

Chief Justice William C. Ives "The Cowboy Judge"

By GUY WEADICK, High River, Alta.

"H E'S a top hand"! That expression is the highest degree that can be conferred on a cowpuncher on anybody's range, in the sure-enough cow-country. It denotes about as near perfection as can ever be expected.

Through the years that he spent on the Alberta range, when it was open and wide, "Billy" Ives as he was and still is affectionately known by his countless friends, enjoyed that title — just as in after years he was regarded in the legal profession of Western Canada, under the dignified title of "Mr. Justice William C. Ives of the Alberta Supreme Court".

The livestock industry of the Canadian Northwest has produced some outstanding men, some of whom have made distinguished contributions in other fields of endeavor as well. In conversation with several such men whom I have been honored to know, I have noted a couple of traits they all possessed in common — a keen sense of humor and an excellent judge of human nature.

They in addition to enjoying a good joke on someone else take in their stride one when played on them. They can detect quicker than most the difference between the genuine article and an imitation, and easily differentiate between those who are really "on the square" and those who at times assume an attitude of stern righteousness, yet if chances looked favorable would not at all hesitate to "deal from the bottom of the deck".

Such an observing man is "Billy" Ives. He once told me that during his three decades on the bench, he rarely had little difficulty in telling whether a witness was lying or not. His observations along this line were usually confirmed by the general evidence by the time a trial was concluded. Judge Ives attributes any such intuition to his early range experience, around cow camps and on the roundups, where quiet keen observation by cowpunchers very seldom led them astray in sizing up their fellow workers.

Mr. Justice W. C. Ives was born in the village of Compton, Quebec, in 1873, the same village where he says "our respected Prime Minister Louis St. Laurent was born"; all of which is quite in keeping with the old adage, "Mighty oaks from little acorns grow".

"His father came West in the '70's and was engaged by the Government to manage a beef herd of cattle, from which rations were furnished the Peigan Indian tribe that was located on a reservation west of Fort Macleod after the signing of the Treaty of '77.

In due course Mr. Ives Sr. sent for his family back east, who set out on the long trek, via rail, river steamer and covered wagon to their new home in the frontier west. During the course of events Mrs. Ives, accompanied by her daughter and son Billy, aged seven, in an evening in June, 1881, after arriving at the end of the railroad at Bismark, N. Dak., stepped aboard the stern-wheeler "North Dakota", to start their trip up the "wild Missouri"

river to the head of navigation, the frontier post at Fort Benton, Montana, then the gateway to the sparsely settled Canadian North West Territories, of which Alberta was then a part.

One evening later, just about the time the Steamer had reached Montana territory, a herd of approximately 800 to 1,000 head of buffalo, following their leaders, plunged into the river to cross, about 400 yards upstream from the boat. It was only a matter of minutes until the "North Dakota" was surrounded by buffalo, that were scraping its sides, going under the bow and coming out under the stern paddle wheel.

One of the deck hands, who later confessed he was a cowpuncher by trade, but was working his way back to Benton, built himself a loop in the end of a wire cable lying on deck, leaned over the side of the vessel and smeared it plum around the neck of a big buffalo bull, after which he took his wraps with the other end of the cable around the mast, and the boat came to anchor. A windlass was rigged and the "King of the Plains" was brought aboard and butchered. The following day the passengers and crew were served with the toughest meat, Judge Ives recalls, he ever tried to chew.

In due course the Ives family arrived in the historic frontier post of Fort Benton, where they were met by Mr. Ives Sr. They pulled out within a few days, in a covered wagon drawn by four horses headed for Fort Macleod, 230 miles north over the Benton-Macleod trail, where they arrived in July, 1881. Fort Macleod was then located on what was known as the Island.

