

ERNEST CASHEL

by

Abraham Clark Bury

At the time of the Cashel case I was a constable in the North-West Mounted Police, Regimental No. 4098, stationed at Calgary. I was on duty at the barracks from about December 13th, 1903, until after the execution of Cashel.

On December 10th, 1903, I was in Regina with ten other recruits and about 10 p.m. we were informed of Cashel's escape from the Calgary guard room. We were each ordered to pack our kits and be ready to take the C.P.R., west bound from Regina as reinforcements for the Calgary Division. We reached Calgary about 2 a.m. on December 13th and were met on the arrival of the train and escorted to barracks by a senior non-commissioned officer. We were informed at once that the whole Command was confined to barracks until after the execution of Cashel, unless detailed for special duty in connection with the arrest of Cashel.

Upon our arrival, night sentries were immediately posted in the front and back of the guard room, where John Cashel, a brother of Ernest was in custody, and by day one sentry only. The length of time was for twenty four hours to serve as sentry, two hours on and four off and, excepting on occasions between shifts when one would be assigned to make a special investigation, every constable had to take his turn at sentry. That line of duty had to be taken care of first.

When I entered the guard room first time, I found that the three constables who were on duty when Cashel escaped were held under close arrest in the guard room pending investigation. Their names were Piper, Leslie and Phillips, Piper being the senior man. At meal time they would be escorted by a comrade to the mess and they would carry their meals to the guard room where they would eat. It was ironical that at this time, recommendation for Piper's promotion to Corporal was on its way to the Commissioner, but of course, in view of what happened the promotion was not made.

I have just read an article on Cashel written by Constable T.E.G. Shaw, of the editorial staff of the R.C.M.P. Quarterly. (see R.C.M.P. Quarterly, July 1959, and Alberta Historical Review, Winter 1960.), stationed in Ottawa. He had within his reach authentic information which I have no quarrel with so I would suggest Constable Shaw's report should be read first, followed by this article of mine.

I learned from older hands, upon arrival, that when the two night guards went down to the guard room at 6:30 p.m. guard mounting, they found the door at the entry to the guard room unlocked, and Piper, Leslie and Phillips were locked in the cell which Cashel had vacated. They at once set off the electric alarm in the barracks. Armed constables were immediately posted on all bridges close to town and instructed to challenge all persons crossing and solicit information they could extract from all civilians. A police officer was despatched down on 9th Avenue West and the first person he ran into was John Cashel who was arrested and escorted to the guard room to occupy what had been his brother's cell. He was in possession of two revolvers, ammunition, and footwear as indicated in Constable Shaw's article. Passenger trains were closely watched, both arriving and departing.

The first night I was free from sentry duty, I was detailed to accompany Constable Nicholson, an older policeman, to search all trains leaving Calgary that night and on other occasions subsequent, but we never found a trace of Cashel.

As reinforcements we joined other N.W.M.P. from other divisions as follows:

From "G" Division, Fort Saskatchewan. Corporal McLeod, who was well acquainted with Cashel, because of the committal of the latter of other offences within the limits of his detachment "Lacombe".

From "A" Division, Maple Creek, Saskatchewan. Constable Hanley and Constable Clifford.

From "B" Division, Dawson, Staff Sergt. DesBarres who took charge of the guard room immediately after the escape of Cashel.

From Depot Division Regina. Inspector Knight, Corporal Grimdale, 2
Corporal Charlie James and Constable Biggs.

Both foot and mounted patrols were made day and night and all reports of Cashel having been seen were thoroughly investigated and reports made to the O.C., Colonel G.E. Sanders. N.C.O's and constables returning or leaving barracks after the sounding of the last post were to report to the officer in charge of the guard.

As the post was that short of men special constables wearing civilian clothes had to be hired to make the hourly rounds of the stables and the furnace in the basement of the barracks. The sentry challenged every person, either policemen approaching or leaving the guardroom whether he appeared to be in civilian clothes or in police uniform. The sentry would smartly and vigorously challenge the approaching person as follows:

"Halt, who goes there?"

The person approaching would usually answer:

"Friend."

The sentry, if he did not identify the person approaching, would bring his Winchester carbine to the ready position in readiness to get a cartridge in the breach, and hold the person at the halt position until he was satisfied as to his identity as a police officer known to him. If he was not known he would hold him and call out the officer in charge of the guard, at the same time covering the person approaching at the halt position until the person was identified. Then the sentry would say: "Pass friend, all is well" and return to his beat.

