sister, and threatened anyone who came after them, culminated in a small group of hunters killing him. This case was going to be brought to trial, but the investigating Police officer argued against it and the justice department decided not to press charges because the killing was not for motives of gain or revenge and they were acting in the general interest of their community.³¹

A number of years earlier there were high profile killings of Qablunaat by Inuit. In June 1912, two Umingmaktokmiut expedition guides, Hagdlagdlaq and Qanijaq killed American explorer, H.V. Radford, who had a significant amount of Arctic experience, and his young,

²⁹ Grant, *Arctic Justice*, 43.

³⁰ Ibid., 43-45.

³¹ Ibid., 46-50.

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inexperienced Canadian companion, George Street.³² Radford, who had a ferocious temper, threatened and struck one of the guides resulting in the Inuit retaliating and killing them both. News of the Radford and Street murders reached the police and the Canadian public a year later, in 1913, and the RCMP launched a patrol to determine what had happened. Given the difficulties of reaching and patrolling this part of Canada, the police patrol did not arrive in the area until 1917, fully six years after the killings were committed. The patrol was sent to determine what happened, but, as Prime Minister Borden advised, the police were “to quietly bring these people under the influence of the law.”³³ The patrol members contacted the Inuit killers’ families and informed them that under Canadian law, murder was illegal. The police quietly dropped the matter, recognizing that Radford and Street had provoked their Inuit guides and were killed in a culturally acceptable manner.³⁴ They also realized that the Inuit could not be expected to know Canadian law and therefore should not be punished. It is clear that the RCMP and the Department of Justice, were aware of the Inuit justification for killing in keeping with what they called “provocation.”³⁵ They understood that provocation was a serious matter.

Another two killings took place late in 1913 near the Coppermine River.³⁶ This time the two dead men were Oblate missionaries who were last heard of in 1913. The two priests had

³² Canada, *Report of the Royal Northwest Mounted Police 1913* (Ottawa: C.H. Parmelee, 1914), 40-41; Canada, *Report of the Royal Northwest Mounted Police for the Year Ending 31 March, 1917* (Ottawa: J. de Labroquerie Taché, 1918), 12; Canada, *Report of the Royal Northwest Mounted Police for the Year Ended September 30, 1918* (Ottawa: J. de Labroquerie Taché, 1919), 14-15;

³³ Quoted in William Morrison, *Showing the Flag: The Mounted Police and Canadian Sovereignty in the North 1894-1925*; 138.

³⁴ Canada, *Report of the Royal Northwest Mounted Police for the Year Ending 31st March 1918* (Ottawa: J. de Labroquerie Taché, 1919), 14-15;

³⁵ Ibid.

³⁶ There are a number of major accounts of the story of Sinnisiak and Uluksuk. R.G. Moyles, *British Law and Arctic Men: The Celebrated 1917 Murder Trials of Sinnisiak and Uluksuk, First Inuit Tried Under White Man’s Law* (Saskatchewan: Western Prairie Producer Books, 1979); E.R. Keedy, “A Remarkable Trial: The Case of Rex v. Sinnisiak,” *Pennsylvania Law Review*, 1954; McKay Jenkins, *Bloody Falls of the Coppermine: Madness and Murder in the Arctic Barren Lands* (New York: Random House, 2005)

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been killed for the same reason as Radford and Street. Father Le Roux had become impatient with one of the Inuit men acting as their guide and had threatened one of them.³⁷ Rumours that the priests had been killed prompted the Royal Northwest Mounted Police to undertake a patrol in the summer of 1915. A further patrol was conducted in 1916 from the depot at Dease Bay on Great Slave Lake, to the Coppermine River and beyond.³⁸

The circumstances were investigated and two Umingmaktukmiut, Sinnisiak and Uluksuk confessed, were arrested, and taken south to Edmonton where Sinnisiak was tried for the murder of Father Rouviere. He was acquitted and it was not until both were taken to Calgary and tried together, that they were found guilty of murdering Father Le Roux. Anti-Catholic sentiment as well as the Inuit cultural justification was responsible for the acquittal in the first trial. In the second trial, the presiding judge was pre-authorized by the Governor General and Privy Council not to impose the death sentence; the sentence was commuted to life imprisonment at Fort Resolution.³⁹ The police hoped that commuting the sentences would have the effect of “teaching the Inuit a lesson.” They were held at Fort Resolution for two years and after that returned north with Cpl. Clay to Tree River when they served as interpreters and worked for the police helping to set up the Tree River detachment.⁴⁰ Qablunaaq commentators and government officials argued that this “lesson” was not effective, suggesting that it led the Inuit to view crime as something that paid. Judge Dubuc also opined on the supposed challenges of nomadic life and stated that, once incarcerated for a “crime” they had a much easier life, regular meals, new experiences, and saw the lights and sights of southern Canada. This sent a message to Inuit who broke Canadian

³⁷ Ibid., 20.

³⁸ Ibid.

³⁹ McKay Jenkins, *Bloody Falls of the Coppermine*, 16.

⁴⁰ Canada, *Report of the Royal Canadian Mounted Police for the year ended September 30, 1920*. (Ottawa: F.A. Acland: 1921), 27.

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law, that crime was something to be rewarded and would relieve them from their challenging day to day life.⁴¹ The outcome, or perceived outcome of each of these cases, informed how the government handled the case of Alikomiak and Tatamigana and the other cases that were concurrently playing out in Pond Inlet.

In 1920, news of another killing, this time in Pond Inlet, surfaced.⁴² Robert Janes, a Newfoundland trader, had become morose and repeatedly threatened the Inuit and their dogs (which was a very serious threat against the Inuit, since dogs were critical to survival and thriving). One Inuit man, Nuqullaq, acting on behalf of the community shot Robert Janes. The RCMP investigated, and laid charges of murder against the three Inuit men involved. In 1923 a judicial party returned to Pond Inlet where the accused Inuit were being held, and were put on trial. Before their trial news of the murders of Cpl. Doak and Otto Binder by Alikomiak in Tree River reached the public. Alikomiak's murder of Doak and Binder significantly impacted both the verdict against Nuqullaq and the severity of his sentence. Instead of being acquitted, historian Shelagh Grant argues that Nuqullaq's ten-year sentence for manslaughter was not so much for killing Robert Janes, since there was ample evidence of Jane's threatening behaviour and therefore his killing was justified from the Inuit perspective, but was because of what Alikomiak had done at Tree River.⁴³ Nuqullaq, served two of his ten-year sentence in Stony Mountain Penitentiary where he contracted tuberculosis (TB) and was sent back to Pond Inlet. This action on behalf of the government later contributed to an outbreak of TB on Baffin Island. The second

⁴¹ Judge Dubuc espouses this point of view in his address to the jury during the trial of Alikomiak for the murder of Doak and Binder, though he was not the only Qablunaaq commentator to do so. *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 40, LAC.

⁴² Shelagh Grant has written a beautiful book, called *Arctic Justice* in which she has, over a number of years conducted extensive primary and secondary research and incorporated Inuit oral histories. Shelagh Grant, *Arctic Justice*.

⁴³ Grant, *Arctic Justice*, 128-129 and 188.

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accused was sent to the Pond Inlet post for two years and the third was acquitted.⁴⁴ Alikomiak's actions made an already edgy Qablunaat population in the Arctic even more so, and because the victims were an RCMP officer and an HBC trader, the clash of cultures, beliefs about peace and violence, and the justification for murder was intensified.

Before the trials on Herschel Island and in Pond Inlet, and before the judicial party was sent north, there was a flurry of correspondence between various government departments regarding the killing of Corporal Doak and Otto Binder. RCMP Commissioner Starnes recommended a shift towards stiffer punishment in the case:

I consider the situation which has developed on the Arctic Coast demands that stern measures be taken. Kind and generous treatment of the natives who have committed murders in the past has apparently had the opposite effect to that intended and I am afraid there is a danger of the Natives concluding that crime is a thing to be rewarded by the White man. In my opinion steps must now be taken to endeavor to impress upon the Eskimo that such disregard for human life will not be tolerated and those found guilty of committing murder will be adequately punished.⁴⁵

The Department of Justice agreed and two trials were ordered the following summer, according to Shelagh Grant, “to assist in educating Inuit on Canadian law and justice.” She explains, “the police wanted a clear case of criminal intent that could be successfully prosecuted and a severe punishment exacted.”⁴⁶ W.W. Cory, the Commissioner of the Northwest Territories also agreed.⁴⁷ His son, T.L. Cory, a solicitor for the Department of the Interior, Northwest Territories branch, also concurred and advocated that the Inuit needed to be taught a lesson in the form of

⁴⁴ Ibid., 231.

⁴⁵ Letter from Assistant Commissioner Cortland Starnes to the Director of the Northwest Territories, “Re: Alikomiak (Eskimo) murder of Corporal W.A. Doak and Otto Binder, Tree River, N.W.T.,” RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

⁴⁶ Grant, *Arctic Justice*, 154.

⁴⁷ Coates and Morrison, “The Trial of Alikomiak and Tatamigana,” in *Strange Things Done: Murder in Yukon History* (Montreal and Kingston: McGill Queens University Press, 2004), 111.

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hanging, though he was, a couple of months later appointed to defend Alikomiak and Tatamigana.⁴⁸ T.L. Cory was not expected to “exert” himself on behalf of his “clients.”⁴⁹ Judge Dubuc made it clear that “in the hands of a less scrupulous lawyer, there would probably have been an acquittal in [this case] …and this expensive expedition would have ended in a grand fiasco and miscarriage of justice.”⁵⁰

It was not just the RCMP and the judge who believed that an example needed to be made of Alikomiak and Tatamigana, as news of the murders left some of the Qablunaat residents in the Arctic anxious. Missionary Eldon Merritt, of St. Andrew’s Anglican Mission, Bernard Harbour summed up this attitude:

Now what the Eskimo here want is an example made of some of them and I think there will never be a better case. It is my belief some of them should be hanged in here where all the Eskimo can see or hear of it. We have tried to teach the people around here not to kill and have told them what happens to a murderer in our land so now at each killing they ask what the whitemen will do with the prisoners they take out. It seems to me the only way to prove to them our law is for them to see the law enforced. Don’t you think it needs some drastic measure to stop them taking life and to protect the few whites who are in the country.⁵¹

The missionary argued that public hangings would stop the practise of killing because Inuit would “see or hear” of the hangings through their own networks of information and news sharing.

By the time the trials convened, the accused and witnesses were firmly ensconced in life

⁴⁸ Ken Coates and William Morrison, “To Make These Tribes Understand,” 225.

⁴⁹ Ibid.

⁵⁰ Letter from Judge Dubuc to E.L. Newcomb Deputy Minister of Justice, 22 September 1923 quoted in Graham Price, “The King v. Alikomiak,” 211.

⁵¹ Mr. E. Merritt quoted in letter, “Re: Murder of Reg. No. 4395 Corpl. Doak W.A. and Otto Binder by Eskimo Prisoner Alikomiak,” 2 July 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

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on Qikiqtaruk, some having been there for more than ten months.⁵² In the intervening time the ice had frozen and gone out again, Alikomiak was again pressed into service performing small jobs around the detachment at Herschel, as he was at Fort McPherson and before at Tree River and Tatamigana had become chief hunter. The others found themselves busy with daily life. Toktogan and her new husband Cyril Uingnek were busy caring for her two small children, Uingnek was also occupied with his duties as interpreter, and the remainder of the accused and witnesses carried on with life as much as was possible on the Island. The arrival of the judicial party marked the point that all of their lives would drastically change.

In order to effectively deter any disregard for Canadian laws the trials were open to the public with as many members of the community in attendance as could be accommodated.⁵³ The trials on Herschel included missionaries and journalists in attendance (in Pond Inlet they did not), which caused the government no end of trouble when certain aspects of the proceedings came to light in the national and international coverage of the case.⁵⁴

Judge Dubuc's court convened at 10 a.m. on July 16th, 1923 in the RCMP barracks, with the first of seven backlogged cases—Tatamigana's trial for the murder of the five Inuit.⁵⁵ Chapter One examined the context and some of the relationships (according to the archival record) in the Inuit camp that led to the killings of Hannak, Ikpukuwak, Ikialgagina, Pugnana and Okolitana and the wounding of Anaigviak. There is no transcript of Tatamigana's trial for the "shooting affray" in the RCMP files from Library and Archives Canada, but Inspector Woods

⁵² Cyril Uingnek, Toktogan, Indigenous woman Laura and prisoners Amokuk and Tatamigana arrived at Herschel Island on Sept. 9, 1922. Letter from G. Worsley Assistant Commissioner to the Director of the Northwest Territories, August 9, 1923, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

⁵³ Shealgh Grant, *Arctic Justice*, 154.

⁵⁴ When newspapers reported that the gallows and hangman were sent up with the judicial party this caused a furor of letters to the government encouraging them to stay the executions.

⁵⁵ Report by Sergeant Spriggs, "Re: Trip of Judicial Party from Edmonton to Herschel Island and return-re murder cases," RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

summarized the charges. Tatamigana was not charged with the offence “affray” but rather the murder of Hannak, Ikialgagina, Pugnana, Ikpukuwak and Okolitana. Before the judge, the charges were lessened to two counts of “shooting with intent to kill.”⁵⁶ The jury deliberated for 25 minutes and returned the verdict of guilty on the first count for Hannak’s death and not guilty on the second count for Ikpukuwak’s death. Judge Dubuc sentenced Tatamigana to five years at the Herschel Island guardroom.⁵⁷

The following day, on the July 17, Tatamigana and Alikomiak were each tried separately for the murder of Pugnana. Tatamigana was tried in the morning and Alikomiak was tried in the afternoon.⁵⁸ To obtain a conviction, the Crown had to establish intent. They did this in three ways: 1) through exposing the planned nature of killing Pugnana; 2), with questions about whether new or reloaded shells were used to kill Pugnana; and 3), with questions about whether Pugnana’s gun cover was on his gun at the time he was killed.

Tatamigana’s pre-trial statement was read into evidence. The prosecutor followed up with questions that highlighted Alikomiak’s and Tatamigana’s agreement that it was best to kill Pugnana before he could kill any others:

- Q. When Pugnana was walking with you, where were you to walk?
- A. Behind him
- Q. And where was Tatamigana to walk?
- A. On the left side of Pugnana.
- Q. And when you came to a favourable place, what was Tatamigana to do?
- A. Make signs with his eyes.

⁵⁶ “Crime Report Re: Tatamigana...Shooting with intent to kill one, Hannak. (Shooting Affray at Kent Peninsula) (Tatamigana...Murder of Hannak, Ikialgagina, Pugnana, Ikpukuwak and Okolitana), RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁵⁷ Ibid.

⁵⁸ Report by Sergeant Spriggs, “Re: Trip of Judicial Party from Edmonton to Herschel Island and return-re murder cases,” RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC. Inspector Wood and Alikomiak were called as the only two witnesses in Tatamigana’s trial for the murder of Pugnana. The trial transcript is 19 pages typed, double spaced on legal size paper. Inspector Wood and Tatamigana were the only two witnesses to Alikomiak’s trial held in the afternoon. Alikomiak’s trial is 18 pages typed, double spaced on legal size paper.

