

# JAMES SIMS

## THE MURDER OF DETECTIVE SERGEANT JAMES SIMS SEARCHED & WRITTEN BY JACK TEMPLEMAN



*James Edwin "Ted" Sims*

On Saturday, July 15th, 1950, ten years after he discovered the body of Constable John McDonald in the Radio Building stakeout, Detective Sergeant James Edwin "Ted" Sims became the next policeman to die in the line of duty.

His death came as a result of the most unpredictable of all calls - a Domestic. Normally detectives do not attend domestics but this one had got out of hand resulting in a stabbing. A uniform patrol car responded first and took charge of the injured man and detectives attended shortly after to investigate the assault.

The domestic had its beginning many months before and involved two men and a woman; Adolf KAFKA, 44 years old, his wife OLGA, 34 years old and Henry MALANIK, 48-years-old. Adolf and Olga had a 9-year-old daughter and two sons 17 and 18 years. Malanik and Kafka had been friends for many years and had worked together. Malanik had even lived with the Kafka family in early 1950 at 457 Henry Avenue.

Malanik took a liking for Olga and Adolf Kafka worked in Pine Falls during the week and was only home on weekends. Both men also liked to drink and homebrew was not uncommon. On April 9th of that year, Malanik and Kafka got into a drinking session at 457 Henry that ended in a fight. Malanik had some guns that were brought out and fired into the walls and door. Someone notified the police and the next day both men were arrested and 4 rifles and a shotgun were seized. They were charged with discharging firearms and each fined \$50.00. This episode turned their friendship into mutual hatred. Unfortunately, the court was compelled to return the guns.

This incident was the final straw. Olga moved out with the children to her parent's home at 19 Argyle. Living in this 2 story house at the time were William and Julia WISYLEANCHUK as well as boarders Jean WALLACE, her husband and daughter, and a newly immigrated Alexander KARCIANOWICZ.

Henry Malanik also moved out and roomed with William KRYSTIK at 1-671 Main Street. Malanik continued to visit Olga at her parent's home when Adolf was away and Olga visited Malanik during the weekdays on Main Street.

On that Saturday night July 15th, Krystik had invited Malanik to his brother's wedding reception at the Ukrainian Hall at Flora and McKenzie.

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Malanik enjoyed his share of the beer and homebrew that was being served and was described as being very drunk. He got loud and was swearing and arguing. The local band "Stan and His Range Riders" took a break about 11:00 p.m. and Malanik got into an argument with a young boy who was playing with the accordion on the stage. Malanik was told to get out and left in a bad mood.

A few minutes later Malanik turned up at 19 Argyle apparently to bring the matter of Olga to a head as Adolf was in from Pine Falls for the weekend.

Malanik was drunk and loud. Mr. Wisyleanchuk met him at the door and ushered him back outside offering him a drink. Kafka heard the noise and also went outside in time to hear Malanik say "Is she going to live with that son of a bitch or not?" Kafka jumped right in as Mr. Wisyleanchuk tried to calm Malanik down and said, "Why shouldn't she live with me, she's my wife". Then the fight broke out and when Kafka realized he had been stabbed he headed back into the house as Malanik fled back to his car.

Olga called the police and a uniform car responded and conveyed Adolf to General Hospital. Detectives were notified of the stabbing and Acting Detectives Jack PEACHELL & William ANDERSON were assigned as they were the night crew.

Ted Sims had risen from Acting Detective in 1940 to Detective and then Detective Sergeant. As the Supervisor working at night he would often go out with the team of detectives just to keep his hand in things. It was a common practice that he did not carry his gun on ride alongs and this night was no exception; his gun remained in his drawer.

In 1950, the Disraeli Freeway did not exist and the distance from the old Rupert Street Station along Lily Street to Henry Avenue (now George Street) and on to Argyle was short and Detectives arrived

as the cruiser took the injured husband to the hospital.

Sims, Anderson and Peachell, went into the house to interview the occupants. Jack Peachell sat in a breakfast nook in the kitchen writing while Anderson was standing in the kitchen and Sims was leaning against the doorway leading into the front living room.

After the fight with Kafka, Malanik left the scene and drove away in his 1941 Dodge according to witnesses. The car was later found parked at the rear of 673 Main Street. Malanik's guns were usually kept under his bed according to the room-mate. These were the same guns seized by police in April and returned by the court. A .22 Cal. Browning repeater rifle was found in the car with a loaded magazine as well as 158 rounds of 12 gauge shotgun shells.