On one very cold moonlight night, below zero, between midnight and 2 a.m. the sentry observed a fellow policeman approaching and yelled out the challenge very loudly. This alarmed the approaching friend, who almost fell in his tracks. Noting the sentry's approach and the rifle at the ready the answer nervously came: "Friend". The sentry then said: "Advance friend and produce the bottle."

One night while Cashel was at large, the Pantages Theatre on the north side of the block between Centre and First Street West, caught fire, and the crowd attending the fire became unmanageable. At this time there were only four city policemen, and the Officer Commanding was compelled to relax the order of all policemen being confined to barracks. What men were off duty in the barracks were ordered under a non-commissioned officer to take control of the traffic on Stephen Avenue, now 8th Avenue, and I was one of the policemen detailed. As soon as the traffic and the fire was under control, we were immediately assembled and marched back to the barracks under a non-commissioned officer. I believe the officer was Corporal Robert McLeod of the Lacombe detachment.

All the while Cashel was at large, Calgary was in turmoil, and civilians, particularly women, felt insecure. Some went away for a holiday, and the Calgary Herald and the Albertan both were very critical of the police force in general. At this time the Calgary Eye Opener was in circulation and Bob Edwards in his organ defended the negligence alleged by both the Herald and the Albertan, and it seemed from the point of view of the police that Bob Edwards was the only friend the policemen had.

Colonel Sanders was offered any assistance within reason from the officers of the Militia regiment. The 15th Light Horse and he planned a systematic search of the area where Cashel was the busiest and apparently getting bolder. The Officer Commanding accepted the help and as I was a constable who was selected as one of the policemen to search as was also Constable Mundy, now a retired Assistant Commissioner residing at Esquimalt, so I am able to tell the story in detail first hand.

The plan of the Officer Commanding was to search every possible place where a person could hide in the triangular area between Calgary, Aidrie and Shepard. The round up with about forty men all told was divided into three parties, all mounted and armed. With each of these parties was to go a justice of the peace. These were Inspector Knight, Inspector Duffus, Mr. Wolley Dodd, a rancher, and Officer Commanding the 15th Light Horse. He was also the chairman of the jury that brought in a verdict of guilty of the murder of Rufus Belt by Ernest Cashel.

In the search an enquiry was made of the occupants of farms, ranches, or homes and if they had any objection to them making a search, a warrant could immediately be sworn out by the justice of the peace.

3

The three respective parties were in charge of the following officers: Inspector Knight, Inspector Duffus and Sergt. Major T.S. Belcher.

The longer Cashel remained at large the more the residents of the Calgary area got worked up. Many houses in the city were searched which proved abortive. Very few residents left their doors unlocked. Some citizens made demands on the police to search the house of Paddy Nolan as he defended him at the trial. Rumour had it that Mr. Nolan went to Ottawa to interview the Minister of Justice, Sir Alan Aylesworth. He was said to have been given a very good hearing by Sir Alan, and exhausted himself in his appeal to have Ernest Cashel's sentence commuted to life imprisonment. At the close of it, the following conversation took place between the two: "Well, Mr. Nolan," said Sir Alan as he opened his desk drawer, "for the present at any rate, you do not have to worry and pulling out a telegram addressed to Sir Alan read to him: "Ernest Cashel under sentence of death for murdering Rufus Belt, escaped from the Calgary guard room last night." Mr. Nolan replied in his habitual Irish brogue in a masterful, respectful and delightful manner thanking Sir Alan for the time the Minister of Justice had spent listening to his appeal.

Under each of the respective officers, the N.W.M.P. were split into parties consisting of at least two N.W.M.P. to do the actual searching and take the obvious risks if Cashel was confronted. Three militia men or other volunteers were spread out not more than 120 yards away from the places being searched by the N.W.M.P. Each held their own rifles and horses and the horses of the police while making the search. The object was to prevent any persons from escaping during the search. By the time Mr. Nolan got back to Calgary, at least one week, the round up had been made and Ernest Cashel had been recaptured on Pitman's Ranch.

I was in the party which was commanded by Inspector Knight and in a sub-party making a search of what appeared to be a homesteader's place some distance from the Pitman place. Our searching party consisting of Corporal Bob McLeod and myself, the only N.W.M.P. making the search, and three militia men. Among the latter was the notorious real estate agent, Freddy Lowes and two others whose names I have forgotten.