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Q. What was [sic] you to do when Tatamigana made signs with his eyes?
A. Shoot.⁵⁹

And a short while later Howatt questioned Alikomiak about the day Pugnana was killed:

Q. Did Tatamigana walk alongside of Pugnana?
A. Yes
Q. Where were you walking?
A. Behind.
[...] Q. What did you do when Tatamigana made signs with his eyes?
A. Shot Pugnana.⁶⁰

Irving B. Howatt, continued to argue his case by pressing Alikomiak very pointedly and repeatedly about whether Tatamigana gave Alikomiak new or reloaded shells with which to shoot Pugnana:

Q. What did Tatamigana keep one new shell for?
A. I only had reloaded shells.⁶¹

Howatt continued questioning Alikomiak:

Q. Tatamigana had two new shells, gave you one and kept one for himself?
A. Yes
Q. Was that shell kept by Tatamigana to shoot if necessary?
A. Tatamigana gave me one new shell to shoot at Pugnana.⁶²

The Crown established that Alikomiak had used new shells. Theoretically, reloaded shells would have increased the risk of a misfire or a non-fatal powder load. With new shells, this risk of misfire would have been slim to none and therefore guaranteed Pugnana's death. The new shells showed a deliberate intent to kill from the Crown's perspective.⁶³

⁵⁹ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, page 7, LAC.

⁶⁰ Ibid., 9.

⁶¹ Ibid., 9.

⁶² *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, page 10, LAC.

⁶³ This also suggests that not only were rifles already enjoying widespread adoption, but also the process of reloading spent brass casings, to make reloaded cartridges. The word "shell" is a somewhat confusing term in this context. A cartridge is used in a rifle and a shell is used in a shotgun. Shotguns were not in

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T.L. Cory also contributed (perhaps intentionally?) to the Crown's case against his client:

Q. When you went squirrel shooting Pugnana and Tatamigana were walking together, and arrangement was made that if Pugnana took the cover off his gun you were to shoot? Is that right?

A. Yes.

Q. When Pugnana was shot, was the cover still on his gun?

A. Yes.

Q. Is it still there?

A. Yes.⁶⁴

It was implied that if Pugnana's gun cover had been removed, he would have constituted a threat.

T.L. Cory's defense was based on cultural reasons for killing Pugnana. Cory, like Howatt, repeatedly questioned Alikomiak about Pugnana's temperament after the five killings on the Kent Peninsula, drawing on Inuit culture to explain his actions. He asked how the Inuit dealt with a community threat:

Q. What was his frame of mind?

How was he among his people after the killing, from June until he was killed in September? Was he friendly with everybody?

A. After the killing he was angry with the people all the time.

Q. What is the custom among your people with a man who has killed many people? (Objection registered by Mr. Howatt to above question and noted by Court)

A. They hate them.

Q. What do you do to them? (Question withdrawn)⁶⁵

common use at this time in the arctic, therefore when the word "shell" is used in the testimony, "cartridge" is meant. Cartridges are comprised of a metal casing (usually brass), the bullet, the primer and the powder. Brass casings were so valuable that they could be saved after the initial shot and reloaded. Reloaded cartridges consist of taking used brass casings and reloading them with new primer, powder, and a cast lead bullet. Reloading is a science (too much powder and primer and the action could blow up because it cannot take the pressure) and too little powder and primer would change the ballistic characteristics of the trajectory of the bullet. The brass casing could be reloaded a number of times, but after each firing the pressure of firing stretches the casing. The ballistic characteristics change each time a casing is reloaded and there is therefore a limit to how many times a casing can be reused.

⁶⁴ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, page 12, LAC.

⁶⁵ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, page 10, LAC.

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A number of questions later, Cory asked Alikomiak:

Q. Pugnana was a good man after the killing; and before you went fishing he was a good man?

A. After killing those people, afterwards he was angry with them; he was cranky.

Q. He did not do anything?

A. Yes

Q. Did he [Pugnana] show his crankiness? What did he [Pugnana] do?

A. From now on they were all keeping their rifles loaded.

Q. Was Pugnana dangerous?

A. Yes.⁶⁶

The defense established that Pugnana was dangerous and that there were cultural explanations for killing him. These reasons, however, did not translate into an acquittal, or a lessening of the charge. The judge's address says much about British justice triumphing over traditional Inuit justice. For example, the judge emphasized Christian ideas of morality and guilt:

I do not need to review the evidence of this case which is brief, clear and uncontradicted. Tatamigana planned to kill Pugnana in a cold deliberate manner and although he did not actually do the shooting he furnished the weapon [the new cartridge], selected the place for the deed, and fixed the exact time when the fatal shot should be fired.

You have heard the earnest plea for mercy from the eloquent oration of the Counsel for the Defence, who endeavoured with much feeling, to impress upon you the ways and customs of these uncultured tribes, but your mind must not be unduly swayed by momentary sentiment alone. Even the Eskimo punish death by death. Murder amongst all people, ancient and modern, civilized and uncivilized, has always been a crime most hateful and punishable. Every one knows or feels instinctively the command "Thou shalt not kill."

A murderer is the human being who kills another human being unlawfully and intentionally, and I think this is clear enough for you. I will now, however, for your better understanding, read to you the legal definition of homicide, the difference between culpable and not culpable homicide, murder, and manslaughter, (The Judge reads Section 250, 252, 259, 261 and 262) of the Criminal Code of Canada).⁶⁷

⁶⁶ Ibid., 11.

⁶⁷ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, page 15-16, LAC.

The judge revealed an awareness of the cultural reasons for killing, yet he clearly directed the jury towards a guilty verdict. Pugnana had been killed lawfully according the laws and customs of the Inuinnait, though the killing took a form that contradicted the Canadian Criminal Code. When Judge Dubuc suggested that “everyone knows or feels instinctively the biblical command, Thou shalt not kill,” he ignored (or was unaware) that an Inuit person was not usually killed unless that person posed a significant threat to the community and after multiple kinds of interventions had first been undertaken. After deliberating for eight minutes the jury returned with a “guilty” verdict though gave a “strong recommendation for mercy.”⁶⁸ Tatamigana was remanded for sentencing until August 11.

The court adjourned for lunch and resumed in the afternoon for Alikomiak’s trial for the murder of Pugnana.⁶⁹ Cyril Uingnek was the translator and two witnesses were called against Alikomiak: Inspector Wood and Tatamigana. Alikomiak’s pre-trial statement was introduced and read to the court as an exhibit. The Crown and defense employed similar offensive and defensive strategies used in Tatamigana’s trial. The Crown emphasized intent through arguing that the murder was planned, the use of the new shells, and that Pugnana’s gun cover remained on his gun. The defence again pursued the tack that Pugnana was a threat and this was a culturally appropriate killing, though by this point it seems quite pro forma rather than a sincere effort to defend his client. Cory cross-examined Tatamigana:

Q. Since the trouble in June when a number of people were killed, what was Pugnana’s attitude towards the people with whom he was living?

A. Pugnana told them that Tatamigana was no good.

Q. Any differences between Pugnana and the people living there at the time?

A. Pugnana did not mind if he killed a woman or anyone.

Q. How did you know this?

A. Because he always loaded his gun.

⁶⁸ Ibid., 18.

⁶⁹ Report by Sergeant Spriggs, “Re: Trip of Judicial Party from Edmonton to Herschel Island and return-re murder cases,” RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC.

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Q. Is it strange for a man to carry a loaded gun?

A. Because Pugnana was always angry with his fellows.⁷⁰

Diverting to ask what they did with Pugnana's body and how they buried him, Mr. Cory came back around again to the cultural appropriateness of the killing:

Q. Can you tell me what happens; the custom of the people where you live, with a man who is threatening other people in the neighbourhood; what do you do with a man like that?

A. Kill him.⁷¹

It is striking that in these trials Inuinnait culture was both used as the strategy for the defense and later as the justification for the punishment. The dual ways in which the Inuinnait culture was used also pervaded later discussions on whether to educate or punish. The jury deliberated for 19 minutes and returned a "guilty" verdict, "but with a strong recommendation for mercy."

Alikomiak was remanded for sentencing until August 11.⁷²

The following day, on the July 18, Alikomiak again appeared before the court in the most anticipated trial on Judge Dubuc's docket. Alikomiak's murder of Doak and Binder was the reason why a higher court of law was held for the first time in the Arctic, why the Northwest Territories Act had been amended on jurisdictional grounds, and why the government was keen to see Alikomiak swing from the portable gallows that was being constructed in the Bone Shed.

⁷⁰ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, page 10, LAC.

⁷¹ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, page 12, LAC.

⁷² Unlike the transcript for Tatamigana's trial for the murder of Pugnana, this trial transcript does not state the sentencing took place on the 11th of August, but we know from Judge Dubuc's report regarding the trials that he waited to make the hanging speech once, on the 11th of July. It is possible that the stenographer simply forgot to type that into the transcript. *The King v. Alikomiak* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, page 14, LAC.

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This was the only trial on the docket that day.⁷³ This time there were six witnesses called to testify: Inspector S.T. Wood, Cyril Uingnek, Constable D.H. Woolams, Toktogan (Binder's Inuit wife), Ayalegak (one of the Inuit men at the Seal Camp who came to the Tree River post to trade the day Alikomiak killed Doak and Binder), and P.E. Doyle, the RCMP medical doctor. Cyril Uingnek was called as a witness and therefore he did not translate at this trial. T.L. Cory's defense, or lack of, should be read in relation to the "shooting affray" and the murder of Pugnana, in relation to the HBC and RCMP's fears of the connection between Otto Binder and the events that led up to his murder, and certainly in light that T.L. Cory was not expected to exert himself on behalf of his client.⁷⁴

Though this was the trial for Alikomiak's life, he did not take the stand in his own defense. The Crown's case, helped immeasurably by Alikomiak's statement, was predicated on the fact that Doak was in very good health prior to his assignment and he could therefore not have died of anything other than a gunshot wound. This case also depended on the description of Doak's, Constable Woolams, who returned to the detachment after the two men were killed and observed the "scene" and the bodies. Since the "facts" were so clear, much of the rest of the questioning seems tangential, though the questions were pertinent based on the lead up to the case.

The trial also revealed much more information about the relationship between Otto Binder, Toktogan and Cyril Uingnek, than it did about Alikomiak. It revealed the personal involvement of the translator, Cyril Uingnek in the case, and it also revealed the fears and

⁷³ Report by Sergeant Spriggs, "Re: Trip of Judicial Party from Edmonton to Herschel Island and return-re murder cases," RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC. Alikomiak's trial transcript comprises 51 pages typed, double spaced, on legal size paper.

⁷⁴ Graham Price has criticized Cory's defense as wandering, aimless and lacking in crispness. Graham Price, "The King v. Alikomiak," 210. It certainly reads that way, but his strategy makes more sense when read in context to all that had happened previously.

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concerns that Qablunaat had about the marriage between Toktogan and Binder. The Crown had an easy job of convicting Alikomiak and T.L. Cory's defense seems half-hearted at best. It reads with passivity commensurate with ensuring that his client would hang.

Chapter Three discusses the three different statements Alikomiak gave during the investigation and it was Alikomiak's third statement, taken by Inspector Wood and translated by Cyril Uingnek, that was admitted into evidence and read at the trial. T.L. Cory objected to the admission of Alikomiak's statement (though it was overruled) because Cyril Uingnek had a personal interest in the case, having married Toktogan a month after Binder was killed. In this statement, the Crown's trump card, Alikomiak admitted that Doak did not hit him or threaten to hit him, but that Doak spoke "in an ordinary tone of voice," which was taken to mean that Doak was not angry.⁷⁵ In the same statement, Alikomiak also admitted intent to kill Binder: "I was afraid that Binder would see Doak and want to kill me... Binder was about 50 yards away when I shot to kill him aiming to hit him in the heart."⁷⁶ If that weren't enough, Alikomiak also admitted wanting to kill Woolams and Clarke at the Seal Camp: "The time I killed Doak and Binder I intended to wait and kill Constable Woolams and Mr. Clarke when they returned from the seal camp. I thought Woolams would kill me as soon as I got in the door of the seal camp. I intended to kill Woolams and Clarke when I reached the seal camp and when near the camp I put shells in my rifle."⁷⁷ The entire statement was read aloud to the court and Alikomiak's damning admissions, set the tone for the remainder of the trial.

Testimonies of the next witnesses, Toktogan, Cyril Uingnek, and Constable Woolams,

⁷⁵ Alikomiak Statement, "Statement of the Accused (Preliminary Inquiry. Indictable Offense)," 17 April 1932, RG 13 Vol 1526 Alikmiak Tatamigana Part 1, LAC.

⁷⁶ Ibid.

⁷⁷ Alikomiak Statement, "Statement of the Accused (Preliminary Inquiry. Indictable Offense)," 17 April 1932, RG 13 Vol 1526 Alikmiak Tatamigana Part 1, LAC.

were focused on the nature of Toktogan's marriage first to Binder and later to Uingnek.

According to Uingnek's testimony, Toktogan was living with Binder when Uingnek arrived at Tree River in the summer of 1920. Toktogan and Uingnek's marriage was arranged by Binder himself (and made official a month after Binder's death) because Binder was being posted East and was not taking Toktogan with him. Crown Prosecutor Howatt re-examined the witness:

Q. You were courting her while she was still Binder's wife? Were you making love to her before Binder Died? Were you trying to get this woman for your wife before Binder died?

A. Yes.

Q. The marriage between Binder and Toktogan was an Eskimo marriage?

A. Yes.

Q. Were they married by the mission?

A. I do not know.

Q. Do you know whether Binder and his wife intended to live apart? You knew Binder was going east?

A. Yes.

Q. Was Toktogan going with him?

A. No.

Q. What was she going to do?

A. Binder was going to leave her with me, when he went away.

Q. You and Binder were good friends?

A. Yes.⁷⁸

Cyril Uingnek and Toktogan married on May 1, 1922, one month after the death of Otto Binder. This very clearly confirms the marriage patterns that Sylvia Van Kirk identified in *Many Tender Ties*, which were common in other contexts (involving non-First Nation's men and First Nations women) in the earlier years of the fur trade in subarctic Canada. HBC men would often make arrangements for their First Nation's wives and any children resulting from their union to be taken care of when they left the country.⁷⁹ This is precisely what Binder arranged with Toktogan, including taking care of her two boys, one of whom she had with Binder and the other

⁷⁸ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 9, LAC.

⁷⁹ Sylvia Van Kirk, *Many Tender Ties*, 15.

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son possibly from her first marriage with Ikialgagina.

