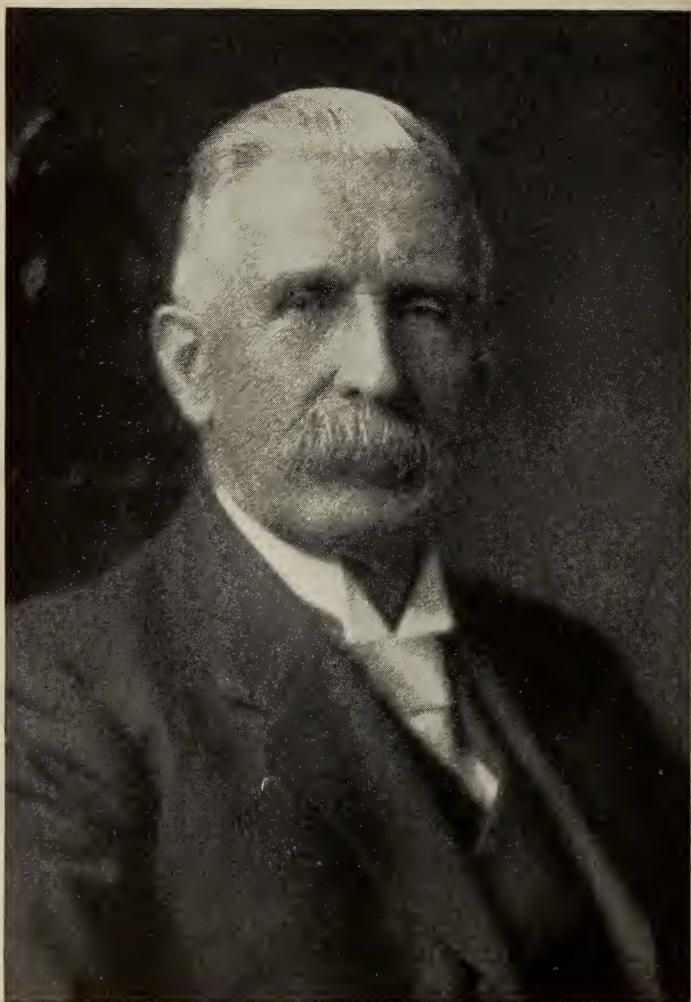


# RECOLLECTIONS OF A POLICE MAGISTRATE

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COLONEL GEORGE T. DENISON



George T. Dunsen

# RECOLLECTIONS OF A POLICE MAGISTRATE

BY  
COLONEL GEORGE T. DENISON

*Author of "Modern Cavalry" "History of Cavalry",  
"Soldiering in Canada", The Struggle for  
Imperial Unity", Etc.*

With an Introduction by  
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## PREFACE

My friends have been urging me for many years to write my recollections of my work in the Police Court of Toronto where I have presided since the 2nd June, 1877. I hesitated and delayed doing so feeling that it would be premature to publish them too soon.

My military recollections were published, however, in 1900, and my political reminiscences in 1909. I then began leisurely to write this present book, and in a few years had it practically written and laid aside. In May of last year Mr. Best of the Canadian Magazine asked me to have it appear serially in that magazine, and it has been appearing in it each month from July, 1919, until August, 1920.

While it was going through the magazine I was often asked by friends whether particular cases, in which they were interested, or which they remembered, would appear. I had to reply that very few if any would be recorded, and explained that I was not writing an account of the Police Court work, but only recollections of a few of the

more interesting and amusing cases in order to give a general idea of the work, and the methods which guided my procedure.

To show the impossibility of giving more than a very few instances, it will be interesting to mention that since I was appointed in 1877 until the end of 1919, there have been 650,000 cases dealt with in the Police Court. The majority of these have been dealt with by me, as for the first twenty years I had no assistant. A mere list of the cases giving only the names of the parties would fill about forty octavo volumes. This will explain why only a very small proportion is all that I could possibly include in these recollections.

GEORGE T. DENISON.

Heydon Villa, Toronto.

August, 1920.

## INTRODUCTION

A book from Colonel Denison's pen requires no introduction. The Canadian who won the prize of the Emperor of Russia for the best "History of Cavalry", whose work on "Modern Cavalry", being translated into several languages, exerted so marked an influence upon military tactics in Europe, and whose book "The Struggle for Imperial Unity" aroused profound interest throughout the Empire, is too well established in literary reputation to need any recital of his achievements. It is the whole career of Colonel Denison whether as military enthusiast, as author, as one of the outstanding figures in the movement for Imperial consolidation, or as a magistrate of unusual experience and distinction, which may fittingly be summarized here for the benefit of the younger generation. The success of his labours is one of the rare instances in which a man has exerted influence and achieved distinction far beyond the bounds of his own country and in matters of the utmost moment, without the adventitious aid of a political career.