Malanik either took the guns from the room and put one in the car or else they were in the car and he just took out a Browning double-barrelled over and under shotgun and set off on foot back to 19 Argyle Street. He carried 16 shotgun shells with him.

While detectives were in the house Malanik was cutting through the yard of Empire Sash and Door at Argyle and Henry when he was confronted by the watchman, Commissionaire Victor McLean. McLean thought the man was carrying a club until he pulled out a shotgun and pointed it at him ordering him "get out of the way or I'll blow you to hell". McLean moved slowly away and ran to the office and got his relief, Commissionaire Charles CATHRO. He told him about the man and Cathro phoned the police.

A radio message went out to cruiser car #35, Constables J.M. WALKER #52A and J. SLOT #147A reporting an attempted robbery with a shotgun at the Empire Sash and Door. The officers just arrived and got out of the cruiser when two loud shots were heard. The Commissionaire identified the man he had confronted as a person frequenting 19 Argyle just 3 houses away.

After Malanik was confronted by the watchman he went directly to the front door of 19 Argyle and pulled it open banging it against the wall. At the same time, he entered the hallway yelling and swearing. There was a door to the right leading into the front living room and Sims was in the next doorway leading into the kitchen.

### **Wounded Plumber Charged With Murder DETECTIVE SLAIN IN GUNFIGHT**

Sims started to talk to Malanik trying to calm him down and to put down the shotgun which Malanik had pointed towards him. Sims stepped into the living room approaching Malanik but had only gone a step or two when both barrels of the shotgun fired striking him in the abdomen. Sims had his left arm in front of himself and it was shredded by the blast. The 12 gauge pellets entered his body and the post mortem showed all the organs were badly torn. Sims staggered back to the door and fell on the kitchen floor still conscious calling to Jack Peachell for help.

Peachell could not get out of the breakfast nook without exposing himself in the open doorway but he fired one shot into the living room in the direction of Malanik. Anderson also fired into the living room before backing into the rear bedroom occupied by Mr. & Mrs. Wisyleanchuk. Anderson climbed out the window to the back of the house. Peachell waited but heard no sound from Malanik so peered he around the door only to see him aiming the shotgun at the door. He pulled his head back just as a blast struck the door casing. Peachell waited again and this time heard what sounded like the front door closing so thought Malanik had gone out. Peachell took this opportunity to get up on the seat and then jump across the doorway over Sims on the floor.

There was a phone on the opposite wall and a stool below it so Peachell sat on the stool pointing his revolver at the doorway and dialled "105" for the

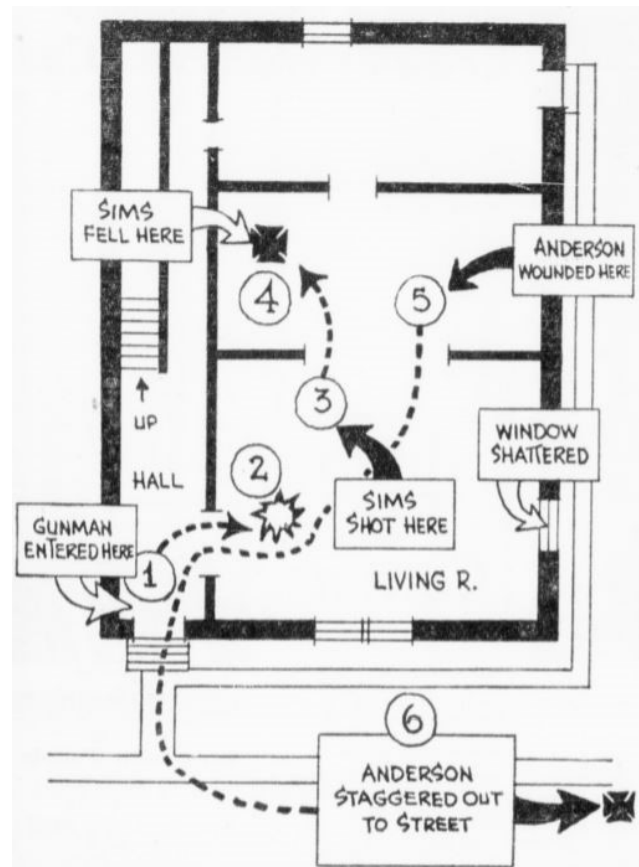


**Detective  
Jack Peachell**

police station with his left hand. The call just got connected as Malanik came through the doorway pointing the shotgun and Peachell opened fire emptying his gun.