After Binder's murder and before the trials, the newspapers caught on to Binder's possible connection to the earlier shootings on the Kent Peninsula. Various newspaper articles accused Binder of responsibility for the whole string of events because he had "taken" Toktogan. This caused much concern for the HBC, and by extension the RCMP, who tried very hard to muddy the connection between Binder and the shootings. Whether Binder was responsible or not, the HBC's fear that Binder's action of marrying Toktogan was responsible for the shootings would never quite go away.⁸⁰ Anxiety that Binder was responsible motivated a flurry of correspondence between the HBC fur trade commissioner and the RCMP commissioner about the status of Binder's and Toktogan's relationship and the negative perceptions that resulted from Binder's name being associated (even indirectly) with the killings. T.L. Cory, the barrister for the defense, was very much aware of this and also seems more concerned with exonerating Binder's name from any association with the killings on the Kent Peninsula, than in defending Alikomiak. T.L. Cory accomplishes this rather obliquely:

Mr. Cory cross-examines Toktogan:

Q. What is your name?

A. Toktogan.

Q. Do you remember Otto Binder?

A. Yes.

Q. Do you remember where you were before you met Otto Binder? Before you went to Tree River? Where did you live?

A. In my country.

Q. Who did you live with?

A. With my parents.

Q. Were you married?

A. Yes.

Q. Who was your husband?

A. Ikialgagina.

Q. Was that the same man that was shot by Pugnana?

A. Yes.

⁸⁰ Sidney Harring believes that Binder taking Toktogan was responsible for the initial violence in the Inuinnait Summer Camp. This is also evident in newspaper articles at the time, and HBC correspondence.

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Q. Was Ikialgagina glad when you left him and went to Otto Binder?

A. Yes.

Q. Was your mother and father glad?

A. Yes.⁸¹

By asking Toktogan if both Ikialgagina and her parents were glad that she was married to Binder, Cory was clearly leading Toktogan to admit that Binder did not “take” her and was therefore not responsible for instigating the killings on the mainland opposite Kent Peninsula in the Inuinnait summer camp in 1921. Inspector Wood’s preliminary report, however, written just after the shootings in the summer camp quoted the Inuinnaq woman who told him, “that Mr. Binder had taken the wife of Ikialgina, one of the aggressors in the fight, to live with him.”⁸² Nor was the trial the last of the discussion. The 1923 RCMP annual report neatly summarized the cases held before Judge Dubuc on Herschel Island, with a paragraph explaining the relationship between Otto Binder and Toktogan. Though Toktogan explicitly stated in the trial that Ikialgagina was her former Inuit husband, the 1923 RCMP report said: “Concerning this it is sufficient to say that Mr. Binder’s native wife had not been the wife of Ikialgina [Ikialgagina], nor of any member of the tribe to which she belonged; she came from a different region, and became Mr. Binder’s wife with the full consent of her family.⁸³ To the end, even after the trials, the RCMP went to great effort to deny Toktogan’s relationship with Ikialgagina, to deny that Binder “took” her, and to distance Binder’s actions from the violence on the Kent Peninsula and

⁸¹ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 16-17, LAC.

⁸² “Crime Report re: Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula,” 29 August 1921. RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁸³ Canada, *Annual Report of the RCMP for the year ended September 30, 1923*, (Ottawa: Thomas Mulvey, 1924), 32.

Qurluqtualuk.⁸⁴

The trial questioning continued to take interesting turns. Not only was Toktogan's relationship to Binder and Uingnek questioned, but she was also asked whether any money changed hands between her and Alikomiak, implying that perhaps she had "hired" Alikomiak to kill Binder:

Q. Had you promised to do anything for Alikomiak if he told you the truth about Binder?

A. No

Q. Did you threaten to do anything bad if he did not tell the truth? That you would do harm to him?

A. No.

Q. Did you have Alikomiak work for you at that time and was you paying him?

A. No.⁸⁵

Given the complexity of familial and sexual relationships in the community and without having any oral histories that might shed light on them, there is no evidence that Alikomiak killed Binder out of holding a grudge against Binder for "taking" Toktogan in the first place. A short time after asking questions about Binder, council asked essentially the same thing in relation to Doak's death:

Q. In the barracks did you threaten to do anything bad to Alikomiak if he did not tell you anything about Doak?

A. No

Q. Did you say you would give him something if he told you about Doak?

⁸⁴ In 1924 when Binder's estate was being disbursed, the question of whether Binder and Toktogan had been married in a Church ceremony or were married "à la façon du pays" again arose. By this time, she was married to Cyril Uingnek, living in Cambridge Bay and although she had one child with Binder she did not make a claim upon Binder's estate, and the matter was apparently dropped. Letter from Inspector Wood to Officer Commanding RCMP Edmonton, "Re: Estate of Otto Binder—Deceased," January 9 1924. RG 18, vol 3293, file 1922-HQ-681-G-1 vol 2, LAC. See also: Letter from Sergeant Barnes to the Officer Commanding RCMP Herschel Island, "Re: --Otto Binder Deceased," 31 July 1925, RG18, vol. 3293, file 1922-HQ-681-G-4, LAC.

⁸⁵ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder]. RG13, vol 1526, Alikomiak Tatamigana Part 1, page 14, LAC.

A. No.⁸⁶

It took all morning for the court to make it through the testimony of four witnesses—Inspector Wood, Cyril Uingnek, Constable Woolams, and part of Toktogan’s testimony—before breaking for lunch. The court was reconvened at 2 pm.⁸⁷ Toktogan again took the stand to continue her testimony. Ayalegak (one of the men from the Seal Camp who came to the Tree River post to trade the day Doak and Binder were killed), Constable Woolams, who was recalled as a witness, and Phillip Doyle, the Acting Assistant Surgeon of the RCMP, each took turns occupying the witness stand.

T.L Cory’s lacklustre defense focused on Inspector Wood’s faculty with Inuinnaqtun, and his dependence on the interpreter. Cory also asked why there had been no post mortem on Doak and Binder’s bodies and why no effort had been made by the remaining Tree River detachment members to take the bodies of Doak and Binder outside after they were killed (there was not enough dog feed and the dogs were in rough shape after the winter). On cross examination of Doyle, Cory asked about the how the doctor could say that Doak died without examining the body, to imply, that because Doak’s body was not officially examined by a coroner, that the gunshot did not kill him.

Neither Howatt’s remarks to the court, nor Cory’s remarks were recorded in the transcript though the judge’s address, a lengthy eighteen pages, was included and refers to Cory’s “stirring and emotional address to the jury.”⁸⁸ The judge’s address to the jury emphasized the importance

⁸⁶ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], 18 July 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, page 14-15, LAC.

⁸⁷ *Ibid.*, 16.

⁸⁸ The trial transcript is 51 pages in total and 18 of those pages are the judge’s address to the court and the jury. *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], 18 July 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC, 16.

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of this case: “This is one of the most important cases of the many murder cases presented to this Court,” Judge Dubuc began, “the first Canadian Court held in the Polar Sea.”⁸⁹ He went on to emphasize the importance of Canadian law as founded on the British law. The jury, comprised of British Subjects who were expected to convict, perhaps were so familiar with Inuit customs that not all of them were keen to do so. They were also resentful of the hangman who was sent up with them as part of the judicial party. In the words of Cortlandt Starnes, which is a classic understatement, “This made things unpleasant and he has been steadily employed as a carpenter at Aklavik instead of remaining at Herschel.”⁹⁰ When the judicial party departed Herschel Island, the hangman, Hill was taken to Aklavik, and was only permitted to return to the Island just before the hangings because of how “unpleasant” being there was for him. Much of the judge’s address to the jury reads as direction to the jury to find the accused guilty. Addressing the gentlemen of the jury and their important task, Judge Dubuc steers the jury away from acquittal or not-guilty verdict:

...That is why I expect form you a true verdict in true conformity with the evidence, having at the same time regard also to a justice which will be understood by these Eskimo. I am further satisfied that you shall not fail to bring a correct verdict because you have not forgotten I am sure, those undying principles of British fair play which go with British Justice, for although you may feel that you should have some consideration for the simple mentality of thee primitive people, yet you also feel that you owe a duty to your country, who extends to them it’s generous protection in every way.⁹¹

After comparing Otto Binder and Corporal Doak to themselves as northern men, Judge Dubuc

⁸⁹ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], 18 July 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC, 33.

⁹⁰ Letter from Cortlandt Starnes Commissioiner RCMP to Mr. Gallagher, Department of Justice Ottawa, “Special Constable Gill,” 1923 [the date is unreadable because the photograph of the document is fuzzy], RG18, vol 3293, file 1922-HQ-681-G-1 vol. 2, LAC.

⁹¹ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], 18 July 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, page 34-35, LAC.

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emphasized that “Thou shalt not kill” was one of the most important laws in the Dominion of Canada.⁹² He encouraged the jury to: “Remember that this is not a court of mercy but a Court of Justice, and mercy should be given only by a Higher Tribunal after proper representation is made to it, I mean the Governor General as representing the King.”⁹³ Furthermore, he warned the jury not to be swayed by the “eloquent, emotional and sentimental appeal of the Counsel for the Defence on behalf of the accused.” He then appealed to the jury’s honour as “good Canadians to do your duty fearlessly” and not to be “unduly swayed by sentiment of pity and mercy alone.”⁹⁴ Judge Dubuc then addressed the jury’s sentiments head on:

I speak now with a knowledge of what I say and for a special purpose because it has come to my ears that some members of the Jury had already expressed before the trial ideas of mercy and acquittal unmindful no doubt of the consequences.⁹⁵ Our Government has not undertaken this expensive Judicial Expedition to have exhibited a mockery and travesty of justice before these primitive people. You have a duty to perform as Jurymen, a duty to your Country and to our Laws and a duty to yourselves. We are leaving this Island very shortly after these Trials and the result of your verdict shall fall on you who are to remain here and it is you, who shall have to bear the consequences.⁹⁶

Dubuc continued, explaining the differences between intentional and unintentional murder, culpable and non-culpable homicide, and the duty of the jury and the duty to evaluate the evidence of witnesses. He acknowledged the Doak’s murder may not have been intentional, but emphasized: “whatever doubt you may have about the intention to kill Doak, I do not think there is any doubt about the intention to kill Binder.”⁹⁷ Dubuc was very clearly steering the jury toward a guilty verdict, at the same time assuaging the jury

⁹² Ibid., page 36.

⁹³ Ibid., page 37.

⁹⁴ Ibid., page 38.

⁹⁵ Ibid., page 38.

⁹⁶ Ibid., page 37-39.

⁹⁷ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], 18 July 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC, 39.

member's minds that mercy is in the hands of a higher power—The Governor General. The one tack that T.L. Cory conveniently left out of his defense of Alikomiak was self-defence. Based on the judge's remarks it is obvious why: "Now if from the evidence you conclude Alikomiak killed Doak and Binder the result should be that you will find him guilty; unless it was done in self-defence, but the burden of proving self-defence lies upon the accused, the Crown is under no duty to prove that it was not self-defence."⁹⁸ Dubuc praised the two counsels and the jury and then dismissed them to deliberate.

One of the mistaken ideas in Judge Dubuc's address relates to the principle that execution was in keeping with Inuit custom. Judge Dubuc noted that Corporal Doak, "was brutally murdered, defenceless in his sleep, in one of the most coldblooded manners known in the annals of the Force, a victim of his kindness to the accused. While he had the accused in custody he was protecting him from the same time from his own people, who wanted retribution for an alleged previous murder."⁹⁹ In contrast, Alikomiak was not wanted by "his own people." Corporal Doak encountered resistance when he arrested Alikomiak because Alikomiak had done the right thing and the killings were culturally justified. As described in Chapter 1, 2, and 3, some of those killings, including possibly Doak's were culturally justified. The only killing which this idea applies is possibly for the killing of Binder (Binder did not provoke Alikomiak). If Alikomiak had killed a fellow Inuinnaq without provocation, he would possibly have been killed in retribution.

The jury deliberated and returned after 18 minutes. The 10-man Qablunaat jury returned a verdict of "guilty for the murder of Otto Binder and guilty of the murder of Corporal Doak." Alikomiak was advised of the verdict through the court interpreter and he

⁹⁸ Ibid., 41.

⁹⁹ Ibid., 36.

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was remanded for sentencing on August 11, 1923.¹⁰⁰ With the excitement of the day over, one wonders how restlessly the members of the jury slept that night knowing that they had effectively already sent Alikomiak and Tatamigana to the gallows.

Judge Dubuc's court reconvened on the morning of July 19 and 20 to hear the remaining three trials of Olepsekak, Ekootuk, and Amokuk for the murder of Ahkak. On the morning of the 19th, Olepsekak appeared before the court charged with murder and he was found not guilty.¹⁰¹ On the afternoon of the 19th, Ekootuk was tried for the same murder and she was found guilty of manslaughter and was sentenced to one year imprisonment at Herschel Island.¹⁰² The following morning, on July 20, Amokuk appeared before the court also charged with the murder of Ahkak, and he was found "not-guilty" and was discharged.¹⁰³ There are no transcripts for these trials in the RCMP files from Library And Archives Canada, but the judge later summarized the cases and outcomes of all three accused.¹⁰⁴ These trials concluded Judge Dubuc's docket.

During this two-week interval between the trials in July and the sentencing in August, the Bone House, used for so many years to dry and store baleen, became the site of the surreptitious construction of the gallows. Special Constable Gill and a helper began construction on the

¹⁰⁰ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], 18 July 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, page 44, LAC.

¹⁰¹ Judge Dubuc reports that Olepsekak and Amokuk were both acquitted, Sergeant Spriggs reports that the two men were found not guilty. See: Report by Sergeant Spriggs to The Officer Commanding RCMP Edmonton, "Re: Trip of Judicial Party from Edmonton to Herschel Island and return - re Murder Cases," RG18, vol 3293, file 1922-HQ-681-G-1 vol 1, LAC.

¹⁰² See: Report by Sergeant Spriggs to The Officer Commanding RCMP Edmonton, "Re: Trip of Judicial Party from Edmonton to Herschel Island and return - re Murder Cases," RG18, vol 3293, file 1922-HQ-681-G-1 vol 1, LAC.

¹⁰³ Ibid.

¹⁰⁴ Report by Judge Dubuc to the Secretary of State, Ottawa, "Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana," 22 September 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

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gallows away from prying eyes.¹⁰⁵ The sounds of sawing, hammering and rope creaking could occasionally be heard coming from behind the closed and locked doors of the Bone House.¹⁰⁶ In Inspector Wood's own damning words:

After the trials, the material for the scaffold having arrived with the Judicial party, I had the scaffold built in the transport shed. This was in July..My [sic] reason for having it built then was that I then had a skilled carpenter and the hangman Gill present, both of whom were returning to Aklavik shortly. I wanted to make sure that the affair was properly built and that it suited all Gill's requirements as I did not intend to have Gill at Herschel Isl. again until just before the executions by which time it was too cold to do any carpentry work such as this required. The work was done behind closed doors and the place kept locked so that outsiders could only have surmised that the scaffold was built, certainly Bishop Lucas never saw it. It is most regrettable that any such information should be published, however, I believe I was justified in having the scaffold built while I had the men there to do it.¹⁰⁷

During this time the Judicial Party was waiting for another ship from Tree River that was supposed to bring Ikalukpiak, also charged with murder, to be tried before Jude Dubuc.¹⁰⁸ The ship did not arrive, and after waiting at Herschel Island for two weeks, the judicial party returned south during the last of the open water season, or they would risk becoming stuck on the Island until after freeze up. On August 11, 1923, the Court was reopened and Alikomiak and Tatamigana were called for sentencing.¹⁰⁹

¹⁰⁵ Confidential Letter from Inspector Wood to Superintendent J. Ritchie RCMP Edmonton, 10 February 1924, RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

¹⁰⁶ The building where the scaffold was built was officially called the RCMP transport shed, but was also known as the bone shed or bone house due to its previous use by the whalers as the place they used to dry and store baleen.

