

The Showman's Shot: The Trial of Dr. James Whitecloud

On a winter's night in Copper Cliff, with the snow packed tight along the darkened streets and the lamps of Finland Hall casting their dim glow upon the frost, a single rifle crack rang out. It was sharp, startling, a sound that split the silence of the town like glass under strain. That shot would carry one man to the dock of the Assizes—his future in peril—and a boy, scarcely into his teens, to an early grave.

Four months later, on April 4, 1910, the Spring Assizes opened in Sudbury. The courtroom swelled with interest. Mr. Justice Magee presided, Crown Prosecutor Mr. Angus McMurchy, K.C., of Toronto, sat stern at his table, and for the defence stood Mr. James A. Mulligan, his expression already weathered by the fight ahead. All eyes, however, were fixed upon the most anticipated case on the docket: that of Dr. James Whitecloud.

An Indigenous patent medicine doctor, Whitecloud was no stranger to Ontario. His name was whispered from town to town: healer, showman, trick marksman. His travelling exhibitions were bright with colour, his remedies curious and bold, his rifle tricks breathtaking. Yet now, all of that faded. He was no longer the showman. He was the accused. Before him lay the charge of murdering 14-year-old Willie Swede of Copper Cliff.

The charge rose from that tragic night of December 1, 1909. Whitecloud had been performing at Finland Hall, owned by the "Young People's Society of Copper Cliff" and located at 353 Temperance Street. His medicine show, with its air of spectacle, drew a crowd indoors. But outside, the restless laughter of local boys rang out—taunting, mischievous, relentless. They rattled the peace with their noise, disrupting the proceedings inside.

Whitecloud, at first patient, grew weary of their antics. He stepped outside once, holding only an empty bottle, and the boys scattered. Later he stepped out again, this time with a rifle in hand. In his mind it was harmless, for he believed it loaded with nothing more than a wax bullet.

What followed remains clouded. Accounts differ in detail, but the essential truth is shared by all: as the boys turned to flee, a shot rang out. Young Willie Swede, standing thirty feet away, cried out, stricken. The bullet struck his right hip, tore a hidden passage through his body, perforated his intestines in a dozen cruel places, and lodged in the opposite hip bone.

Dr. Morrison of Copper Cliff came quickly to the boy's side, administering stimulants and what small comfort he could. By morning Willie seemed brighter; hope flickered. But by afternoon, his condition worsened. By evening, hope was gone.

The autopsy by Dr. McAulay and Dr. Bennett of Creighton Mine told the grim story plainly. It confirmed death by inflammation and blood loss caused by intestinal wounds. They found a small wound on the right hip and discovered that the bullet's merciless path through flesh and bone had passed through the sacrosciatic notch of the innominate bone and had perforated the intestines in ten or twelve places. The bullet had lodged on the opposite hip bone. No other organ in the body was in a state of disrepair.

The bullet, displayed before the court, was damning in its simplicity. Dr. McAuley pointed out, with clinical coolness, that had the bullet struck half an inch either way the results would have not been fatal as it would have met with solid bone, which the calibre of bullet used could not have penetrated.

Unfortunately, the bullet found the notch in the bone which submits the passage of the greater part of the nerves and a considerable part of the arterial supply to the limb. By luck—or by cruel chance—no large artery was destroyed, but enough of the smaller vessels were torn to doom the boy. And, with a touch of regret, Dr. McAuley allowed that an operation might—might—have saved him.

A diagram of Finland Hall was placed before the jury, showing the lighting above the door and in the lobby, and the positions of the participants on the night in question. Witness testimony painted a picture of both an unfortunate accident and a careless handling of firearms.

Constable Herbert Vick, steady in his testimony, recalled Whitecloud's confession that night. He had fired only to scare the lads, he said, and when he saw the boy struck, his grief was real and immediate. The rifle, later secured from the hall, was found with an empty shell. In Whitecloud's pocket was discovered a wax cartridge.

On the night of the tragedy the late Dr. Daniels, a partner of Dr. Whitecloud's, came to his house between ten and eleven o'clock to telephone to Dr. Morrison. Vick accompanied him back to the Swede household and found Whitecloud there with the boy.

The accused had told Vick that he had just been trying to scare the boys away, that it was only a wax bullet that was in his gun.

When Dr. Morrison came in Whitecloud told him that it was a wax bullet.

Magistrate Stoddart of Copper Cliff noted that Whitecloud had originally been charged with unlawful wounding and grievous bodily harm, to which he pled guilty, but the charge escalated following Willie's death. Remarkably, Alexander Swede, the boy's father, testified that he held no ill will against Whitecloud.