The corporal and I looked through the windows of the house and the corporal said: "Bury, he's here. He is lying asleep in bed. I am sure it is him." I took a look but, unlike the corporal, I had never seen him before. I unbuttoned the flap of my holster, checked my revolver and left the flap open. The corporal led the way on tip toe through the kitchen door and into the bedroom. As he reached the foot of the bed where a young man appeared to be asleep, the corporal leaped and grabbed him by the throat, but immediately the late sleeper opened his eyes, the corporal was satisfied he was not Ernest Cashel. I cannot explain what he looked like; one would have to imagine being confronted with two policemen "armed to the teeth" and so rudely awakened. He turned out to be a young man named Hatfield. It was very soon after this incident, a few miles away, we were advised that Ernest Cashel had been recaptured, and on return we saw and overtook Hatfield riding on his horse. I remember on this occasion he looked very sheepish. I have never seen him or heard of him since.

Policemen who took part in the discovery and capture of Cashel were under Inspector Duffus's command, and consisted of Biggs, Peters, and Stark. The latter's father was reputed to be a senior officer on the Montreal Police Force. At the time the following I found to be the facts:

Upon approaching Pitman's Ranch, about seven miles north-east of Calgary, the three policemen with a party of volunteers mounted and well armed, noticed two young men at the barn. These turned out to be newly-arrived Englishmen, and enquiries were made particularly with reference to strangers being seen around the ranch. Constable Peters, (one of the trio who captured the notorious Bill Miner Gang, about one year later in B.C.), while interviewing these young men at the barn, noticed a person leave a nearby haystack and go into the living quarters of the ranch. The answers given by these lads were that there were no strangers around. Upon seeing this man enter the shack, Peters suspicions were aroused. "Who then was the man who just went into the house?" he asked.

The lads denied all knowledge of the man. Peters and the other Policemen went over to the haystack, and found evidence of a visitor, such as clothes and necessities of life, in a hole under the haystack. The Policemen immediately determined their course of action. Detective Biggs and Constable Stark went directly to the shack and diligently searched but found no one. Biggs then started down the cellar but was met by a volley

of bullets from below. Constable Peters at once sent for Inspector Ruffus, and in the meantime Stark and Biggs exchanged revolver shots with the culprit at the bottom of the cellar steps. Upon Inspector Duffus' arrival another conference of Police was held and it was considered folly for any person to proceed down the cellar. The ranch was by then surrounded by volunteers, while the Policemen kept the house under close surveillance in case Cashel decided to shoot his way out of the cellar. He was known to be well armed, having taken along Constable Piper's sidearms.

Through a cellar window, the Inspector was able to get into conversation with Cashel, and tried to coax him to surrender, but his efforts were of no avail. The Inspector then ordered a quantity of hay from the haystack be placed in close proximity around the shack. This action was visible to the trapped fugitive.

Cashel's surrender came as a Policeman with a lighted match approached to light the hay near the window. Cashel called out to the Inspector that he would give himself up and surrender all arms and ammunition. He was at once taken into custody and escorted back to the guard room to the same cell which he formerly occupied. Ernest, his brother was moved into a less conspicuous cell to await his sentence, and the subsequent journey to prison for the part he had played in the escape.

News of Cashel's capture quickly reached the city and by the time the party arrived, the route to the guard room on 9th Avenue was lined with people. The Party I was assigned to did not get back to barracks until about 3:30 p.m.

Until the execution, there were many rumours, the most prevalent was that his friends and relatives from the Hole in the Wall gang in Wyoming were planning to attempt to release the two brothers by armed force. Precautions were taken but no attempt was ever made.

The trial of John Cashel for aiding and assisting his brother to escape ended on the Friday before the capture, and he was remanded to Monday for sentence. So far as John was concerned, the recapture of Ernest on the Sunday would likely mean he would be more leniently dealt with.

On the Monday, under a very heavy armed escort of which I was a member, Ernest Cashel was brought up before the Hon. Arthur L. Sifton, Chief Justice of the N.W. Territories. He had presided at the trial of Ernest when he was tried for the murder of Isaac Rufus Belt. Ernest was given a postponement of execution until the 2nd February, 1904. The execution was to have taken place on the 15th of December, 1903. John, for aiding and assisting his brother to escape was sentenced only to twelve months hard labour in Regina common jail.

The moment Ernest entered the guard room after his recapture, a death watch of three had to be detailed, two hours on and four off. A constable sat in the cell with the condemned man unarmed, not only to secure his custody, but also to see that he did not harm himself.

On the Monday following and until the execution was to take place on February 2nd, 1904, at 10 a.m. a twenty-four hour guard of nine men paraded for duty. Of the nine men, three were detailed for death watch and this was carried out by the duty constables in turn. I remember doing at least one term of duty as death watch.