¹⁰⁷ Confidential Letter from Inspector Wood to Superintendent J. Ritchie RCMP Edmonton, 10 February 1924, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC. See also, Coded Telegram sent from J. Ritchie to Cortlandt Starnes acknowledging report about gallows is true and graves is not, October 27, 1923. RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

¹⁰⁸ Letter from Inspector Wood to RCMP Commissioner, 9 September 1923, RG 18 Vol 3293 File 1922-HQ-681-G-1 Vol 2, LAC.

¹⁰⁹ Report by Sergeant Spriggs to The Officer Commanding RCMP Edmonton, "Report Re: Trip of Judicial Party from Edmonton to Herschel Island and return - re Murder Cases," RG18, vol 3293, file 1922-HQ-681-G-1 vol 1, LAC.

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Up to this point, there had been no executions of Inuit for murder. But there had been many cases and a number of trials where Inuit were found guilty of murder with sentences commuted or lessened and they were “lightly” punished.¹¹⁰ The interval of time between the guilty verdict at the trial and the sentencing in Alikomiak and Tatamigana’s case was not used to determine their sentences, which in the case of murder was execution by hanging and was mandated by Canadian law as set out in the Canadian Criminal Code.¹¹¹ Judge Dubuc waited to make the “hanging speech” only once, so as not to cast a pall over the remainder of his stay on the island.¹¹² Tatamigana was given five years at the Herschel Island guardroom for shooting with intent to kill Hannak. Tatamigana was also sentenced to hang for the murder of Pugnana. Alikomiak was sentenced to hang for the murders of Pugnana, Doak, and Binder.¹¹³ Accordingly, Judge Dubuc read the following charge to Tatamigana and Alikomiak before those gathered to watch the last of the proceedings:

The sentence of the Court is that you be taken from this place to the place from where you came, that you be there detained until the seventh day of December A.D. 1923, and on that date you be taken from your place of confinement to a place of execution on Herschel Island in the Yukon Territory, and that you be there hanged by the neck until you are dead. May god have mercy upon your soul.¹¹⁴

¹¹⁰ This applied to Inuit killing Qablunaat and Inuit killing Inuit. See Gordon W. Smith, *A Historical and Legal Study of Sovereignty in the Canadian North: Terrestrial Sovereignty, 1870-1939* (Calgary: University of Calgary Press, 2014), 359-360. See also, *Annual Report of the RCMP* for the years 1912-1922. The annals of the annual report a number of instances of Inuit killing Inuit, and the RCMP response to these cases.

¹¹¹ Murder was a capital offense and the penalty set out in the Canadian Criminal Code was hanging. W.J. Treemeer, *Annotated Criminal Code, 1919 Canada* (Calgary, Burroughs & Co., Limited, 1919), 308.

¹¹² Report by Judge Dubuc to the Secretary of State, Ottawa, “Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana,” 22 September 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

¹¹³ See, Report by Sergeant Spriggs to The Officer Commanding RCMP Edmonton, “Report Re: Trip of Judicial Party from Edmonton to Herschel Island and return - re Murder Cases,” RG18, vol 3293, file 1922-HQ-681-G-1 vol 1, LAC; and Report by Judge Dubuc to the Secretary of State, Ottawa, “Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana,” 22 September 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

¹¹⁴ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC, 23.

Judge Dubuc set the date of execution as December 7, 1923.¹¹⁵

The final decision of whether to stay an execution or commute a murder conviction was in the hands of the Governor General and the Privy Council. Clemency could be heavily influenced by both the sentencing judge's recommendations and by the jury's recommendation. Judge Dubuc neatly summed up his reasoning for suggesting the law take its course with regard to Alikomiak;

With my experience and the study of the character of the Eskimo, and having in view the protection of the white men visiting the North country; explorers, men of science, missionaries, traders, and others, and lastly the brutal and cowardly murder of Otto Binder and Corporal Doak, I feel it my duty, although very painful to me, to recommend most respectfully, but most earnestly, that the Law follow its course in the case of Alikomiak accused of the murder of Otto Binder and Corporal Doak. [Underlining in original] ¹¹⁶

Judge Dubuc's strong recommendation that the penalty be carried out (for both Alikomiak and Tatamigana) fell on appreciative ears in Ottawa. His recommendation effectively ensured that the Governor General and Privy Council would not commute the sentences.¹¹⁷ There was no reprieve for either man.

As it turned out, Alikomiak and Tatamigana had another six months to ponder their pending deaths. If this simplified show trial was intended for a southern audience, it turned into a public relations nightmare for the Canadian government who drew fire from many quarters, including public institutions and private individuals incensed that the government would hang

¹¹⁵ Report by Sergeant Spriggs to The Officer Commanding RCMP Edmonton, "Re: Trip of Judicial Party from Edmonton to Herschel Island and return - re Murder Cases," RG18, vol 3293, file 1922-HQ-681-G-1 vol 1, LAC.

¹¹⁶ Report by Judge Dubuc to the Secretary of State, Ottawa, "Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana," 22 September 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

¹¹⁷ The Governor General and Privy Council reviewed both cases and refused to commute the sentences.

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the two Inuit men.¹¹⁸ A Toronto newspaper reported: “Big business men have written them, and Bishops and philanthropists, educationalists and those whose only education comes from the heart.”¹¹⁹

News of the guilty verdict galvanized the response from missionaries, who found themselves on both sides of the argument. Anglican missionary Eldon Merritt of St. Andrew’s Mission in Bernard Harbour was interviewed by a Calgary paper and advocated for the hangings (He was also quoted earlier in this chapter as supporting the hangings).¹²⁰ In an unsigned letter to Reverend R.G. MacBeth Convenor of the Synod’s Foreign Mission Committee of St. Paul’s Presbyterian Church, the writer also argued in favour of the death penalty:

There has been a good deal of local discussion about these cases, especially in the Province of Ontario, and the ignorance and simplicity of the untutored savage has been emphasized: one might infer that in the opinion of some of the contributors the Eskimo should be regarded as immune from responsibility until he shall emerge from his barbarous state and been brought through the influence of Christianity and education to a fine perception of moral obligations and to appreciate the system of government under which he lives. I do not doubt however that the natives have a sense of right and wrong sufficient to enable them to comprehend that the capital crimes for which the two under sentence are to suffer are such as would be visited by extreme punishment under any system of Government which is well regulated according to the simplest conception, and unless the sentence of the law be executed there is a real danger that the non-enforcement may cause still greater lack of respect.¹²¹

There were, however, many responses from missionaries of various denominations in

¹¹⁸ Letter From Cortlandt Starnes to the Officer Commanding the RCMP Edmonton, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 1, LAC. Ken Coates and William Morrison, argue that as much as there was a furor in the newspapers, there was general support for the sentences. Ken Coates and William Morrison, “To Make These Tribes Understand,” *Arctic*, 228.

¹¹⁹ “Toronto Woman Takes Lead In Circulating Petition” *Toronto Sunday World*, October 21, 1923; p. 15. RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 2; 3 of 124.

¹²⁰ “Favour Execution of the Eskimos,” *Calgary Herald*, 3 November 1923, RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

¹²¹ Letter from ? to Rev. R.G. MacBeth Convenor Synod’s Foreign Mission Committee, St. Paul’s Presbyterian Church Vancouver, RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

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favour of clemency. Bishop Lucas who was present on Herschel Island for the trials and actually arrived in Edmonton before the judicial party made it back there, informed the press that the hangman and gallows were sent up with the judicial party and that the gallows were constructed and two graves dug, before the trials commenced.¹²² An article was published shortly after his arrival in Edmonton in September, calling for a stay in executions (another article was published the day after in Calgary). These articles were part of Bishop Bompas' larger effort to influence the government to commute the sentences.¹²³ Together Bishop Lucas (Bishop of Mackenzie) and Bishop Bompas, (Bishop of the Yukon) appealed to the Board of Management of the Church of England in Canada at Calgary on September 21st, 1923. The official response was that, "this board advises the Bishops to state to the Department of Justice the facts of the case as they understand it, and the opinions that their experience of the Eskimo have led them to form in order that the Department may be in possession of all the arguments in favour of Clemency before a final decision is reached."¹²⁴ Bishop Bompas' official letter sent to the Department of Justice by the Bishop Bompas stressed: "This conclusion has been based not on sentiment, but

¹²² "[...] a grave was dug beside that of late Cst. Lamont for the reception of the body of Doak in July last while the Judicial Party was at Herschel but no grave was commenced for reception of bodies of condemned prisoners until middle of October, just at freeze up. Const. Myhill and McDonald worked for a few hours one night but had to abandon the work on account of water. No one at Herschel Isl. knows of this even at present outside our own men. By no possible means could anyone connect the grave dug in July as being for the reception of condemned. Prisoners [sic]." Confidential Letter from Inspector Wood to Superintendent J. Ritchie RCMP Edmonton, February 10, 1924, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

¹²³ Bompas also wrote directly to the Department of Justice to request the sentence be commuted. Stories by Anglican Bishop Lucas appeared in the Edmonton Journal 14 September 1923 and the Calgary Herald on September 15, 1923

¹²⁴ "Copy of Resolution passed by the Board of Management of the Church of England in Canada, at Calgary, September 21st, 1923." Anglican Church of Canada, Diocese of Yukon Fonds, COR 261, file 4, Yukon Archives Whitehorse. Anglican Bishop Stringer also petitioned in favour of clemency, but his letter to the justice department are absent, although acknowledgement of receipt of his letter is present. Letter from Bishop I.O. Stringer, Bishop of Yukon Dawson, to Department of Justice, Ottawa, 25 September 1923, RG13, vol. 1526, Alikomiak Tatamigana Part 1, LAC.

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largely on my own experience among the Eskimo of the Arctic Coast.”¹²⁵ He emphasized his perception of the difference between the Christianised Inuit of the Mackenzie Delta (the Inuvialuit) and the Inuinnait:

If it were a case of a trial of murderers among the Christian Eskimos in the neighbourhood of Herschel Island and the mouth of the Mackenzie River, I would say emphatically let the death sentence be carried out. They understand now that murder is wrong, and the execution of murderers would be a deterrent. I doubt however, if the execution of these two condemned men from Coronation Gulf would tend in the least to lessen crime under the present circumstances. As a rule, Eskimos do not fear death, and an execution would not have a tendency to prevent crime as in the case of a people who have different ethics and traditions. If a child in a civilized community committed murder it would be hard to get a jury to condemn the child if they knew the death sentence would be carried out. The Eskimo of Coronation Gulf are, in many respects, just like children.¹²⁶

Bishop Bompas also pointed out: “It does not seem right that the condemned men should be allowed to go free, I humble [sic] submit that the cause of Justice and Morality will be better served by commuting the death penalty to life imprisonment, and I therefore join with Bishop Lucas in asking for the exercise of Clemency in the case of the Eskimo Alikomiak and Tatamagana.”¹²⁷ The letter also emphasizes specific aspects of the case as reasons to stay the executions, although significantly, Bompas did not mention the issue of translation. The letter emphasized: “I understand that the chief culprit, Alikomiak, a mere boy, was directed by his relatives to do away with certain Eskimos who were condemned, not by him, but by other members of his clan. He was simply carrying out a sentence imposed upon others according to the approved custom of the people among whom he lived.”¹²⁸ He goes on to emphasize that

¹²⁵ Letter from Bishop Bompas to the Minister of Justice, Ottawa. Dawson Y.T., September 25, 1923. Anglican Fonds COR 261 f 4. Yukon archives Whitehorse.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Letter from Bishop Bompas to the Minister of Justice, Ottawa. Dawson Y.T., September 25, 1923. Anglican Fonds COR 261 f 4. Yukon archives Whitehorse.

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Alikomiak did not intend to kill Doak, only wound him, that Alikomiak was justified in killing Binder out of fear that Binder would avenge Doak's death. Reverend W.A. Geddes, who was Bishop Bompas' missionary at Shingle Point and Herschel Island and was present at the trial, was also of the opinion that the executions should be stayed.¹²⁹

Nor were clerical responses limited along denominational lines. Roman Catholic cleric, Bishop Breynat, who had also spent 30 years among the Inuit also advocated for clemency on the grounds that the Inuit were "children of the wild who remain always children."¹³⁰ Other clerics from across Canada chimed in, in favour of commuting the sentences. Medical missionary Wilfrid W. Grenfell, who spent time among the Inuit of Labrador, was also against the death penalty for a similar reasons. "The Eskimos are an extraordinarily intelligent people," Dr. Grenfell stated, "but they are totally ignorant of law and the consequences of its violation. Ethically, the Eskimo is just like a child of seven years. You would not hang a child of seven years would you?"¹³¹

Private individuals also flooded the Department of Justice with letters. Letters to the editors of various Canadian papers were published and forwarded to the Department of Justice. Many objections to the death penalty centred on the persistent stereotypes that Inuit were uncultured and childlike. Some emphasized that Binder was ultimately responsible for the sad string of events because he "took" Toktogan, highlighting an assumption that women were victimized by cultural practices. Other letters emphasized how unfair the process was: "With a jail at Aklavik, Mounted Police and a Mission would it not be possible to change the punishment

¹²⁹ Letter from Bishop Bompas to the Minister of Justice, Ottawa. Dawson Y.T., September 25, 1923.

¹³⁰ Front page of the Toronto Sunday World, October 21, 1923 as quoted in the Edmonton Journal September 14, 1923, RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

¹³¹ "To Hang Eskimos would be unjust, says Dr. Grenfell," Toronto Daily Star, November 21, 1923. RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

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to a long sentence and have these men taught instead of hanging them? What seems to me revolting under British rule is that Judge, gallows and Executioner all went in together.”¹³²

Public individuals such as Lieutenant-Governor Cockshutt also deplored British Justice: “When I read of these two Eskimos sentenced to be hanged, my heart bled. They did not know about British Justice; they knew only might as right and when wronged, took the law into their own hands. And then along came the police and condemned them to death without a word.

