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Letter to the Honorable W. B. Hoggatt, Governor of Alaska

Henry M. Hoy

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Department of Justice.

OFFICE OF

United States Attorney,

SECOND DIVISION, DISTRICT OF ALASKA,

NOME. Oct 10, 1906.

Office of the Executive
Rec'd OCT 27 1906
Answered.....190

To his Excellency,

Hon. W. B. Hoggatt,

Governor of Alaska,

Juneau, Alaska.

Sir:-

Referring to our conversation in Seattle, Wash. on or about August 18th, concerning your communication of June 6th, 1906, addressed to me at Nome, Alaska, and pursuant to your request that I say whatever I have to say after returning to Nome, I now beg to report as follows:-

The copy of the letter of Elsie Comalok, and witnessed by a number of persons is a copy of an original statement by her, and certified to be a true copy by my Assistant J. J. Reagan, at a time when he was acting U. S. Attorney during my absence. The matter was brought to the attention of my office during my absence in the States a year ago last summer and upon the evidence of native witnesses Thomas C. Noyes was indicted by the grand jury for statutory rape of the native girl Elsie Comalok alleged to be at the time of the intercourse under the age of sixteen years. You are no doubt aware that sexual intercourse with a woman in Alaska not ones wife, under the age of sixteen years constitutes statutory rape as distinguished from forcible rape. Thomas Noyes is a young man, one of the most prominent if not the most prominent citizen of Candle, Alaska in this division of the District. He was happily married and this indictment caused him and his wife much unhappiness. Mrs Noyes however, instead of collapsing as an ordinary woman would have done, came direct to Nome with a number of witnesses and promptly visited

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United States Attorney,

SECOND DIVISION, DISTRICT OF ALASKA,

HOME.

me at my office and candidly stated to me her purpose was to convince me that her husband had not committed any such crime. Realizing that the matter was of most vital consequence to the lives of these people I permitted Mrs Noyes to furnish all of the evidence which she could to disprove the charge in advance of any trial. In the course of the investigation it transpired that Elsie's own mother showed Elsie's age to be in fact seventeen and one half years. The proof also showed several other acts of sexual intercourse between the girl Elsie and other white men in and about Candle long prior to the birth of Elsie's child. There was absolutely no evidence of any act of intercourse between Elsie and Tom Noyes except the testimony of Elsie herself. The white man who kept the road house where Elsie charged the seduction to have taken place, specifically denied that it was true. In this state of the evidence it was obvious to me that if the government should present such a case to a jury only one result would be possible, and that would be that the court at the conclusion of the government case would be obliged to instruct the jury to bring in a verdict of not guilty. The very fact that Tom Noyes was a very prominent and wealthy man made it all the more difficult and embarrassing for me to move to dismiss the cause against him for I realized at the time that these facts would cause my enemies to accuse me of either favoritism or corruption; but as I looked upon the matter I could not conscientiously prosecute the case with such evidence and so moved the court to dismiss the case, which the court did stating at the time that it was upon the sole

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United States Attorney,
SECOND DIVISION, DISTRICT OF ALASKA,
NOME.

responsibility of the U. S. Attorney, which sole responsibility I
cherefully shouldered.

I do not know of anything that can be done for the benefit of
the girl Elsie. The overwhelming opinion of the people of Candle Creek
is to the effect that Noyes was not guilty, and it is a well known fact
in Candle Creek that Noyes and his wife are the best friends that the
natives in that region have and always have been. Elsie's mother is a
fine Eskimo woman, recognized by all the people of that country as the
best native woman around the place. I have no doubt that she is taking
good care of her daughter and grandchild, but I will take measures to
obtain information upon the subject which I will forward to you at some
later time. In the meantime I beg to enclose back to you certified
copy of the statement enclosed in your letter to me so that the matter
to which this report refers will be intelligible to you at this time.

Very respectfully,

Henry M. Hoyt

U. S. Attorney.