On August 12th they left for Pincher Creek, where the only inhabitants were members of a small Mounted Police detachment, and a rancher named A. M. Morden, who lived in what is now the present town of Pincher Creek. The ranch belonging to Mr. Ives Sr., where he ran the cattle from which the Indian beef rations were obtained, was about three and a half miles upstream from where present-day Pincher Creek town is located. The house that Mrs. Ives had to keep going for her family for the first three or four years was built of logs and was 18 x 20 feet, with a dirt floor and roof.

The Government scheme to maintain their herd of cattle failed within a year, as the Indians could not understand why they should not be permitted to butcher cattle whenever they got hungry or felt like knocking one over. Mr. Ives continued in partnership with Sam Sharp for a few years in running their own bunch of cattle on the open range.

Young Billy was given a horse of his own and when only 10 years of age was actively engaged on the roundups, where he early made a hand. It was not long before he had his own brand new saddle, and the proud moment in the life of the young cowpuncher came when he got his first pair of bench-made high-heeled

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riding boots. Although they were primarily built for riding, the young cowhand did considerable strutting around on foot to show off his new footwear.

In 1884 his father along with other parents of the district built a log school house, the first one ever built in Pincher Creek. This edifice of learning had its formal opening on May 12th, 1884. There were six pupils, of which "Billy" Ives and his sister were two. (His sister, who now lives in Calgary, is the wife of His Honor, ex-Judge McNeil of the District Court.)

At the age of fourteen "Billy" obtained his first job as a horse-breaker, working

over a bunch of bronks for the McCullough Ranch, a horse outfit whose headquarters were only about two miles from the Ives spread. This enabled the young broncho buster to do most of the handling and breaking of the horses in his own home corrals.

By the time he had reached the age of 16 he had developed into an excellent horseman and a fine rider and was a pretty fair hand with a rope. He then went to work for the Stewart Ranch Co. His first job with that outfit was in the early spring, roping yearling heifers that were to be spayed. Next he worked for the Alberta Ranch and from there to the Hatfield spread on the Kootenay River. At the conclusion of the fall roundup in 1890 he went to work for the C's, better known as the Cochrane Ranch, who in later years sold all their land to the Mormon Church.

Recently while discussing the early range days in Alberta, Judge Ives stated that although there had been many cow spreads that were rated good, he doubted very much if there had ever been a better one on anybody's range than the Cochrane outfit on the Belly River for a cowhand to work on. They had good horses, good wagon and roundup equipment, good grub, good cooks, level headed wagon bosses and an agreeable crew of thoroughly experienced men who knew their jobs and got them done. Most of the time "Billy" was employed on the Cochrane layout, the range ramrod was a Texan, named Jim Patterson, better known all over the Southern Alberta range country as "Old Pat".

In his youthful days on the range "Billy" remembers best as outstanding cowpunchers, stockmen with a real savvy of their work such men as the Murray Bros., Pete and Lou, who came from Oregon. Lou was range foreman for the Walrond (WR) outfit in the Porcupine Hills for some years. Then there was John Lamar, Johnny Wright and Johnny Furman who still resides at Macleod, who stand high on the Ives' list of all-around cowboys.

In that section of Alberta in the days of the Ives' activities the Judge names as top broncho riders "Wild Bill" Herrick, "Frenchie" La Riviere (still living in the vicinity of Pincher Creek, where he has had the Victoria Ranch for many years) and a Negro cowpoke known as "Billy the Kid". When it came to being something up in the middle of a really snakey bronk the Judge claims that "Wild Bill" really lived up to his title, and that this colored "Billy the Kid" was really some to watch when he climbed aboard a real salty bucking horse. In the opinion of Judge Ives (which is also shared by many other oldtimers) when it came to being a finished horseman, as well as being a top broncho buster, and graceful rider, the late Johnny Franklin of Macleod was probably the best that has ever been in Alberta. Other high ranking broncho busters were Charlie Park, Herb Millar, who were classed with the tops.

During his cowboy days "Billy" Ives had his full share of exciting experiences, one of which was the time when he and Johnny Furman were returning to the Cochrane ranch headquarters after a long ride, to find the Belly River a raging torrent. Finally they decided to cross at a place from where they could see the ranch buildings in the distance. Their horses were tired as they had covered a

lot of miles that day but there was the ranch on the other side and they wanted to get there.