Gentlemen, it is not fair.”¹³³ “Five Toronto Petitions Ask Stay in Eskimo Hangings” blared a headline in bright red lettering, on the front page of the *Toronto Sunday World* on October 21, 1923.¹³⁴ These petitions were circled unsuccessfully. Arthur MacFarlane, a journalist and one of the key members in the movement in Toronto to have the sentences commuted, wrote such prescient articles and caused the Canadian government so much consternation and worry about their public and international image that the RCMP was tasked with investigating the journalist.¹³⁵

It was not just discussions for or against clemency that occurred, but another prominent discussion involving Judge Dubuc, and a number of clerics familiar with the North centred on “appropriate” punishment. Although Judge Dubuc recommended that the death penalty be

¹³² Personal letter from CJ Agar to the Honourable Minister of Justice, “Re: Alik-o-miak (Corpl. Doak) and Re: Tatamagana,” RG13, vol. 1526, Alikomiak Tatamigana Part 1, LAC.

¹³³ Staff Correspondent at the Globe, “Great Riches Await Day of Development: Lieutenant Governor Speaks of Ontario’s Future that Lies in the North.” *Globe and Mail*, October 23, 1923, 3.

¹³⁴ “Five Toronto Petitions Ask Stay in Eskimo Hangings,” *Toronto Sunday World*, RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

¹³⁵ Arthur MacFarlane a journalist, was a key activist in the movement in Toronto to bring about a stay in the executions. See J.E. Robson “O” Division Western Ontario District RCMP, “Report Re: Arthur E. MacFarlane,” November 10, 1923, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC; See also, “Five Toronto Petitions Ask Stay in Eskimo Hangings,” *Toronto Sunday World*, 21 October 1923, RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC; See also, Letter from H.M. Newson to the Commissioner RCMP, “Re: Trial of Eskimos at Herschel Island re: A.E. MacFarlane,” RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

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carried out, he suggested that the government give the sentencing judge the power to assign alternative forms of punishment that would be culturally devastating. He advocated incarceration on bread and water.¹³⁶ Bishop Bompas supported life imprisonment and the Bishop of Toronto, W. D. Reeve, lobbied for corporal punishment instead of execution: “Imprisonment or banishment would not be adequate, but what about flogging? I am inclined to think that the application of the lash would have a greater moral and deterrent effect than anything else.”¹³⁷

A striking feature of the coverage over the debate about whether to commute the sentences, educate, or offer “culturally devastating” punishment, centred on the idea of teaching the Inuinnait a lesson. The underlying premise of teaching a lesson through hanging, punishment or education, however, was the same. The underlying assumption was that the Inuinnait culture was wrong. Punishment, though much more drastic, had, at its foundation, the desire to instil fear so that the unwanted behavior never again occurred. To teach cultural practices out of the Inuinnait using fear was underpinned by the assumption that the cultural beliefs underlying those actions were wrong according to Christian values.¹³⁸

The judiciary and government assumed the Inuit’s guilt—they made jurisdictional

¹³⁶ Ken Coates and William Morrison, “To Make These Tribes Understand,” *Arctic*, 228-229. Coates and Morrison argue that these alternate punishments were a “precursor to the current practice of imposing culturally relevant and appropriate sentences in some criminal cases involving First Nations people, and to the use of sentencing circles in such cases.” Coates and Morrison, “To Make These Tribes Understand,” *Arctic*, 228-229.

¹³⁷ Quoted in Ken Coates and William Morrison, “To Make These Tribes Understand,” *Arctic*, 228.

¹³⁸ Shelagh Grant highlights the fear which Inuit held of Qablunaat in many instances. Shelagh Grant, *Arctic Justice*, 224.225, 247-248. Emilie Cameron in *Far Off Metal River*, delves deeper into this discussion drawing it back to Foucault and his idea of “governmentality.” Emilie Cameron, *Far Off Metal River: Inuit Lands, Settler Stories and the Making of the Contemporary Arctic*, 117-118, 237-238.

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amendments, sent the hangman, and constructed the gallows even before the appeal for clemency was sent to the Governor General and Privy Council. Despite the petitions and the public outcry over their fates that was often founded on racist ideas, stereotypes and tropes about the Inuinnait, or even suggestions of more culturally devastating punishments, the powers remained unswayed. Unsurprisingly, the Governor General and Privy Council refused to order any interference for either man.¹³⁹ The Privy Council issued the warrants for Alikomiak and Tatamigana's deaths that were personally delivered by Sergeant Thorne. Owing to the travelling conditions that delayed him, he arrived at Herschel Island on December 6, too late for the penalty to be carried out the following day, as originally planned.¹⁴⁰

...At 3:25 a.m., on February 1, 1924, Alikomiak and Tatamigana were led to the bone shed.¹⁴¹ The Governor General and Privy Council after reviewing the trials and evidence, refused to commute the sentences. Hangman Gill placed a hood over their heads and a rope over their necks and with the command both men swung.¹⁴² But Alikomiak and Tatamigana did not die right away. Their bodies dangled while they slowly strangled at the end of the rope. It took Tatamigana nine minutes and Alikomiak a full fourteen minutes to be pronounced dead.¹⁴³ By

¹³⁹ "Governor General refuses to order any interference for either Alikomiak or Tatamigana," 9 October 1923, RG13, vol 1526, Alikomiak Tatamigana Part 1, LAC.

¹⁴⁰ Sgt. Thorne "Report of Patrol from Edmonton to Herschel Island and return," 31 March, 1924, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

¹⁴¹ Crime Report Re: Alikomiak—Murder of Cpl. W.A. Doak and Otto Binder, by Inspector Wood. February 2, 1924, RG 18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

¹⁴² Owing to the relatively short ceiling, it is quite likely that Alikomiak and Tatamigana were placed on their knees, before the order came to drop to the two men to their deaths. Ken Leyton-Brown, *The Practice of Execution in Canada* (Vancouver: University of British Columbia Press, 2010), 65.

¹⁴³ It likely took Alikomiak 14 minutes to die because he was slight and small, according to descriptions of him. Dr. Doyle the Assistant Surgeon writes that Tatamigana's body was examined 9 minutes after the drop and Alikomiak's 14 minutes after the drop. See Alikomiak, "Information of Witness," 1 February 1924, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC; See also Tatamigana, "Information of Witness," 1 February 1924, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC. Arthur Ellis the most famous Canadian professional hangmen held a press conference at which he said "the Eskimo is just as

Gallows, Graves, and the Bone Shed on Qikiqtaruk

the time of their execution, the ground was frozen solid, and grave digging could not commence again until the spring. Alikomiak and Tatamigana's bodies were put on stages for the winter and interred in the spring.¹⁴⁴



Figure 11: Exterior of the bone house (also called the Transport Shed) on Herschel Island where Alikomiak and Tatamigana were hanged. This photo taken summer 2015. Photo courtesy of Brent Riley, Historic Sites and Restoration Planner, Government of Yukon, Tourism and Culture, Cultural Services Branch. Used with permission.

much entitled to a decent hanging as a white man.” See “Hangman is Annoyed by Amateur Execution: Ellis Claims Condemned Eskimos Were Entitled to Professional Services,” *The Globe and Mail*, February 27, 1924, p 10; See also Ken Leyton-Brown, *The Practice of Execution in Canada* and Ken Leyton-Brown and Jeffrey E. Pfeifer, *Death By Rope* (Regina: Vanity Press, 2007). See also Crime Report by Inspector Wood, 2 February 1924. RG 18 Vol 3293 File 1922-HQ-681-G-1 Vol 2, LAC.

¹⁴⁴ A stage is a wooden structure high enough to have kept the bodies out of reach of marauding animals.

Gallows, Graves, and the Bone Shed on Qikiqtaruk



Figure 12: Photograph showing interior of the main section of the Bone Shed where Alikomiak and Tatamigana were hanged. At the time of the hangings, the portable gallows would have been built under the joists. The platform of the gallows would have held the prisoners and hangman, and required a sturdy overhead beam (the roof joist in this case) and enough clearance to allow the body to hang.¹⁴⁵ Rumour has it, that when the RCMP left the Island in 1965, they cut down the beam from which Alikomiak and Tatamigana were hanged, and burnt it.¹⁴⁶ The walls of the bone shed began to splay outward due to the lack of support, and the gap in the beam was repaired, not fully replaced a number of years ago. This photograph clearly shows the new wood used to repair the beam. Photographs of all the buildings on Herschel Island are taken every year to document their condition. This photograph was taken in summer 2015. Photo courtesy of Brent Riley Historic Sites and Restoration Planner, Government of Yukon Tourism and Culture, Cultural Services Branch and used with permission.

¹⁴⁵ Leyton-Brown, *The Practice of Execution in Canada*, 83.

¹⁴⁶ This has not yet been confirmed with the RCMP historical division.

Chapter 5:

“To translate is to betray”: The Problems and Politics of Translation in the Contact Zone¹

One of the most critical things to evaluate in the case of Alikomiak and Tatamigana is how the archival documents were created. Throughout Chapters 1, 2 and 3, I have given additional information about the statements, such as “translated by Cyril Uingnek” or “interpreted by Johnny Tokluk.” Why? These statements and trial transcripts, play a significant role in the type of information found in them, how they can be read, and the ways they can be used. These documents were produced in relation to this specific “criminal” event and in response to a question and answer format, and they are often quite detailed. Both statements and trials were produced in response to a question and answer format, and are often quite detailed. The statements read as though the witnesses had the opportunity to describe setting, context, and related details to a greater extent than they were able to during the proceedings of the trials held on Herschel Island. One of the goals a microhistory is to illuminate the everyday life of common people. The statements often provide more information about everyday life, than the trial transcripts do. Neither statements nor transcripts were particularly intended to illuminate aspects of everyday life; they were meant to elicit focused information in criminal investigations. Each of these sources, then, must be interrogated with that in mind.

Translation is rarely discussed directly in this archival literature, there are usually only passing references to the translators and there are few references to how this process played out during the trials (However, newspaper accounts published at the time do shed some light on the

¹ Derek Walcott, quoted in, Richard and Nora Marks Dauenhauer, “The Interpreter as Contact Point: Avoiding Collisions in Tlingit America” in *Myth and Memory*, John Sutton-Lutz, ed. (Vancouver: UBC Press, 2007), 9.

process). Translators in these contact zones often became as anthropologists Richard and Nora Dauenhauer explain, “the bottleneck or filter through which knowledge of one culture was passed to another. In many situations only one translator was available, and thus all communication was dependent on his or her agenda and positioning.”² Translators often drew their pay from one side of the other—the RCMP in this case—though it is not clear how the Inuinnait felt about this relationship or how it influenced the interpreter’s position within both societies. As translators in a criminal cases, these individuals became not only the arbiter of general language and culture, but of knowledge passing from one culture to another. In this case, knowledge included ideas about law, order, criminality, Christianity, and cultural mis-translations and misunderstandings in relation to how Western legal systems perceived and how they passed judgment on Inuit legal traditions. The translator was both “the physical and communicative link” between Qablunaat and Inuinnait.³ Translation and interpretation was perhaps the most significant “contact zone” in relation to the trials.

RCMP officials could not speak Inuinnaqtun, the language of the Inuinnait, nor could the Inuinnait read or write English. There were three different translators involved at various stages of these cases: Cyril Uingnek (the RCMP’s translator at Tree River and later Herschel Island and the main translator in the case), Billy Kemiksen (who translated Alikomiak’s second statement at Aklavik taken by Inspector Wood), and Johnny Tokluk (who translated at Alikomiak’s trial for the murder of Doak and Binder, because Cyril Uingnek was a witness in this trial). Each of the Inuit translators in this case were male, none were Inuinnait, though they were either Inuvialuit (Inuit from the Mackenzie Delta) or they were of mixed Inuit and European ancestry.

² Richard and Nora Marks Dauenhauer, “The Interpreter as Contact Point: Avoiding Collisions in Tlingit America” in *Myth and Memory*, John Sutton-Lutz, ed. (Vancouver: UBC Press, 2007); 9.

³ Ibid., 10.

Inuinnaqtun culture and language was also different than Inuit groups from the Western Arctic, where these translators were from and it is not clear how the translators adapted to these differences.

At Tree River and during the trials on Herschel Island, the RCMP depended on their primary translator, Cyril Uingnek (spelled variously in different documents), an Inuvialuit man from the Mackenzie (Deh Cho) Delta, who was educated at a Church of England school on Great Slave Lake.⁴ He was the RCMP’s official interpreter in Tree River. Corporal Doak took the first witness statements about the shooting affray and Pugnana’s murder through Uingnek. After Doak and Binder’s murder, Corporal Bonshor, who initially investigated, also took statements through Uingnek. Inspector Wood took Alikomiak’s second statement using the interpreter Billy Kemikseña at Aklavik. Alikomiak’s third statement (at the pre-trial) was again taken with Cyril Uingnek. Uingnek translated at Tatamigana’s trial for the shooting affray, at Alikomiak and Tatamigana’s trials for the murder of Pugnana, and also likely for the trials of Olepsekak, Amokuk and Ekootuk. Johnny Tokluk translated at Alikomiak’s trial for the murder of Corporal Doak and Otto Binder because Cyril Uingnek was a witness.

The statements regarding each major “crime” (Chapter 1 explores the “shooting affray;” Chapter 2 explores the murder of Pugnana; Chapter 3 the murder of Doak and Binder; and Chapter 4, the trials), were taken in longhand, typed up (or typed simultaneously) then read back to the witness before making their mark. Each of the statements of the witnesses and accused, bears the familiar “X” signature of someone who could neither read nor write English. The

⁴ Newspapers reported this at the time. The mission school referred to was likely the Church of England school at either Fort Simpson or Hay River. Uingnek likely learned to speak, read and write English during his mission education, his signature is visible on the statements. It is not clear if he could also read and write Inuvialuktun and/or Inuinnaqtun. Anglican Church of Canada, “Hay River” and “Fort Simpson,” [Accessed 21 Sept. 2016] www.anglican.ca/tr/histories/.

process differed slightly during the trials.

The trial atmosphere added extra challenges to interpretation and translation. It was one thing to translate and interpret interviews, conversations, and statements, but the challenges of courtroom interpretation must have been significant. There was a lot of back and forth questioning, it involved translating between a number of witnesses, the barristers, and the judge in a setting that observed official courtroom procedure. It also involved translating legal language to a greater degree than was required when taking a statement during the investigations. Simultaneous translation involved translating on the spot from one language to another (English to Inuinnaqtun and vice versa).⁵ The typed trial transcripts contained in the archival files today, were not produced on the spot at Herschel Island. During the proceedings, the court stenographer used shorthand to record the entire trial, then later transcribed the record in longhand, and then created a final type-written document well after the face-to-face interactions in the court room.⁶ Constable Wild typed all three trial transcripts (*The King v. Tatamigana* [for the murder of Pugnana], *The King v. Alikomiak* [for the murder of Pugnana], and *The King v. Alikomiak* [for the murders of Corporal Doak and Otto Binder]) in Edmonton in September 1923 after the judicial party returned from Herschel Island.⁷ Whether statements or trial transcripts, it is possible for errors of translation, transcription, and transposition to have crept into the

⁵ The trial held in Pond Inlet included mostly French speaking jurors. The Interpreter, William Duval the fluent Inuikit speaker interpreted between English and Inuktitut, but another member of the court party clarified in French for the benefit of the French jurors. The Interpreter also made it easier for the Inuit spectators to understand when he was interpreting by first waiting for the witness to speak in Inuktitut before translating what the witness said. Grant, *Arctic Justice*, 167 and 173.