Upon entering his cell, he immediately exclaimed in a friendly manner: "Oh, I know you." I replied: "You are mistaken, I was a recruit in Regina when you escaped." But, he then said that he had seen me out at Jack Hays's Ranch. At about 15 minutes to 12 noon he saw me ride up to the barn and recognized the horse I rode as a police horse, by the high low shoes, the saddle, and other mounted police equipment. He saw me walk over to the house from the stable and before having lunch, washing my hands in the basin and drying them on a roller towel behind the kitchen door. All the time that I was sitting at the table he covered me with a revolver. Needless to say I had already received a negative answer at the ranch to the stock question: "Have you had any strangers around here?" I immediately denied the accusation but it was nevertheless probably true as I was there under those circumstances. He also told me that he had spent the first night he got out of the guard room hiding among the grave stones in the cemetery off the Macleod Trail. He further told me that on the night of the fire at the Pantages Theatre, he watched the fire while sitting on the north hill west of Bishop Pinkham's house. I have no doubt that other constables heard similar stories from Cashel.

is expected, an investigation was conducted by Commissioner A. Bowen Perry to ascertain how Ernest Cashel managed to escape from the guard room. It lasted several days and in explanation a map is attached showing the guard room at the time of the escape. (5)

Usually the night guard, consisting of two constables, paraded at 6:30 p.m. and was inspected by the sergt. major. Upon the order to load arms the constables would load their side arms and when loaded the two constables would march together from in front of the orderly room to the guard room to take over the prisoners from the provost. The prisoners were then counted by the senior constable of the guard, who was in charge.

When Cashel escaped, the night guard upon reaching the guard room found the provost, Constable Piper, with Phillips and Leslie, locked in the exhibition cell which is shown on the map attached.

A summary of the facts obtained from the policemen, from what I heard and saw myself and what was revealed in the investigation conducted by the Commissioner, would appear to be as follows. First, the standing orders of the officer commanding in regard to searching cells and prisoners before handing the guard over to the incoming night guard, stated that fifteen minutes before guard mounting, which was about 6:15 p.m. the prisoners and their cells must be diligently searched by the provost, unarmed. The prisoners would wait outside the cell door and be searched before he entered his cell for the night.

All the other prisoners in the guard room had been searched that night and returned to their cells. Cashel's cell had also been searched. There were only three policemen in the guard room. The death watch had no arms according to standing orders and the remaining policemen, Leslie, was armed. Piper and Phillips were both in the cell. Leslie, who was armed, was on the other side of the grating ready to pull the lever which would lock all the cell doors in the south corridor, including Cashel's. When the search of Cashel's cell was completed, the open grating was attached to the southwest corner of Cashel's cell adjacent to where the lever operated to close the cells. (As near as possible the respective persons were in the positions marked on the map.) When Piper and Phillips made a move to leave the cell Cashel drew a revolver, and order them to remain in the cell. He commanded Leslie to proceed from the control of the lever and come round through the unlocked door of the grating (consisting of cage wiring which was erected between the prisoners mess room on the south and the office on the north) and join his comrades in the cell. Leslie — under threat of being shot, obeyed, and at once reached a point within the direct line of fire of both Piper and Phillips. Cashel took both Piper's and Leslie's .45's and operated the lever to lock the cells. He took the keys to his leg irons which were hanging on the wall directly opposite Cashel's cell where they had been constantly under his observation whilst incarcerated in that cell. He was able to leave by the outside door which accounted for the door being found open when the night guard discovered their comrades locked up in the exhibition cell.

It is obvious that Cashel had the drop on all the policemen and had an open passage. When the policemen were confronted with the revolver, Piper as a last attempt to prevent the escape and to delay, as the new guard was due in a very few minutes, put his foot in the door. Cashel told the trio that he would have to shoot Piper as he had nothing to lose. The punishment he was then escaping from would not be any greater if Piper did not immediately take his foot out of the door. Cashel then walked out. The relief guard within a very few minutes walked in and found that Cashel had gone.

As intimated, he missed meeting his brother John. It is very likely that outside the big gate, open spaces looked too good to him and he no doubt immediately crossed the road and went over the C.P.R. tracks, ultimately reaching the cemetery.

Rev. Kirby of the United Church as his spiritual advisor visited him at least twice a week. The guard duties because of heavy duties and the necessity for escorts became very strenuous. The order for all ranks being confined to barracks was rigidly observed and enforced. Before the date of execution, John Cashel was under police escort and conveyed to Regina to serve his sentence. Guard and death watch duties were carried out and the executioner requisitioned for, and in due time Radcliff arrived. It so happened that I was the one who mounted the 24 hour guard at 10 p.m. the day before the date set for the execution and my turn for No. 1 sentry came between 12 midnight and 2 a.m. of the morning set. During that period I was surprised to observe a civilian approaching me from inside the barracks precincts. He seemed to have a revolver so I at once challenged him in a loud manner, but he continued

to advance. I immediately came to the ready position with my Winchester carbine and at the same time ejected a cartridge into the chamber when from behind trees jumped Cpl. James and Cpl. Grimsdale. James yelled, "Don't shoot Bury. It's Radcliff the hangman". At that moment I suffered the worst scare I ever had in my life and I really experienced my hair standing straight up with my fur cap being raised by the hair of my head. After this he continued to hold my concentrated attention and offered me cartridges to remind me of him. I had to prevail upon Cpl. James to take him away as such action by him was distracting my attention when all of it was needed to secure the custody of Ernest Cashel.