Furman started across first with Ives following. The river was booming and Furman was kept busy with his own mount and the roar of the water prevented him from hearing the voice of a man yelling to him — until he finally got into shallow water on the other side, and he then recognized the man coming toward the river at a gallop, who was waving at something down stream. Looking about, Furman discovered that "Billy" Ives and his horse were having a tough time; the tired animal, not being able to withstand the surging waters, was rapidly being carried down stream with young Ives on his back.

Just then the rider he had seen approaching was recognized as Aleck Fleming, another cowhand of the Cochrane outfit, mounted on the top horse of his string, noted as a water horse and for his swimming ability in fast water. Fleming hit the raging waters with a bang and headed his horse toward the sorely pressed cowboy whose horse was weakening with every moment. Both horses were rapidly going down stream but get-

ting closer together as Fleming urged his horse toward the other. Ives' horse tried to get to Fleming's mount, and the plunging weakened animal made it difficult for Fleming to get close. He made a vain effort to get hold of Ives and missed. A second attempt failed. The third try he succeeded, and with a strong grip and a mighty heave Fleming dragged the young cowboy clear of his exhausted horse which was still struggling in desperation against the rushing waters. Skillfully manoeuvring his horse, Fleming headed for shore and safety.

Freed from the weight of his rider, the Ives horse struggled on, following Fleming's horse to shore. It was a narrow escape. Johnny Furman was waiting for them as they reached dry land. Nothing much was said, as the three cowboys stripped the saddles from their horses to give them a breather before going on to the corrals. But there was a great silent understanding among them. They all knew that Death had been very close.

"Billy" Ives, Aleck Fleming and Johnny Furman remained great friends through all the years. Fleming and Furman, although older than Ives, always had

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Judge "Billy" Ives on the Lazy A Ranch near Pearce, Alberta.

JUDGE "BILLY" IVES (Continued from Page 39)

great respect for him, both as to his ability on the range and on the bench, and as a man. Fleming named one of his sons "Ives" after "Billy". In the later years of the Cochrane ranch, Fleming ran the range operations of the outfit and turned the cattle over to Maunsell when the outfit closed out. For many years afterward Fleming was head man for George Lane in charge of all Bar U horses. He went to his last roundup a few years ago, but to the last was always a staunch admirer of "Billy" Ives.

Ives punched cows for the Cochrane outfit until after the fall roundup in 1894, when he went east with a trainload of their cattle. He was then 21 years old. It was then he decided he'd quit punching cows. He says that, looking back, he thinks the real reason he quit was he got damned tired of night herding, regardless of the present-day assertions of the "johnny-come-latelies" that "singing to cows at night under the stars" is romantic, etc., etc.

Judge Ives further asserts there were many nights when there were no stars, and he never saw anything romantic trying to keep awake to watch a bunch of cattle that any untoward move might start them going places. He further states that in all his range experience he never heard a cowboy yodler — and if he had he probably would have quit night herding before he did. He claims he has often stumbled over various objects in the dark when coming to the wagon after being on guard, but none of them ever turned out to be a case carrying a "gee-tar". Don't mistake me, Judge Ives likes music — even chin music, in preference to a wailing yodler coughing out a "cow-boy melody".

After delivering the Cochrane cattle east, Ives returned to the Quebec village of his birth and entered elementary school, which fortunately was a good one. He being 21, his fellow pupils ranged in age from 10 - 12 years old, who knew very much more than he did about the early stages of school education. His earlier days had been spent in an outdoor education of practical work.

In due course he entered McGill University, from which he graduated in 1899 as a Bachelor of Civil Law, and was admitted to the bar in the Province of Quebec. He practiced in Montreal for one year and then returned to Alberta, where he went into partnership with Mr. Conyberry, K.C., in Lethbridge. In July, 1914, he was appointed to the Supreme Court Bench of Alberta and in 1942 was appointed Chief Justice of the Trial Division of the Court. At the expiration of thirty years' service on the bench he retired in 1944 and almost immediately he went to Ottawa, where he was engaged in Government work until early in February, 1947.