⁶ This was also true for statements as Inspector Wood took all evidence in long hand through the interpreter and later typed it out in proper form. Letter from Inspector Wood to Commissioner of the Northwest Territories, “Fees as Justice of the Peace,” 13 October 1924, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

⁷ It is possible that the shorthand notes survive in one of the files I have not seen. It is however equally possible that his shorthand notes were destroyed after the trial transcript was typed up in good copy.

documents and accumulated at each stage of the process. In all phases, the translators and court stenographers could have shaped both facts and interpretation. Although there may not have been any deliberate intent to alter the record, it is critical to keep in mind that witness statements and trial transcripts were formed by the interpreter and stenographer.

The transcripts do not even come close to hinting at how much time each trial took to translate. Each trial can be quickly reviewed as they often feature yes/no questions. At most, the answers from any witness, whether Qablunaat or Inuinnaq, are rendered as short sentences. Aside from the Inuinnait names of the charges listed on the first page of the trial, the names of the witnesses who provided further testimony, and brief references to translation, there is little clue that the trials involved Inuinnait. The transcripts do not reveal how long the trials took or what the translator actually said to clarify any questions and answers that must have resulted from the structure of questioning throughout the legal proceedings.

After the trials, Inspector Wood quibbled with members of the Department of Justice over payment (set out in the Criminal Code) for the extra duties he performed during the pre-trial and hangings of the two men. In his fee schedule, Wood listed that each of the pre-trial depositions lasted more than two hours.⁸ Today reading one of the statements of the accused takes a few minutes. Unless Inspector Wood recorded the time for each indictment as a simple pro-forma two hours, we begin to glimpse what must have been a complex process of lengthy back and forth interactions between the questioner, the interpreter, and the witness.⁹ The trial process would have been even more involved than the depositions, requiring even more time to

⁸ Letter from Sergeant Wood to Commissioner of the Northwest Territories, “Re: Schedule of fees for Sgt. Wood’s Special Powers at the Herschel Trials,” RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

⁹ There is some information available about the process of translation from the Pond Inlet trials. Questions were sometimes posed six different ways by the translator before the Inuk witness answered the question. The court also faced the challenge that many of the Inuit witnesses answered with what they thought the Qablunaat wanted to hear instead of “the truth.” Grant, *Arctic Justice*, 195.

adequately explain all parts of the trial and why they were important. There are other clues about how long it took to translate. One of the newspaper articles described the process: “The judge explained in slow translated detail the full significance of the trial, and the verdict of the jury.”¹⁰ And in another Judge Dubuc, while he was thanking the jury, also hinted at what was a long and involved process: “The jurymen by the close attention given to each Trial sometimes long and tedious, showed that they were fully cognizant of the important duty imposed upon them.”¹¹

The process through which the archival evidence was created is reflected by the challenges the RCMP faced with translation at this time, during their investigations, and later during the trials held on Herschel Island. These challenges of interpretation and translation began long before Corporal Doak was killed by Alikomiak (though translation clearly played a role in Doak’s death).¹² A few months before he was killed, Corporal Doak in the report of his patrol to the Kent Peninsula, noted how important it was to have a first-class interpreter who could explain everything to the Inuit. Doak pointed out that unless the Inuit received full explanations from the RCMP about their activities and intentions, they believed they were being “bluffed.”

We should have a first-class interpreter here, this would greatly facilitate our work with these natives. They require everything to be explained to them in detail, otherwise they imagine they are being bluffed, and sooner or later there will be a mix-up in making an arrest. None of the natives with whom I came in contact have any idea who or what the Police are, or what they are doing in the country. On asking one of the natives if he knew who we were, he replied, ‘The rich men of the country.’ This reply alone shows their complete ignorance.¹³

Cyril Uingnek was already in Tree River as the RCMP translator at the time this report was

¹⁰ “World’s Queerest Murder Trial” *Toronto Star Weekly*, Saturday 27, October 1923, 17 and 20.

¹¹ “Report Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana,” September 22, 1923, RG 13, vol 1526, Alikomiak Tatamigana Part 1, LAC. 5 of 142.

¹² Neither Doak nor Alikomiak adequately understood each other’s languages.

¹³ Canada, *Annual Report of the Royal Canadian Mounted Police for the year ended September 30, 1922*; (Ottawa: Thomas Mulvey, 1923), 23. Incidentally, the title of Sidney Harring’s article on this story is taken from that line.

written, and it seems that Cpl. Doak’s comment implied that Uingnek was not a “first-class” interpreter. It is not clear from his report whether Doak was also dismissing Inuinnait knowledge of the police as the “rich men of the country,” or whether he acknowledged that it would be difficult—considering issues of translation and miscommunication—for the police to accurately and effectively communicate the reason for their presence especially given how recently they had established themselves at Tree River. Either way, Cpl. Doak’s statement suggests profound and serious gaps in how the Inuinnait and RCMP understood and grappled with the language barrier separating each other. The RCMP also discussed the issue of interpretation with the missionary Eldon Merritt of St. Andrews Mission in Bernard Harbour (the closest mission to Tree River and accessible to HBC supply ships during the open water season and over the sea ice in the winter): Before Cpl. Doak was killed, Merritt wrote about their conversation: “I have discussed the question of the Interpreter with Corpl. Doak and Cpl. Cornelius and both agree that we have the best man we can get in the country, Cyril Uingnek, with the exception of Patsy Klingenberg [Klengenberg] and the latter is unobtainable.”¹⁴

Other commentators close to the case also acknowledged a great deal of misunderstanding about the role of the police and the reason for their presence in the first place. C.H. Clarke, who was at the seal camp supervising prisoners when Corporal Doak and Otto Binder were killed, stated in a confidential internal HBC report forwarded to the RCMP that: “The Police have been established here [at Tree River] three years and to date the natives have but a vague idea as to what they are being stationed here for, as is shown by the fact that they

¹⁴ “Re Murder of Reg. No. 4396 Corpl. Doak W.A. and Otto Binder by Eskimo Prisoner Alikomiak,” 2 July 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC. Patsy Klengenberg was of mixed ancestry. His mother was Alaskan Inuit and his father was Danish. He was hired by Diamond Jenness as an assistant on the Canadian Arctic Expedition. He already spoke English, Danish and Inupiaq but Jenness taught him to read and write English. See Diamond Jenness, *The Life of the Copper Eskimos*, 10.

speak of all native prisoners taken by the R.C.M.P as ‘employees’ or ‘the people who are working for the Police.’”¹⁵ Clarke was a colleague of Otto Binder and his observation speaks to the confusion over the purpose of the police presence, the challenge of interpreting in matters related to police business, and the drastically different perceptions held by the Inuinnait and the RCMP about the RCMP’s role in Inuinnait territory.¹⁶

It is manifestly obvious that the RCMP and other Qablunaat in this part of the Arctic recognized that translation and interpretation were potentially serious points of conflict and misunderstanding. Qablunaat recognized that there was a problem with translation, and understood the importance of having a first class translator, but they also imply that the burden of properly understanding their presence and intentions fell on the Inuinnait. The Qablunaat observed that the Inuinnait did not understand the role and presence of the police and the tone of Qablunaat superiority and condescension is quite telling in each of these instances.¹⁷

On July 16, 1923, after Judge Dubuc opened the court, but before the trials began, he addressed the assembled audience and lectured them at length about British justice. The translator, Cyril Uingnek, translated the judge’s address to the Inuit who were present at the trials. This lengthy address about British justice was common at trials of the era. Judge Rivet gave a similar address during the trials of Nuqallaq, Aatitaaq and Ululijarnaat at Pond Inlet

¹⁵ Confidential Report by Mr. C.H. Clark, H.B.C. forwarded with added notes by A. Brabant Hudson’s Bay Company Fur Trade Commissioner to the RCMP, 12 August 1922, RG18, vol 3293, file 1922-HQ-681-G-4, LAC.

¹⁶ Clarke spoke fluent Inuinnaqtun and fathered two children a boy and a girl, with an Inuinnaq woman during his time at the Kent Peninsula HBC post. Kitikmeot Heritage Society, “Hugh Clarke,” Website: <http://www.kitikmeotheritage.ca/Angulalk/ctpeders/hughclark/hughclrk.htm> [Accessed 20 September 2016].

¹⁷ Inspector Denny La Nauze who investigated the murders of Le Roux and Rouviere a number of years previously, praised his Inuk translator, Ilavinik, saying “We are now fast friends. Eskimo cannot be treated on the footing of master and servant,” quoted in McKay Jenkins, *Bloody Falls of the Coppermine: Madness, Murder and the Collision of Cultures in the Arctic, 1913* (New York: Random House, 2005), 53.

during the same summer of 1923. A year later, in the summer of 1924, Judge Dubuc addressed those present for the trial of Ikalukpiak on the deck of the SS Distributor in Aklavik, in a similar fashion.¹⁸ It was common that the judge was dressed in black robes as were the barristers for the defense and the Crown, in keeping with the pomp and ceremony of administering justice.¹⁹ Judge Dubuc, upon the judicial party’s return to Edmonton, reported on the trials and provided a glimpse of his initial address to the assembled onlookers:

The trials were conducted with all the solemnity and dignity possible in these primitive regions of Canada in order to impress the original inhabitants with the Majesty of the British Law, and as far as possible with the manner in which British Justice is administered. The Court was held in the Police Barracks at Herschel, being the only suitable building on the Island. At the opening of the court, after the jury had been called, I addressed the Eskimos present at *great length*, through an Interpreter, explaining the different functions of the different Officials comprising the Court and Jury, and the purpose of these Trials, laying special stress on the carefulness with which, under our law, an accused is tried, and the watchfulness and care which permeates our whole proceedings in order that no innocent person should ever be wronged or aggrieved by our Criminal Courts.²⁰ [Italics added]

There is little direct information about the process of translation, though the judge described his attempts to communicate. But how would the interpreter have communicated the role and function of the court and the judicial party to the accused? As the Inuk interpreter, Cyril Uingnek played a mostly silent, (except during his time as a witness for Alikomiak’s trial for the murder of Doak and Binder), but significant role in the unfolding of this case. Ironically it was during Alikomiak’s trial, when Cyril Uingnek was called as witness, that we learn more about him and his role as interpreter for the trials. Prior to being hired as an RCMP interpreter,

¹⁸ See Shelagh Grant *Arctic Justice*, 179. Grant includes a photograph of Judge Rivet and the interpreter addressing the assembled Inuit people at the trial. Graham Price discusses some of the Ikalukpiak trial in, Graham Price, “The King v. Alikomiak,” *Manitoba Law Journal*, 217.

¹⁹ Grant, *Arctic Justice*, 174.

²⁰ Judge Lucien Dubuc, “Report Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana,” 22 September 1923, RG13, vol. 1526, Alikomiak Tatamigana Part 1, LAC.

Uingnek spent a year translating for the Anglican missionary Eldon Merritt, at St. Andrew’s Mission in Bernard Harbour.²¹ He was not Inuinnait, but was an Inuvialuit (Mackenzie Delta) Inuk and while he was one of the best translators the RCMP could get, in the area, there would have been differences in the Inuvialuktun dialect he spoke and Inuinnaqtun spoken in Tree River. The only anecdotal evidence of the way Cyril Uingnek translated is a comment by Merritt, his former employer, regarding his manner with the Inuinnait: “Uingnek is a little timid in dealing with the Copper Eskimo.”²²

Both Uingnek’s personal history, including his own contact experiences, shaped the language he used and the ways he interpreted. In addition, his personal involvement with some of the other witnesses influenced the way the trials played out. It was suggested in newspaper reports at the time that Uingnek was an Inuk man from the Mackenzie Delta and attended an Anglican mission school on the shores of Great Slave Lake.²³ He was familiar with the language of the bible as well as the language of trappers, traders and whalers since contact in the Western Arctic and the Mackenzie Delta intensified in the 1850s. It is likely that the translator’s own contact experiences with missionaries and biblical language (he was educated at a Christian school and translated for a missionary), as well as dealing with ships captains (a feature of contact in the western arctic) likely influenced the type of language and concepts used to translate between the RCMP and Inuinnait in these criminal cases. It seems likely that he would have turned to the language and concepts from missionaries, shipping and trade as well as draw on his education to try and explain the concepts of a judge, jury, guilty, not guilty, and the more

²¹ RG 18 Vol 3293 File 1922-HQ-681-G-4; page 63-65 of 80.

²² Paty Kengenberg was of mixed ancestry. His mother was Inuit and his father was Danish. He spoke English and Danish, and Inuktitut. RG 18 Vol 3293 File 1922-HQ-681-G-4, 65 of 80.

²³ This was reported in the newspapers at the time see “World’s Queerest Murder Trial” *Toronto Star Weekly*, 27 October 1923, 17 and 20.

nuanced language of the court and the English common law. Perhaps he used the language of the bible, trying to explain the guilty party as “the one who sinned,” or “the one who did wrong” or using the language of whaling to refer to the judge as the “captain of the biggest ship.”²⁴ He, along with many other Inuit from the Western Arctic, would have been familiar with whaling captains and the kind of power and authority they had over their crew and the trade they conducted. Perhaps this was the closest analogy he could find to describe the power of a judge to Inuinnait who were unfamiliar with this position of the kinds of power a judge and jury had over an accused’s lives.

Among the many newspaper articles published in the wake of the trials, the following article hints at the kind of language the interpreter might have used to convey the concepts the judge was trying to communicate in his initial address:

Having secured an interpreter, however, did not solve Judge Dubuc’s problems in meting out justice to the Eskimos in a manner which they would understand. His honor instructed the interpreter to explain to the natives that he was the judge, who would decide their fate, but after much hesitation Ningnek [Cyril Uingnek] explained that there was no such word in the Eskimo tongue.

‘You must find another title therefor,’ [sic] said the judge, ‘which will convey my authority to these people,’ and after much thought the interpreter finally evolved one in ‘The Captain of the Ship’! The reason for this appears in the fact that when the commanders of the Arctic vessels arrive in the polar sea, the orders issued by them to the sailors at once impress the natives with their authority.

‘Get that line ashore’ and ‘Let go the anchor,’ bawled in stentorian tones, emphasized the fact that here was the supreme overlord of the destinies of the white men, hence for all time the chief representative of British justice to the Eskimos will be ‘The Captain of the Ship.’

This being arranged, it was then necessary to explain that the judge had been sent from the far away country to the people of the ice by the King, but naturally the savage Copper Eskimos had never heard of the ruler of the empire, but this again was solved by the interpreter, who announced to the court ‘The Captain of

²⁴ The linguist I met in Yellowknife mentioned that this language is still sometimes used by translators to refer to the accused in today’s court system in the Northwest Territories and Nunavut. The phrase “captain of the biggest ship,” was reported in newspaper accounts at the time and must be read with a grain of salt. Regardless of the veracity of “the captain of the biggest ship,” it highlights the challenges the translators faced of explaining concepts with no real cultural equivalents. See, “World’s Queerest Murder Trial” *Toronto Star Weekly*, 27 October 1923, 17 and 20.

the Ship has been sent here by the Captain of the Biggest Ship in the world'! Here, therefore is a new conception of the ship of state!