Eye-witness accounts varied, each adding their strand to the tangled skein. Eleven-year-old George Kampie told the jury that the boys were across the street when the shot was fired. The boys, himself included, had been making a noise outside the hall. Whitecloud had first come out with a bottle raised in his hand, and they all ran away. Some eight or nine of them returned and continued the racket. Whitecloud came out again, this time with a gun, and they all turned and ran. The gun was not pointed at anyone, Kampie insisted. The report came sudden, and then the cry.

Lawrence Swede, Willie's brother, spoke too. They had been on their way home from their aunt's house at 10pm. He believed his brother had not heard Whitecloud approach with the gun. Willie had not run. He had stood where he was.

The prosecution, guided by McMurchy, argued that while there may have been no intent to kill, the act showed dangerous recklessness. McMurchy, once a lacrosse rival of Whitecloud's in Toronto, now stood as his adversary in deadlier sport. His words struck the jury like hammer blows: he acknowledged the deep tragedy of the boy's death due to a dangerous folly but urged them to weigh the facts carefully.

Major Smith of Sudbury offered expert evidence on the rifle itself. At a hundred feet, it could kill. At thirty-two—the distance here—it could kill without question. Worse, he admitted, there was a chance—a slim one in ten—that if the rifle were clogged and the lever snapped shut, it could discharge by accident. Knowing its nature, he said grimly, he would not stand before it.

The defence, delivered by Mulligan, addressing the jury for a little over an hour, in a vigorous appeal, leaned on the accidental nature of the shooting, emphasizing the likelihood of mechanical misfire and the confusion between wax and lead bullets. His words carried the weight of one man's liberty.

Then Whitecloud himself stood. A widower, father of two, his life already marked by hardship. He told the court he had never drunk liquor, never strayed into crime. His intent had been only to frighten mischievous boys, not to harm. "Had I thought of danger," he said, "I would never have taken the gun out."

He told the story simply: a few nights before the tragedy took place, he had been doing some fancy shooting in his show, but had been compelled to use wax bullets at the insistence of a nervous new assistant, who did not trust him with lead slugs.

On the night of tragedy, his show commenced at nine and the boys began to create a noise about an hour later. He first warned them. On a second time, he went out with an empty bottle to scare them. They ran away. On his return inside again he went to get a cigar. In the cigar box were some wax bullets. He took them out and slipped those bullets into his pocket thinking that he would scare the boys if they came back. The boys did return again and made more noise, so he descended to the door and jumping on the platform shuffled about with the gun and loaded it with what he believed to be a wax bullet. In raising the lever the gun discharged and he heard the cry of the boy. He and the late Dr. Daniels took the boy home before Daniels went for the Doctor.

"Do you deny that it was a bullet from your rifle that struck Willie Swede" asked Mr. Mulligan "No" replied Whitecloud, "but had I thought of danger I would never have taken the gun out."

At 7:45pm, Justice Magee, in his charge to the jury, began by reminding them that every man enters court with the presumption of innocence and that any reasonable doubt must be resolved in the accused's favour. He cautioned them to weigh the intelligence, prejudice, and credibility of witnesses, and to remember that though small details may seem trifling, they can be pivotal in cases where a human life is at stake.

Some of His Lordship's remarks included:

It may have struck you how many small things have been discussed, but it is often small things upon which the great depend, and in a case of this sort where a human life is at stake nothing is too small to take notice of.

Every man is entitled to a fair trial no matter what his circumstances are. If guilt is proved we must not shirk our duty. Upon you devolves the questions of fact. It is my duty to assist you by explaining the laws.

Every man comes into Court with the presumption of innocence. If a reasonable doubt arises it must be resolved by the Jury in favor of the prisoner.

It behoves the Jury to consider the intelligence of witnesses and their education, also if they are prejudiced or interested.

This unfortunate man had to get into the box to witness on his (own) behalf. His testimony may be true, but I would remind you gentlemen (that he) has a great interest at stake—Life and Liberty.

At 9:05 p.m. on April 5, the jury retired. The lamps burned low. The crowd murmured in uneasy anticipation. Time passed—an hour, then two, then three. At 12:30 a.m., they returned a verdict of “Not Guilty.” Whitecloud walked from the courtroom a free man, though not without a stern warning from Justice Magee on the dangers of careless firearm handling.

The trial left an enduring mark on the community. Though the law cleared Whitecloud, the sorrow lingered. A boy’s life had been ended in an instant of folly, and no verdict could undo it. The incident remained a sobering reminder of the consequences of mishandling weapons—even in performance.

In years to come, the case of The Showman’s Shot would be remembered as one of the most dramatic trials in Sudbury’s early history. It was a tale of mischief and mischance, of a medicine man whose livelihood was bound to the rifle that would bring him to the brink of ruin, and of a winter night in Copper Cliff when laughter gave way to silence.

Sudbury Then and Now Facebook Group Submission by Jason Marcon

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Photo: Finland Hall, owned by the “Young People’s Society of Copper Cliff” and located at 353 Temperance Street