Since that time Judge Ives has been called upon many times, and from various sources, with requests for advice on matters in which his experience and knowledge on points of law were considered most valuable. He still makes Calgary his home, where he has resided for many years.

Mr. Justice Ives can look back with pride, pleasure and satisfaction upon his many years of work in law, just as he can to his record as a range cowboy. I have

been told by some of his legal friends that he holds some kind of a record, as to decisions he rendered during his many years on the bench, with very few reversals of any of his decisions when they were appealed to a higher court. He has presided over some of the most noted trials ever held in Alberta. The Judge was very popular with the members of the legal profession and it is stated that many a young lawyer was given good advice by His Lordship, when he needed it most — possibly in presenting his maiden case in Court.

He greatly enjoys the all too infrequent gatherings of the old time cowhands, when they again in memory and story ride the range of their youth, in swapping stories regarding the period when a cowpuncher was loyal to the nth degree to the outfit that paid him wages.

I happened to be present at such a gathering last year, at which Judge Ives was present, when one old boy remarked to me, "Did you know that I was about the first man to appear before 'Billy' after they made him a Judge?" I told him I did not know that and asked if the charge against him had been cattle stealing, to which the old cowman shyly shook his head and murmured "No".

Judge Ives, who was standing by and had overheard the conversation, remarked, as his eyes twinkled, "No, Guy, it wasn't for cattle stealing; that would have been bad enough, but would you believe it, they had this old ranahan up before me for stealing a homesteader's pig." Those present joined in the general laughter as the Judge continued, "I knew I could cure him of such foolishness and slapped a fine on him that was more than the pig he stole was worth."

To which the convicted hog rustler replied, "You sure made a good job of it, 'Billy'. That sure turned me against pork; it was too damned high priced, and it sure ain't low today either. But I got outa the habit of eating pork then and a shortage in it don't bother me."

At another gathering of oldtime cowmen, it was told of the time when a man came before Judge Ives in taking out his naturalization papers and when the Judge asked him his occupation he replied that he was a rancher. "How many head of cattle do you run?" inquired His Lordship. "Forty head," replied the man. "You are a farmer, not a rancher," wryly remarked the Judge and proceeded with the ceremony.

For several years Judge Ives and Johnny Furman have made a date with Bob Wallace and go to his ranch and rope and brand calves as they did away back when. The 1950 spring branding will

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have to go on without "Billy" Ives taking his rope down and heeling the present crop. The reason? He was a very sick man a few weeks ago and at present is recovering in the Holy Cross Hospital in Calgary. I was up to see him the other day and am glad to report that he is making progress toward full recovery, but it will take time. Too many visitors are not good for him, as he has to take things easy.

But I imagine it gets lonely to the old cowpuncher to be bedded down for so long, after the active and interesting life he has lived. I suggest to his countless friends it might be a welcome gesture if they drop him a line, care of the hospital, letting him know that, upon hearing of his illness, they are waiting anxiously for word that he will soon again be out "among 'em".

At the age of 77 Mr. Justice Ives can look back upon his busy life in Alberta, in which he contributed his full share, along with others like him, to develop the Province. And I know that one of his chief joys is to know that in every job he ever held he was rated a "top hand".

Here's hoping that "Billy" Ives may be up on top of a ropin' pony this fall to spill a few loops on some of the late fall calves in 1950, and that he and his old time range compadre, Johnny Furman, will also be there to drag a few up to the fire for the present day "wrastlers" to broadside, while Wallace fits the ranch iron on them in a manner that will bring them out of any herd.

Hats off in a grand salute to Mr. Justice W. C. Ives, alias "Billy" Ives, veteran cowpuncher of the Belly River range.

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