Then came the turn of the Royal Canadian Mounted Police, for whom also the Eskimos possessed no title, except the general covering of 'whiteman.' But this was comparatively easy. The mounted police possessed good teams of sleigh dogs, more than one suit of clothes, rifles and snowshoes, therefore in the eyes of the Eskimos they were wealthy, and hence throughout the trial the guardians of the north were referred to as the 'rich men.'

Inspector Wood, in charge of the mounted police, from his position also naturally was a second 'captain of the ship,' though of a smaller vessel, while the functions of the jurymen had to be explained at length and in simple language by his honor. 'These men are people of your country,' said the judge. 'Some of them are married to your women; they know you, and therefore the captain of the biggest ship has sent them here to help me find out whether you are guilty of what has been said about you.'²⁵

Despite the evident Eurocentric overtones and the distinct possibility that this language too, is overblown, it does make sense that the language and concepts of contact is the language that the translator would reach for when translating within such a contact zone.

By the third day of the trials, Uingnek was called as a witness in Alikomiak's trial for the murder of Doak and Binder and Johnny Tokluk officially translated.²⁶ It is not clear if Uingnek or Johnny Tokluk had ever interpreted in the courtroom before or fully understood how trials functioned. And if they were not familiar with the proceedings, how could they have translated all of this? The interactions during this trial highlight that the government was aware of the challenges and problems of translation, though T.L. Cory in his lacklustre defense did not push the matter. Crown prosecutor Irving Howatt attempted to establish that Alikomiak's pre-trial statement had been taken "by the book" by questioning the first witness, Inspector Wood, about the process of translation:

²⁵ The author of this article had access to the transcripts and "was in close touch with those forming the expedition carrying a Canadian judge to the Arctic to try Eskimos for murder. "World's Queerest Murder Trial" *Toronto Star Weekly*, Saturday 27 October 1923. Page 17 and 20.

²⁶ There is scant information about the other translators. The only information I have about the other translators, Billy Kemikseña and Johnny Tokluk, are their names.

Q. What is this file?

A. Preliminary hearing on [sic] the accused on the charge of murder of Corporal Doak and Otto Binder taken April last.

Q. From this file I am taking a document and would like you to look at it; what is it?

A. Statement of accused. Taken after the witnesses for the prosecution had been heard and the statutory warning read through an interpreter.

Q. Who was the interpreter?

A. Cyril Uingnek.

Q. I notice certain erasures; one on the first page, several others, look at all of them, can you explain them?

A. I took the statement down on a typewriter as the interpreter translated it, and not being good on the typewriter I made mistakes in spelling. I read it over to him through the interpreter and made the corrections before he signed it or made his mark.

Q. All corrections were made before you signed it?

A. Yes

Q. And this is the accused's mark?

A. Yes.

Statement of accused tendered as Exhibit and marked as Exhibit "1"²⁷

Immediately, T.L. Cory objected to the admission of the statement into evidence on the grounds that, "the interpreter had an interest in the case owing to the fact that he has been living with Otto Binder's wife since Binder was killed."²⁸ Furthermore, Binder and Cyril Uingnek were good friends, and had agreed that should anything happen to Binder—Binder was going to be posted east with the HBC and was not taking Toktogan with him—Uingnek would marry her. Within a month after Binder's death, Uingnek married Toktogan.²⁹ Did Uingnek have any lingering animosity towards Alikomiak for killing his friend and did this impact the way he translated for

²⁷ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 3-4, LAC.

²⁸ Ibid. The word wife in the preceding sentence in the trial transcript is circled accompanied by a marginal note notation which states: "Note by Judge Dubuc: This title [wife] is a misnomer. Binder was unmarried. In Inllrcpuli [illegible] the woman, a widow, who kept house for Binder. She nugni [illegible] as well he called her housekeeper. Adin [?? or aclin] accused favored, for all, like interpreter."²⁸ Clearly, the word wife sits very ill at ease.

²⁹ S.T. Wood Reported that Toktogan had a child with Binder and was now married to Cyril Uingnek., date, RG18, vol. 3293, file 1922-HQ-681-G-1, vol. 2, LAC. ; 45 of 124.

the witnesses and accused? Did Uingnek know that his translating would contribute to two men’s executions? Ironically, Cory did not object on the grounds that the interpreter was employed by the RCMP and therefore his loyalty to his employer might overwhelm his impartiality. Nor did Cory object on the basis that it was not possible for the interpreter to fully and accurately convey the meaning of the statutory warning to the accused. A year later in 1924, at Ikalukpiak’s murder trial in Aklavik (held on the deck of the *SS Distributor*), his defence lawyer argued before Judge Dubuc: “The statement given in response to the statutory warning in the *Criminal Code* should be kept out of evidence since the interpreter, no matter how sincerely he might endeavour, could not convey the warning in language comprehensible to the accused.”³⁰

Despite T.L. Cory’s feeble objection to the admission of Alikomiak’s statement, both Barristers were aware of the problems of translation. The judge decisively overruled T.L. Cory’s objection and the trial carried on. Perhaps to further drive the point home that the translation was properly undertaken, Crown prosecutor Howatt questioned Inspector about his faculty in Inuktitut:

Q. Have you any knowledge of the Eskimo language?

A. Just a jargon.

Q. Are you able to, or not, to follow to any extent the interpreter in translating the statement as given by Cyril Uingnek, the interpreter?

A. I could follow the trend of the story and the outstanding facts. I got about three-quarters of it.

Q. What do you say as to interpretation?

A. It was correct as I understood it.³¹

By asking the inspector about his ability to understand Inuktitut, the Crown attempted to verify that the translation was accurate and properly done, and was therefore not biased. Though not all

³⁰ Graham Price, “The King v. Alikomiak,” *Manitoba Law Journal*, 217. Price had access to the Ikalukpiak trial transcript through the Dubuc family. I do not.

³¹ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 5, LAC.

RCMP officers or HBC traders took an interest in learning the language, some did and successfully built bridges with the Inuit in the areas where they patrolled or were employed.³² This was, however, highly individual and clearly not all RCMP members learned the language enough to be able to function without an interpreter. Cory’s cross examination of Inspector Wood picked up on the challenges of translation:

- Q. Your knowledge of the Eskimo language is not great?
A. No.
Q. You have never read any literature?
A. No.
Q. Your hearing powers of the Eskimo language; you would have some difficulty in following it alone?
A. Yes. I could not do it without an interpreter.³³

It is not immediately clear what T.L. Cory was trying to accomplish with these questions, other than attempting to call into question Inspector Wood’s faculty with the language without pushing the point. Because the question was aimed at Wood and not Cyril Uingnek, Cory questioned the translation without calling too much into question Cyril Uingnek’s bias, loyalty, or personal involvement in the case.

When Cyril Uingnek finally took the stand, he was also asked by Crown prosecutor Howatt about his translation work, though more so about the manner in which the statement had been made and understandably from the Crown’s perspective, not about his bias or personal involvement:

- Q. You remember the time Inspector Wood got this document?
A. Yes.
Q. You were the interpreter at the time?
A. Yes.
Q. Between whom were you interpreting?
A. Inspector Wood and Alikomiak.

³² Shelagh Grant, *Arctic Justice*, 221.

³³ *The King v. Alikomiak* [for the murder of Corporal Doak and Otto Binder], RG13, vol 1526, Alikomiak Tatamigana Part 1, page 6, LAC.

Q. Alikomiak made a statement and you interpreted it to Mr. Wood?

A. Yes.

Q. What did Mr. Wood do?

A. He took the statement down on the typewriter.

Q. After he had written it down the document was read back to Alikomiak?

A. Yes.

Q. You were the interpreter?

A. Yes.

Q. How did you interpret the statement between Inspector Wood and Alikomiak?

A. Correct.³⁴

Predictably, Cory did not follow up on this line of questioning and he not cross-examine the witness about translation any further. But he did ask when Uingnek married Toktogan, perhaps in an attempt to subtly discredit the statements that Uingnek had translated. Cyril Uingnek was the interpreter for both Alikomiak's first and third statement regarding the murder of Doak and Binder and he would have observed the change in Alikomiak's evidence. Alikomiak in his first statement taken by Cpl. Bonshor right after the murder of Doak and Binder, said that there was some provocation for him killing Doak. But under later, repeated questioning by Inspector Wood, Alikomiak changed his description of the events. Cory did not call into question the differences between Alikomiak's statements, nor Uingnek's role in translating both of those significantly different statements. Uingnek was not asked about this for obvious reasons. The pressure to perform the task of translation was significant and the process of translation must have been fraught with difficulty. The question and answer format typical of a courtroom exchange between witness and questioner, with its adversarial atmosphere and amplified power dynamics must have been a high pressure environment for the translator.³⁵

Remember how there was some confusion about whether Pugnana and Tatamigana were

³⁴ Ibid.

³⁵ Shelagh Grant states that the trial atmosphere at this time was less adversarial than it is now. See Shelagh Grant, *Arctic Justice*, 167.

cousins or uncles as written in two different statements? Kinship terms would have been challenging to translate; “the lack of exact equivalency runs throughout the kinship system.”³⁶ Some terms, for example “sister” have three equivalents in Inuktitut [the Inuktut dialect spoken in the Eastern part of the Central Arctic] depending on the age of sister in reference to the person in question. Non-verbal responses for yes and no are also very different than those used in Southern Canada or in other Indigenous and non-Indigenous cultures. As Atsainak Akeeshoo explains, “In Inuktitut raising of the eyebrows is the equivalent of nodding of the head [yes] and wrinkling the nose indicated the equivalent of shaking the head [no].”³⁷ These are only an indication of the myriad of challenges facing an interpreter.

On August 11, 1923, “the Judge addressed the prisoner Tatamigana, through the interpreter: “Q. Have you anything to say why the sentence of the court should not be imposed upon you for the crime of the murder of Pugnana, of which you have been found guilty? A. Nothing to say.”³⁸ This pattern of not contesting a charge remains an unfortunate, but all too prevalent feature of many trials of Indigenous peoples in Canada, today. The attitude reflects the idea that, “by saying anything I will make it worse, so I won’t say anything at all.”³⁹ One can only wonder what the Inuinnait thought of the whole process and what Alikomiak and Tatamigana must have thought upon hearing their sentences. According to the written records, neither Alikomiak nor Tatamigana verbally responded when the judge read the sentence, and it remained up to Qablunaat on both sides of the debate to plead for mercy or argue vehemently for

³⁶ Atsainak Akeeshoo, *Legal Interpreting in Canada’s Eastern Arctic*, 37.

³⁷ Ibid., 37. These same challenges with translation even now in the Northwest Territories and Nunavut court system.

³⁸ *The King v. Tatamigana* [for the murder of Pugnana], RG13, vol. 1526, Alikomiak Tatamigana Part 1, LAC, 17.

³⁹ Dorothy Eber, *Images of Justice*, 98. and The linguist I met in Yellowknife explained that she observes this frequently in her work training translators in the Northwest Territories and Nunavut.

their execution.

In October 2015, I visited Yellowknife and Whitehorse, to undertake research at the Yellowknife and Whitehorse archives for my thesis.⁴⁰ As so often happens when one travels, I met by pure coincidence, a linguist who has spent more than 40 years in the territorial Norths training court interpreters for today’s territorial court system. I learned from our conversation that the case of Alikomiak and Tatamigana still resonates today in the north, as it is still used to train translators in the North. She also described some of the challenges that Indigenous peoples still face in Canada’s court system today. This linguist has worked with nearly all of the Indigenous languages of the Northwest Territories and Nunavut and relayed some interesting insights regarding the contemporary challenges of interpreting in these legal contexts.

A few years back, she organized a workshop for judges and lawyers working in the Northwest Territories’ justice system. The work of translation is challenging. Often there are no analogous words and, more challenging still, no analogous cultural concept for certain terms. One of the activities in the workshop was a play that she organized. The linguist took Indigenous language transcriptions that had been translated from court proceedings and translated them back into English. She ran a mock trial with the English translations. According to the linguist, the shock and surprise on the faces of the judges and lawyers was significant. Some could hardly believe the words and concepts that were used to translate the interactions between prosecutors, defence, accused, and witnesses, and the judge. For example, sometimes translators relied on biblical language and referred to the accused as “the one who sinned” or “the one who did wrong.” Some languages, she explained, have neither words nor cultural concepts for words such

⁴⁰ This travel was possible due to a Northern Scientific Training Program Grant.

as “guilt.”⁴¹ If no cultural concept of guilt exists, the challenge of choosing comparable descriptions and explaining the concept correctly becomes even more difficult. This contemporary insight raises questions about the process and inadequacies of translation (not inadequacies of the translators) in these major trials that took place at Herschel Island and elsewhere in the Arctic during the 1920’s.

⁴¹ Judge Sissons and Judge Morrow of the Northwest Territories court in the 1950s, 1960s and 1970s explain that even at that time, there was no Inuinnaqtun or Inuktitut word for guilt. Dorothy Eber, *Images of Justice*, 43. Jack Sissons, *Judge of the Far North* (Toronto: McClelland and Stewart, 1968).

Conclusion

Conclusion: Legacy and Aftermath

The hangings of Alikomiak and Tatamigana were not so much a turning point as they were a reactionary effort to “teach” the Inuit across the Arctic a “lesson” that murder would not be tolerated. The question remains, what is the measure of efficacy of this “lesson”? Grounded as it was in fear, the hangings seemed to have been effective in relation to Inuit killing Qablunaat. There were no other reported or prosecuted murders of Inuit killing Qablunaat in the years following this case. The hangings did not, however, impact Inuit-Inuit killings. There were still quite a number of cases of Inuit killing Inuit in the years after Alikomiak and Tatamigana were hanged, though these actions did not lead to the gallows for any other Inuit.¹ This would suggest that the Inuit continued to follow Inuit justice and law when it pertained to their own communities and problems. Despite all attempts to eradicate traditional justice, Inuinnait culture persisted in the face of the incursion of Canadian law and justice into their lives.

Tatamigana was hanged for his role in killing Pugnana, but not for his role in the original five killings. Chapter 2 examined in depth the killing of Pugnana, the reasons for it, and the community support behind the killing. The trial focused on the fact that killing Pugnana was an intentional and calculated act. Judge Dubuc provided his reasoning about Tatamigana’s sentence: “As to Tatamigana found guilty of the murder of Pugnana, he was the one who premeditated and planned coldly and deliberately, the murder of an Eskimo named Pugnana. I respectfully submit also in this case that the sentence be carried out.”² Despite the death penalty handed out to

¹ Sidney Harring and Shelagh Grant have noted that there were no other prosecuted Inuit-Qablunaat murders in the years after Alikomiak and Tatamigana were hanged, though there was an increase in the number of Inuit-Inuit murders. Sidney Harring, “The Rich Men of the Country,” Ottawa Law Review 21 (1989); 26. Shelagh Grant, *Arctic Justice*, Chapter 9: Aftermath 207-238.