Malanik was shot 3 times with one bullet passing through his right thigh, another bullet passing through his chest entering his right shoulder and out his armpit, and the third going through four fingers of his left hand. That bullet also struck the shotgun disabling it as it was later found to contain 1 fired shell and a misfire.

Malanik collapsed at Peachell's feet but did not appear seriously injured. Peachell realized his revolver was empty so side-stepped and fled to the living room and then the hallway and exited the front door stumbling down the steps.





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Malanik managed to get up and staggered into the back bedroom still occupied by Mr & Mrs. Wisyleanchuk. Malanik pointed the shotgun towards Sims on the floor and Mr. Wisyleanchuk grabbed it and dropped it behind the bed. Malanik dropped to his knees and crawled back into the kitchen and laid down beside the injured officer and put his arm on him and repeated words to the effect "don't die Ted" (or officer), "please don't die". (various statements)

It is important to note that at this point no more shooting was taking place in the house. Malanik was disarmed and Peachell was outside with an empty gun.

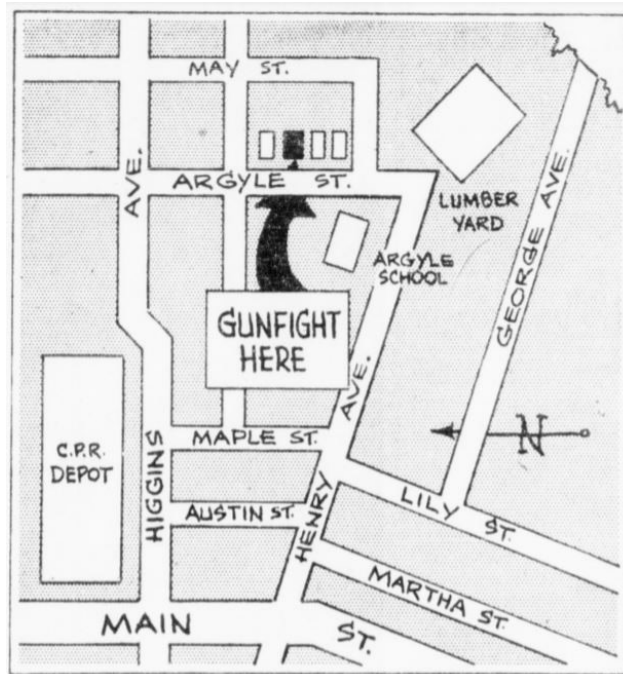
As Peachell stumbled outside and crawled to a hedge at the front sidewalk, he saw Detective Anderson at the front corner of the house, gun in hand. Anderson asked Peachell if he got him (meaning Malanik) and Peachell replied that he had emptied his gun at him but didn't think he was badly hurt. Peachell then asked Anderson if he had any shells left to which he replied "Yes, I've got lots".



Det William Anderson

Peachell went along the sidewalk to the opposite corner of the lot and more shots were heard. Then he saw Anderson run out yelling: "I'm shot". He collapsed on the boulevard near the cruiser and Peachell worked his way to him going out and around the car. Anderson was bleeding from the neck and also had a stomach wound. Slot ran over to Anderson and took his revolver and went back towards the house when Peachell got there and applied pressure on his neck until the police ambulance arrived just minutes later. After Anderson was loaded in the ambulance, Peachell went back to the house and joined the other

officers who had also arrived. He saw Malanik laying on the floor beside Sims. Peachell's empty gun was turned over to Detective J.C. WEBSTER who conducted the investigation.



Sims was conveyed to General Hospital but was in critical condition and could not be saved. He succumbed to the massive injuries at 6:48 a.m. on July 16.

Now going back to the arrival of cruiser car #35 for the reported robbery at Empire Sash and Door. Just after the officers arrived the sound of the first shots were heard. (Malanik firing at Sims).

Walker went back to the cruiser to radio for assistance while Slot went ahead. Walker then headed for the front of the houses on Argyle. He saw a man crouched by a house and waving (Anderson) and then the man yelled "I am hit" and ran out onto the boulevard and collapsed. Slot and Peachell went to the wounded man and as Walker got closer someone said "in there officer" and someone else said, "There is another policeman shot inside". Walker entered the house and found Sims and Malanik both laying wounded on the floor. Walker also found the shotgun in the bedroom.