My turn for two hours of sentry duty on No. 1 sentry in front of the guard room came again at 6 a.m. and the execution was to take place before 8 a.m. I was later advised by Staff Sergt. Des Barres, the provost, that the sentence of the court had been carried out at 8 a.m. and he relieved me from further sentry duty. I was the last policeman to do sentry duty at the N.W.M.P. barracks in Calgary. The old sentry box will be remembered by the old residents living east of the Elbow River.

Following the execution there was an aftermath. This man Radcliff retained the rope he used to do his work and he is reputed to have cut it up and sold pieces of it for 25 cents each. When such conduct was brought to the attention of the Officer Commanding, a sergeant was sent down to the city to see that he was put on the train going east to Toronto from whence he came in order to save him from harm as some men were getting together to mob him.

The unfortunate policemen, Piper, Phillips and Leslie all Britons, were all given imprisonment by the Commissioner, A.B. Perry following his investigation and he handed out punishment as follows:

Constable Piper - one year
Constable Leslie - six months
Constable Phillips - six months

to be served in the guard room of the N.W.M.P. at Regina, Saskatchewan.

Leslie and Phillips with credits for good conduct did their full time. It was circulated at the time that Leslie immediately returned home to Scotland and Phillips immediately went to Hollywood where he became interested in the moving picture industry. He would not have much difficulty in improving himself financially as the pay of a constable at that time was only 50 cents a day for the first year and if their conduct was good it was increased 5 cents a day for four years.

Very soon after Leslie and Phillips were discharged, Lord Minto, the Governor-General, came west and among other things he performed the duty of opening the gates just east of the railway bridge crossing the Bow River to feed the irrigation ditches with water from the Bow River. I was the of the escort having ridden in from my detachment at Olds and returned the following day as did other men who took part. I particularly remember Harold Mansfield.

On the Governor-General's visit west he called at Regina and after some enquiries directed that Piper be released.

Piper was very well known socially, a talented musician and ardent member of the Anglican Cathedral. Immediately upon his release he returned to Calgary where his old comrades rallied around him and showered those acts of friendship as would be most comforting to him. His many friends and members of his church and others did likewise.

Very soon afterwards he became the organist at the Cathedral and he was given a place in the society he had earned before this unfortunate experience. He retained the social standing he acquired and when the First War broke out, he left Calgary as a Captain with one of the Calgary regiments to defend his homeland.

John Cashel was never heard from again.

A.C.BURY, Q.C.

19

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GLENBOW FOUNDATION
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Phone AMherst 9-6941

1202-6th St.S.W.,
CALGARY, ALBERTA

May 24, 1960.

Mr. A. C. Bury,
118 Scott Block,
RED DEER, Alta.

Dear Mr. Bury,

I am at present conducting a research project for the Glenbow Foundation on the contribution of the Mounted Police to the history of the prairies. Mr. Neil Nicholson said that you might be able to help me.

The project involves the collection of reminiscences, documents and pictures of the early days. The library in which this material is kept serves students of Canadian history, and it is hoped that the stories of those who were there will help to keep the stories straight.

I understand that you were in on the Cashell case, and I would be most interested in hearing your account of it, and other reminiscences of the early days. I will be passing through Red Deer on Friday, June 3rd, and would like to drop in to see you then. Please inform me if this is not convenient for you.

Sincerely yours,

Ian Steele

Ian Steele,
Researcher.

GLENBOW FOUNDATION
A Charitable Foundation

Phone AMherst 9-6941

CALGARY, ALBERTA

November 24, 1960.

Mr. A. C. Bury,
5616 - 47a Avenue,
Red Deer, Alberta.

Dear Mr. Bury:

Thank you for your letter of November 21st in which you enclosed your notorized article on the Cashell case. We feel confident that this is a most authentic and useful first hand report and will be of considerable historical significance. We appreciate your interest in seeing that the facts are preserved.

Sincerely,

H. A. Dempsey

Hugh A. Dempsey,
Archivist

Red Deer and District Archives

HAD:vhd

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