² Report from Judge Dubuc to Secretary of State, Ottawa, “Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana,” September 22, 1923, RG13, vol. 1526, Alikomiak Tatamigana part 1, LAC.

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Tatamigana for his role in killing another Inuinnaq, his case was the first and last of its kind to result in an execution. Why were both Alikomiak and Tatamigana hanged for killing Pugnana? Some historians have proposed that it might have served as an example of “even-handedness on the part of the government,” that was designed “to demonstrate that the law would protect the Inuit in the same fashion as whites.”³ Scholars who have asked this question, however, have not examined the trials of Olepsekak, Amokuk and Ekootuk, the other cases that were tried on Herschel Island in the days following Alikomiak and Tatamigana’s cases.⁴ To better understand why the jury convicted both Alikomiak and Tatamigana for the murder of Pugnana, it is also necessary to examine the results of these other three trials and the official responses to them. Each of the other accused Inuit who were tried on Herschel Island in July 1923, were acquitted or given drastically reduced sentences. Judge Dubuc’s report on the trials neatly summarizes the reason for the lenient verdicts in the three other murder trials:

The Jury in three cases of Murder between the Eskimos themselves, rendered a verdict rather lenient. It was clearly a case of cold-blooded murder, I made my charge accordingly. The facts are: these Eskimo had never been in touch with the Police, and were then a long distance from the Police; a committee of Eskimo had decided that another Eskimo was a “bad man” and should be killed; a special committee of three composed of two men and a woman was appointed to do the killing; they eventually went to the “igloo” of the “bad man”, and there ih [sic] a cool deliberate way, carried out the object of their visit. It must be noted in passing that, when this unfortunate man saw the three of them, he understood in a moment the reason of their visit and calmly told them not to kill him with a knife but to take a cord lying under the bed cover. While the two men held his arms the woman, Ekootuk, did the actual strangling with the rope. – The Jury took the view that they were only following the ancient custom of their tribe and accordingly acquitted the two men; they found however, the woman Ekootuk, an old “medicine woman”, guilty of manslaughter. I sentenced her to one year’s imprisonment at Herschel Island.⁵

³ Ken Coates and William Morrison, “To Make These Tribes Understand,” *Arctic*, 228.

⁴ Ken Coates and William Morrison have asked the question of why Tatamigana was hanged for the killing of Pugnana, however, the same question applies to the hanging of Alikomiak for the killing of Pugnana, “To Make These Tribes Understand,” *Arctic*, 228.

⁵ Report from Judge Dubuc to Secretary of State, Ottawa, “Re: Eskimo Trials at Herschel Island, Alikomiak and Tatamigana,” September 22, 1923, RG13, vol. 1526, Alikomiak Tatamigana part 1, LAC.

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The killing of Ahkak occurred in a similar fashion to the killing of Pugnana: the murder was deliberately planned and had community approval, the killing occurred in an Inuit community by Inuit and involved a number of active participants and the cultural justification was similar. Perhaps the key to the drastically different judicial response to Alikomiak and Tatamigana for the murder of Pugnana, can be found in the first couple of sentences of Judge Dubuc's summary: "These Eskimo had never been in touch with the Police, and were then a long distance from the Police." We know from the police descriptions that both Alikomiak and Tatamigana had traded at the Kent Peninsula HBC Post and therefore already had some contact with Qablunaat.⁶ Given their level of contact in the fur trade and the RCMP having already warned Umingmaktokmiut years earlier not to murder, the government was not keen to extend leniency to Alikomiak and Tatamigana.⁷

Some retellings of the story, suggest that just before Alikomiak was hanged he was rumoured to have said, "The police have always been the enemies of the Inuit."⁸ This phrase is sometimes repeated, to emphasize the clash and the animosity between RCMP and Inuit. HBC Inspector Philip Godsell who spent twenty years with the Hudson's Bay Company in posts all across the Arctic wrote that his friend, one of the men who was a jury member and attended the hangings, relayed in a letter that Alikomiak declared just before he was hanged, that he "knew

⁶ Alikomiak purchased his rifle for 10 foxes from Pete Norberg at the Kent Peninsula trading post. Pugnana also worked for Pete Norberg during the winter of 1920 and he wears a calico snow shirt over his deerskin artigie. Inspector Wood, "Crime Report Re Murder of Eskimos Ikialgagina, Ikpukuwak, Hannak, his wife Pugnana and daughter Okolitana and wounding of Eskimo Anaigviak at Kent Peninsula," 29 August 1921, RG18, vol 3289, file HQ-681-G-1 Tatamigana (Eskimo), LAC.

⁷ This naturally begs the question of how the RCMP communicated this with the Umingmaktokmiut in 1916, or how the message was received.

⁸ Knud Rasmussen, *Intellectual Culture of the Copper Eskimos*, 64.

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the police disliked the Inuit.”⁹ Given the way the RCMP and the HBC traders referred to the Inuit as “huskies” and “cogmollocks,” it is easy to see how Alikomiak would have picked up on such ill feeling.¹⁰ Perhaps the statement is also mistaken. Who, present at the hangings would have understood what Alikomiak said about the RCMP?¹¹ Did Alikomiak say his last words in English or in Inuinnaqtun? There were only five Qablunaat witnesses present at the hangings, and there were no Inuit present, other than the two convicted who were facing their deaths. Inspector Wood suggests that Alikomiak and Tatamigana, “made no statement, was [were] quite composed and gave no trouble whatever.”¹² Regardless of the veracity of the statement, this animosity between the police and the Inuit is often how the trial is remembered today.

This story did not end with the hanging of Alikomiak and Tatamigana. Inuit from all over Coronation Gulf and Kent Peninsula were present at Herschel Island either as witnesses, for their own trials, or for the trials of family members, about 30 in total according to Inspector Wood’s estimate. The witnesses, RCMP constables, and other accused Inuinnait (in the unrelated cases) returned to Tree River during the period of open water in the summer of 1924. From Tree River,

⁹ Philip Godsell, *Arctic Trader*, 295. Godsell’s colleague the fur trader A.A. Carroll was stationed at Herschel Island and was one of the jury men at Alikomiak’s trial.

¹⁰ “Cogmollock” and “Husky” were two epithets used to describe Inuit during the era. Philip Godsell in his books *Arctic Trader* and *On patrol with the Royal North West Mounted Police* uses both terms liberally.

¹¹ The only people present, aside from Alikomiak and Tatamigana were the Hangman Gill, Dr. Philip Doyle medical doctor, Sergeant Thorne, Rev. W.A. Geddes, and Inspector S.T. Wood and possibly Cpl. Pennefather. “Crime Report Re: Alikomiak — Murder of Cpl. W.A. Doak and Otto Binder, 2 February 1924, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC.

¹² Inspector Wood, “Crime Report Re: Alikomiak — Murder of Cpl. W.A. Doak and Otto Binder, 2 February 1924, RG18, vol 3293, file 1922-HQ-681-G-1 Vol 2, LAC. After the hangings, there were still official procedures to follow regarding the examination and disposition of the bodies of Alikomiak and Tatamigana. There are a number of documents pertaining to this process including, “Information to Hold Inquest,” Warrant to Constable to Summon Jury,” “Schedule of Jurymen served,” “Information of Witness,” “Inquisition,” “Certificate of Execution of Judgement of Death,” “Declaration of Sheriff and Others” and “Warrant to bury,” 1 February 1924, RG18, vol 3293, File 1922-HQ-681-G-1 Vol 2, LAC. There were supposed to be six jurymen to examine the bodies of Tatamigana and Alikomiak, but from the record only two, A.A. Carroll and Sergeant Thorne, acted as jury members examining each body. See “Schedule of Jurymen,” 1 February 1924, RG 18 Vol 3293 File 1922-HQ-681-G-1 Vol 2, LAC.

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some families dispersed back to their familiar hunting grounds, taking with them news of their experience on Herschel Island, the trials, and that Alikomiak and Tatamigana had been executed for their “crimes.” Any news from “outside” traveled quickly during the time of the hiku (sea ice in Inuinnaqtun, siku in most other dialects), and “news” of the trials and executions would have reached a far larger segment of the Inuinnait population than the small audience at the executions would suggest. Due to the seasonal pattern of Inuinnait families gathering and dispersing, the nature of social partnerships, as well as trade networks, which connected many Inuinnait, the impact of the hangings must have been significant. Yet the impacts of the dissemination of information have remained largely unexplored and unexplained in academic literature.¹³ The written documentary trail largely runs dry regarding the impact these executions had on the community, except for a couple of published references.

Knud Rasmussen’s official account of the Fifth Thule Expedition, *The Intellectual Culture of the Copper Eskimos* and Philip Godsell’s *Arctic Trader* both refer to a man, who was either Alikomiak or Tatamigana’s father, who had committed suicide following news that his son was executed. In his 1932 publication of the expedition’s results, Knud Rasmussen wrote that the father committed suicide to accompany his son to the eternal hunting grounds:

One of the two men had an old father living on Kent Peninsula: when he got to know that at the command of the white man his son had to undertake the long journey to the eternal hunting grounds, he realised that he must not go up there unless someone was there to receive him. This could only be if he killed himself, but the old man was to learn that human life is a tenacious thing. First he tried to shoot himself in the chest with a rifle. When this failed, he tried to stab a knife into his heart. As this did not cause death either, he cut his throat and then at last was able to fulfill his self-imposed obligation towards his son. It chanced that one winter’s day I stood by the old man’s grave, which was only protected against wild beasts by one or two simple skins and some blocks of snow. A cold north wind swept over the ground; the drifting snow enveloped me; yet I could not help

¹³ Emilie Cameron in *Far off Metal River* explores the diffusion of information in relation to the “murders” of Catholic Priests Father Le Roux and Father Rouviere. Emilie Cameron, *Far Off Metal River Inuit Lands, Settler Stories and the Making of the Contemporary Arctic* (Vancouver: UBC Press, 2015).

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feeling a stream of warmth through my body, and I had to bow in reverence to the destiny that rested in that lonely grave. Somewhere far away a boy had been hanged by strange men; but on this spot an honourable old heathen had taken his part in expiating the crime by giving his life too.¹⁴

How Rasmussen arrived at the conclusion that the old man believed he needed to precede his son or that he was trying to expiate the crime of the son by killing himself, is unclear.

A strikingly similar reference to the “old father” killing himself can be found in Philip Godsell’s 1946 *Arctic Trader: The Account of Twenty Years with the Hudson’s Bay Company*.¹⁵ The meaning Godsell ascribes to the old man’s death, however, is totally different than Rasmussen’s.¹⁶ Godsell suggested in his characteristic Eurocentric style, that it was Alikomiak’s father who committed suicide because he was ashamed of his son’s “crimes”:

In April the northern mail arrived, having been relayed two thousand miles from post to post by dog-team. There was a letter from Carroll of Herschel Island describing the execution of the Eskimo prisoners. Both had gone boldly to their doom, he said, although, he added, Aligoomiak’s last words had been that the Eskimos always knew the Mounted Police disliked them. Some months later the last chapter was written in this strange tragedy. An old Eskimo sat in his snow-house near Kent Peninsula listening quietly to the story of the hanging of Aligoomiak, his son. Finally he left the other natives and moved slowly across the village to an isolated igloo on the outskirts of camp. Next morning the old man was missing and immediately a search was made. From a line attached to a harpoon handle which rested across the top of the snowhouse was hanging the lifeless body of the old father. He had died rather than continue to suffer the disgrace. *

* This information I obtained from Mr. W.H.B. Hoare of the Northwest Territories and Yukon Branch who, at the time, had just completed a survey of the Arctic in order to estimate the numbers of the caribou.¹⁷

Godsell implied that the old father felt disgrace about his son’s actions, though how Godsell

¹⁴ Knud Rasmussen, *Intellectual Culture of the Copper Eskimos*, 64-65.

¹⁵ Philip Godsell first referred to “Aligoomiak’s” story in his 1932 book *They Got their Man: On Patrol with the North West Mounted Police* (Toronto: Ryerson Press, 1932), 182.

¹⁶ Unless these accounts are plagiarized from each other, the similarity is striking.

¹⁷ Philip Godsell, *Arctic Trader: The Account of Twenty Years with the Hudson’s Bay Company*, (Toronto: Macmillan Company of Canada, 1946), 295.

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inferred this from the old man’s death is not clear.¹⁸ He suggested, that the community reaction to Alikomiak’s “crime” was responsible for the old man’s disgrace. Aside from the manner of the suicide, which is quite different in each account, the interpretation of the meaning of the suicide stands in stark contrast between the two authors. One suggests that the suicide was the honourable thing to do and the other suggests it was the result of feeling shame for the “crimes” of the son. As far as I know there has not been any effort to determine the actual or persisting impact of the executions on Inuit communities, yet there must have been a significant one.

From the archival sources, we can only surmise the community’s perspective and perceptions of these events.¹⁹ Community-engaged research would certainly illuminate many aspects of the story, including the complexity of the relationships in the community that led to the violence in the summer camp including the five people killed and one wounded, the death of Pugnana and the reasons for it, and the deaths of Doak and Binder, and the aftermath and impact on the Inuinnait both in their immediate vicinity and across the Arctic. Community-engaged research would challenge the current published accounts of the case, which have been based almost exclusively on the archival record (this thesis included). It would also highlight the events and presence of the RCMP in Qurluqtualuk from the Inuinnait perspective.

Such research would also underscore the importance of the relationship between Inuinnait and the landscape, family relationships, and the importance of ancestors. In the summer of 1924, Alikomiak and Tatamigana were buried in the graveyard at Herschel Island. Today many of the graves on the island are becoming exposed due to the yearly freeze-thaw cycle.

¹⁸ There are many instances throughout *They Got their Man* and *Arctic Trader* where the information Godsell gives about “Aligoomiak” is either totally inaccurate or conflated to make for a rollicking Eurocentric story.

¹⁹ Shelagh Grant’s *Arctic Justice* gives significant insight into how differently the presence of the RCMP was perceived by Pond Inlet community members in contrast to the RCMP’s perception of their presence in Pond Inlet. See for example Shelagh Grant, *Arctic Justice*, 102 and 182.

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Owing to more than 90 years of weathering the harsh Arctic weather, the writing on the crosses of the graves is no longer visible and it is no longer possible to know where in the Qikiqtaruk graveyard Alikomiak and Tatamigana are interred.²⁰ But they, and other Inuit men and women who directly experienced the impacts of the imposition of Western law and justice in the Arctic in the early twentieth century, are surely remembered in their communities in ways that are not discernable in the archival record. Alikomiak and Tatamigana were more than the first and last Inuit to hang as part of the expansion of the colonial state. They were also two young Inuit men who resisted the state through practising and asserting their traditional Inuit laws and justice.

²⁰ Brent Riley Historic Sites and Restoration Planner. Government of Yukon Tourism and Culture, Cultural Services Branch, explained this to me. He spends every summer on the Island, ensuring the buildings are fit to weather the coming seasons.

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