Is Tshuanahusset Guilty Beyond a Reasonable Doubt?

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[*http://www.canadianmysteries.ca*](http://www.canadianmysteries.ca)

[*http://www.mysteryquests.ca/quests/14/indexen.html#task*](http://www.mysteryquests.ca/quests/14/indexen.html#task)

Introduction

In 1867-1868, a tiny community on Salt Spring (now spelled as one word, “Saltspring”) Island off the coast of British Columbia was the scene of three brutal and seemingly unconnected murders. The victims were members of the island’s African-American community. These African-Americans had fled persecution in California in 1858, but the murders fractured the community and drove many back to the United States. Aboriginal people were widely blamed for the murders, but in only one of the murders was someone charged and convicted.

William Robinson was one of the victims. His body was discovered in his cabin, several days after he had been shot in the back. An Aboriginal man, Tshuanahusset, was arrested many months later, convicted, and hanged. Some people felt that the trial was not fair.

If you looked at the evidence, would you be convinced (beyond a reasonable doubt) that Tshuanahusset killed William Robinson?

The Task

In this MysteryQuest you are invited to take on the role of a jury member at the trial of Tshuanahusset for the murder of William Robinson. You will examine key pieces of evidence presented at the trial. Your task is to answer the question, “Does the evidence provide proof *beyond a reasonable doubt* that Tshuanahusset committed the murder, as accused?”

In reaching your decision, you will first clarify the meaning of the phrase “beyond a reasonable doubt” and familiarize yourself with the events leading up to the trial and conviction of Tshuanahusset. You will read various documents to identify the evidence provided by a number of witnesses and classify it according to the different kinds of evidence presented in court. Based on your analysis of the credibility and adequacy of the evidence, you will reach your own conclusion about Tshuanahusset’s guilt or innocence.

Procedures

**STEP 1: Clarify proof “beyond a reasonable doubt”**

To evaluate whether the evidence in the William Robinson murder trial gives you proof “beyond a reasonable doubt,” you must be clear in your mind what this means. It refers to the level of certainty required to declare an accused person guilty of a crime. Different standards of proof are required by different courts in order to establish guilt/liability. Criminal courts demand the highest standard of proof of any court. This is because finding someone guilty can result in the loss of liberty and, in previous times, the loss of life. In order for an accused to be found guilty, the evidence must establish “beyond a reasonable doubt” that he or she is guilty. “Reasonable doubt” does not mean you are absolutely certain, but it does mean that the body of evidence is sufficiently convincing that you would be willing to rely upon this kind of proof without hesitation when making decisions in your own life. There must be no reasonable explanation for what happened other than that the accused did it. If there is any other reasonable explanation, the accused should not be found guilty.

**STEP 2: Learn about the trial of Tshuanahusset**

Your next task is to learn more about the events surrounding the murder and the trial. In the “Secondary documents” section of [Evidence in the Case](http://www.mysteryquests.ca/quests/14/indexen.html#evidence) you will find three documents. Read these brief accounts written by the historians who created the website. These documents are called **secondary sources.**

**STEP 3: Consider different types of evidence**

Before evaluating the evidence brought against Tshuanahusset, it is useful to identify the kinds of evidence used to establish guilt or innocence. Below are brief explanations of four types of evidence that are commonly presented in criminal trials. These various kinds of evidence are evaluated differently — in other words, some evidence is more believable than others, as far as a court of law is concerned. The kinds of evidence are listed from the weakest (or least believable) to the strongest (or most believable):

* *Hearsay or second-hand evidence*: Hearsay evidence is not considered to be reliable evidence since it is information you did not see or hear yourself but was reported to you by others (your friend tells you what another person did).
* *Character evidence*: Evidence about the person’s general behaviour and traits may be used to decide whether or not the accused person was of a sufficiently good or bad character that he or she might be likely to commit the crime (a witness stating she never heard the accused person hurt anyone or ever tell a lie).
* *Circumstantial or indirect evidence*: Circumstantial evidence is the evidence about the circumstances in which the crime occurred that indirectly suggests what might have happened (the accused person was seen in the neighbourhood around the time of the crime).
* *Direct evidence*: Direct evidence may be “real evidence” which would consist of an object or document (a video or audio tape of the event) or “eye-witness testimony” (a witness reporting what she saw the accused person do at the scene of the crime) that directly establishes the action taken by the accused person.

Can you identify which kind of evidence is represented by each of the following?

1. finger prints of the accused person in the house where the crime was committed;
2. the criminal record of the accused person;
3. a confession by the accused person;
4. a newspaper report of what eye-witnesses saw at the crime scene.

If you are unsure whether you correctly identified each piece of evidence, or if you want to learn more about these kinds of evidence, please read [Kinds of Evidence Offered in Court](http://www.canadianmysteries.ca/en/4178.php).

**STEP 4: Examine the evidence**

It is time now to examine some of the evidence presented at Tshuanahusset’s trial. In the “Primary documents” section of [Evidence in the Case](http://www.mysteryquests.ca/quests/14/indexen.html#evidence) you will find six documents. These include testimony by the accused and by two witnesses, notes from the judge, and two newspaper accounts.

For each of these documents, complete the chart [Locating and Labelling Evidence](http://www.mysteryquests.ca/quests/14/support/4424en.pdf) by providing the following information:

* what evidence is presented in the document to suggest that Tshuanahusset committed the murder?;
* how does this evidence relate to Tshuanahusset’s guilt or innocence?;
* and what kind of evidence is this: hearsay, character, circumstantial, or direct evidence?

**STEP 5: Question the evidence**

After you have identified numerous pieces of evidence and classified the kinds of evidence presented in the six documents, summarize the main evidence you have compiled in a new chart [Questioning the Evidence](http://www.mysteryquests.ca/quests/14/support/4425en.pdf). Organize the evidence according to its kind, and then record possible questions or weaknesses for each piece of evidence. Think of the explanation for each kind of evidence to help you identify potential concerns about the reliability of the evidence provided. The following questions may also be of help to you in raising potential concerns about the evidence:

* Is the witness a reliable source of evidence about the crime?
* Might the witness be biased against the accused?
* Does the evidence point to the accused or could it implicate other people?
* Are the authorities sure that the evidence is legitimate?
* Does the evidence support the conclusions offered?

**STEP 6: Justify your verdict**

Does this evidence provide you with proof beyond a reasonable doubt that Tshuanahusset is guilty? Whether or not you have enough evidence, your task is to come to a conclusion about Tshuanahusset’s guilt or innocence. Indicate your conclusion on the scale (provided in the chart Questioning the Evidence) ranging from “Overwhelming proof beyond *any* doubt that he is guilty” to “He is definitely innocent.” Prepare a one paragraph “verdict” with at least four reasons explaining why the evidence provided does or does not provide you with proof beyond a reasonable doubt that Tshuanahusset killed William Robinson.