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Slot had gone directly to the rear of 17 Argyle where he heard more shots (Peachell firing at Malanik) so moved to the front of the house. Slot stated there was more shooting and he then saw Det. Anderson was hit and fell to the ground. He ran over to him and picked up his service revolver and ran back to the rear of 17 Argyle as Peachell had also gone to the injured detective and was taking care of his neck wound.

Slot was a rookie and as such was not issued a service revolver. He even referred to his not being armed as his reason for moving from the rear of 17 Argyle to the front when the second shots were heard. After picking up Anderson's gun and returning to the rear of 17 Argyle he claimed to hear another shot followed by several more shots. He also reported: "someone" shouting: "He's gone out the back door", so he ran back to the lumber yard and over to the railway tracks where he saw a man running south. The man was not found and he returned and learned the man responsible had been captured (in fact never left the house). When Slot turned Anderson's gun over to the Inspector of Detectives, G. BLOW, it contained 4 spent and 2 live rounds.

Anderson had not been wounded by a shotgun and he reportedly commented as he was loaded into the ambulance that he had been shot by a policeman. It was originally thought that Peachell's shots had somehow struck him as Walker had not fired his gun and Slot was supposedly unarmed.

Due to the seriousness of Anderson's wounds, the bullet that lodged in his body could not be removed until July 20th at which time it was compared to test-fired rounds from the known guns at the scene and did not match any.

There was suspicion that Constable Slot may have had a weapon that night before he picked up Anderson's gun but it was not until Anderson was finally in a condition to be interviewed on July 24th

that anything further could be done. Anderson stated that he had been shot by the uniform policeman who also grabbed his gun.

The officer had even commented that he got one of them and had his gun not realizing Anderson was a detective.

A note of interest is found in the statement of Commissionaire Cathro when he described the arrival of cruiser car #35) and the sounds of the first shots. He said, "both these policemen pulled their guns out and walked along the sidewalk towards the house".



Although the shooting of Anderson was accidental due to a mistaken belief he was the armed suspect, Slot had breached regulations by carrying the revolver and falsifying his report. He was suspended on July 26 and dismissed immediately.

Sim's funeral was held at Mordue Bros. Funeral Home on Broadway at Edmonton with burial in the St. James Cemetery. An estimated 2,000 persons lined the route to pay their respects. The hearse was led by the Police Pipe Band and an Honour Guard of fifty-nine officers walked alongside the cortege. Chief MacIVER led five other senior officers, twenty-four Winnipeg officers, as well as six RCMP, six St. James, five St. Boniface, and six Canadian National Railway police. The active pallbearers were all detectives, Clarence ANDERSON, Jim AYERS, Alf MANNING, Nels BUHR, George GREEN, and Jack WEBSTER.

## James Sims

Ted Sims was born in Guilford, England on January 3, 1908. He joined the Winnipeg Police Department on November 4, 1930, and was promoted to Detective Sergeant on September 16, 1949. Sims was survived by his wife, a 15-year-old daughter, Joan, and two sons, Grant, age 17, and Keith, age 12. The family lived at 906 Strathcona Street. Ted Sims had served 19 years with the department so his widow received \$1,675.00 in pension refund as well as a death benefit of \$600.00 from the Police Athletic Association. The Police Commission paid the funeral expenses of \$453.00 and also awarded a grant of \$1,800.00 which was used to pay off the house mortgage. Workmans Compensation provided a pension of \$50.00 to the widow and \$12.00 for each child under 16 years of age.

Acting Detective William Herbert Anderson recovered from his wounds and was able to resume duty in September. He was promoted to Detective in January 1951, but resigned from the force in June 1952 and moved to California.

Malanik also recovered from his wounds to stand trial for the murder of Sims.

## Malanik Loses Appeal; To Get Stay Of Execution

He must have felt the outcome as his actions because when asking his guard to buy him cigarettes during his hospital stay he commented, "I had around \$25.00 when they brought me here. I know I'm finished. I'll get the rope for this, I might as well spend that money".



**Henry Malanik**  
*(The last man to  
hang in Manitoba)*

Malanik was convicted of the murder and paid the penalty in the gallows at Headingley Jail on June 17th, 1952. He was the last man executed in Manitoba although other provinces continued the death penalty until 1962.