

NEW BRUNSWICK

GEORGE THE FIFTH by the Grace of GOD,
of the United Kingdom of Great Britain
and Ireland, and of the British Domin-
ions beyond the Seas, KING, Defender
of the Faith, Emperor of India.

To our trusty and well-beloved J: Bacon
Dickson of the City of Fredericton, in
the County of York, in the Province of
New Brunswick, Barrister-at-Law.

WHEREAS, THE HONOURABLE THE ATTORNEY GENERAL HAVING
REPORTED FOR THE INFORMATION OF THE COMMITTEE OF THE EXECUTIVE-
COUNCIL:

That one Benny Swim was indicted by a Grand Jury of
the County of Carleton for that he did, at Benton Ridge, in
the said County, murder Olive Trenholm and Harvey Trenholm;

That the said Benny Swim was tried on said indictment
at a Circuit Court, duly held in the said County and was found
guilty of the said crime by a jury of the said County and was sen-
tenced to death and to be hanged on the 15th., day of July, A. D.
1922;

That afterwards it was alleged that the said Benny
Swim had since his sentence developed apparent insanity and a
report on his condition was under consideration at Ottawa by
the Minister of Justice, who was of the opinion that it was
necessary to delay the execution in order to ascertain more

definitely whether the prisoner's mentality was permanently impaired and his Honour, the Honourable Harrison A. McKeown, Chief Justice of the King's Bench Division of the Supreme Court of New Brunswick on application by the Attorney General, did by order dated the Fifth day of July A. D. 1922 extend the time for the execution of the said sentence so passed upon the said Benny Swim by the said Chief Justice, and the said Benny Swim was reprieved until the Fifteenth day of September, A. D. 1922, and the sentence was postponed until the Fifteenth day of September, A. D. 1922.

That afterwards the time for execution of the sentence aforesaid was further extended and the said Benny Swim further reprieved until Friday the 6th., day of October, A. D. 1922.

That on Friday the 6th., day of October in the year of our Lord one thousand nine hundred and twenty-two the said Benny Swim went to the gallows having first made a confession of his guilt;

That the story of the hanging as given by Deputy Sheriff H. V. Mooers to a Telegraph Reporter, was as follows:-

"Benny Swim was brought out of his cell at 5 o'clock, supported by Hangmen Doyle and Gill, and led to the scaffold.

During this time the doomed man kept praying continuously.

The black cap was placed over his head and the noose adjusted. When this had been completed Doyle sprung the trap and immediately went down and opened the door. He asked the doctors present to go in and examine Swim. Dr. Griffin, the official jail doctor; Dr. Grant

McIntosh, and a visiting doctor named Mappleback, all entered along with the sheriff, deputy and other officials. Dr. Grant took the Stethoscope and started to examine Swim's heart, while Dr. Griffin and Dr. McIntosh felt his pulse. I did not hear what they were saying, but I took for granted that they pronounced him dead. Gill, I think, cut the rope. Swim was then carried into the jail and placed on a bed.

"They were just about to bring in the jury when the doctors noticed that he was breathing. All gathered around him and evidently concluded that he would live for only a few minutes, but instead of that his pulse was evidently getting stronger. They must have waited nearly an hour and then evidently concluded the hanging would have to be done over again. In the meanwhile Doyle had retired to his room in the jail building. When it was decided to take Swim back to the scaffold, Doyle was not disturbed, as he was not in a fit condition. He had been drinking heavily and was apparently too drunk to realize what he was doing. Gill performed the second hanging and made a good job of it. The body was not cut down for nineteen minutes. At that time Swim was dead and the body was carried into the jail and the jury summoned. The body was then passed over to Jessir Foster, an Uncle of the deceased."

That in the opinion of the said Attorney General it is a matter which calls for the fullest investigation in order that the innocent may be freed from blame which might otherwise attach to them because of their connection with the affair and that the blame may be fixed where it properly belongs.

And, on the recommendation of the Attorney General an Order-in-Council was passed directing that a commission do issue under the Great Seal to one or more persons to hold an investigation or inquiry into the matter of the execution of the death sentence and the official conduct of those taking part therein and the hanging of the said Benny Swim, under the provisions of Chapter 12 of the Consolidated Statutes of New Brunswick, 1903, "Respecting Investigations by Commission, and Departmental Inquiries."

NOW KNOW YE, THAT WE, reposing especial trust and confidence in the loyalty, zeal and integrity of you the said J. Bacon Dickson, have assigned, constituted and appointed, and by these PRESENTS do assign, constitute and appoint you, the said J. Bacon Dickson, to be a commissioner under Chapter 12, of the Consolidated Statutes of New Brunswick, 1903, respecting investigations by Commission, and Departmental Inquiries; and you are hereby authorized and required to proceed and inquire into all matters connected with said inquiry.

And upon such inquiry to summon witnesses and compel their attendance, and to administer to such witnesses or any or all of them, the oaths prescribed by the said Act, and to take evidence under oath and to require the production of books and papers necessary for the purpose of such investigation, and generally, to have and enjoy the powers and authority which lawfully may

be held or enjoyed by Commissioners appointed under the provisions of the said Act.

IN TESTIMONY WHEREOF, we have caused these our LETTERS to be made PATENT, and the GREAT SEAL OF NEW BRUNSWICK TO BE HEREUNTO AFFIXED.

WITNESS, OUR TRUSTY AND WELL-beloved The Honourable William Pugsley, D.C.L., LL.D., K.C., P.C., Lieutenant-Governor of our Province of New Brunswick, at our City of Fredericton, this Eleventh day of October in the year of our Lord, one thousand nine hundred and twenty-two, and in the Thirteenth year of Our Reign.

BY COMMAND OF THE LIEUTENANT-GOVERNOR.