Colonel Denison's military activities may perhaps have received an impulse as much from

family tradition as from personal leanings. When very young he joined the cavalry corps which his grandfather and father had organized, and was on active service during the Fenian Raid of 1866 and the North-West Rebellion of 1885. The young Canadian officer was an intelligent student of the campaigns of the American Civil War, and was thus enabled, we may be sure, to keep his military theories in close touch with actual warfare on the grand scale. His intimacy with many of the military chiefs of the South, some of whom took refuge in Canada during or after the war, added to his grasp of the whole subject of war. Colonel Denison's relations with the Southern leaders, in whose cause his sympathies were enlisted, form a romantic passage in his life. These experiences, chronicled in his book "Soldiering in Canada" are vividly interesting and at times thrilling. One cannot recall any Canadian autobiography with the same charm of variety, incident and exhilarating anecdote.

Circumstances, however, shaped for the military historian and critic other roads to distinction. The peaceful profession of the law, not war and its alarms, was to be his chief avocation. His military studies and his services in 1866 and 1885 were the outstanding events in what might have developed into a military career.



So ardent a temperament as Colonel Denison's would not content itself with money-getting and strict devotion to selfish aims. Both by inheritance and conviction he was an Imperialist. So were the great men who founded the Dominion in 1867, being equally attached to Canada and to the Empire. Colonel Denison shared the same views. So, shortly after Confederation, he was one of five young men who founded the "Canada First" party. By a perfectly normal process, when this organization found itself confronted by designs tending to sever the tie between the young Dominion and the Empire, Colonel Denison passed on to the promotion of the Imperial Movement. He wrote, spoke, and laboured with the same vivacity and unselfishness as he had shown in his military work. He was a man of no party, ready to approve of any effort for the upbuilding of Canada and the Empire from whatever quarter it might come. But the issue has had to be clearly defined along these lines to draw him from the vantage ground of splendid isolation. This independent position, and his indifference to titles and distinctions, which he has always declined, increased his influence in all Imperial movements. No one who knew him would suppose that he was actuated by the desire of personal advancement. But the re-

proach was one commonly made, often unjustly, against the pioneers of Imperialism. To keep himself free from such a suspicion, as hampering to effort, was characteristic of the prudence and foresight which have always tempered the resolute courage of Colonel Denison. As one of the chief supporters of the old Imperial Federation League, with Mr. D'Alton McCarthy, Mr. Alexander McNeill, Principal Grant, and Sir George Parkin, he utilized that body as a means of drawing together all those who favoured the closer union of the Empire. The league in England was dissolved, leaving the forces behind it without a leader and without any effective means of carrying on the work. In 1894, being chairman of a committee of Canadian Imperialists who were sent to England to discuss reorganization, he helped to found the British Empire League and became the first President of the Canadian League. He secured for the Canadian organization and its branches a freedom of action in respect to commercial policy which was destined to become a powerful lever in producing the most important practical results, such as Imperial penny postage, the West Indian sugar preference, and the abrogation of the Belgian-German treaties which had retarded Imperial union in tariff matters for forty years. He also supported giving Great Britain

a preferential tariff. This important body carried the Imperial cause through a trying period in its history. The story is splendidly told in "The Struggle for Imperial Unity", a book which will never lose its influence as a chronicle of development in the history of the British Empire. In Canada, Colonel Denison drew the statesmen on both sides of politics into sympathy, either active or passive, with the movement known as Imperialism, and in Great Britain he enlisted the co-operation of such statesmen as Lord Salisbury and Joseph Chamberlain in drawing the ties of Empire closer together. These achievements could not be adequately set down here. They form in themselves a wonderful story of what one man of intense conviction, ceaseless energy and unselfish aims, can do, and induce others to do, in carrying out great projects, the effects of which will be felt in the generations to come. Few Canadians realize, and young men especially cannot be expected to know, how much the position of the British Empire, as we see it today, owes to the vigour and prescience of this citizen of Toronto.

The Reminiscences embodied in the following pages reveal a phase of Colonel Denison's life work entirely different from those to which reference has been made. While absent from Canada in 1877 on a visit to Europe he was appointed

police magistrate of Toronto by the Government of Ontario, and began that term of service which still continues. It has been marked throughout by a love of justice, a fearlessness and an insight which amply justify the appointment. During this long period the fame of the Police Magistrate of Toronto as a conscientious and impartial judicial officer, has spread throughout Canada. The Reminiscences are, of course, little more than a selection from the long list of interesting cases and incidents that have come before him. To have mentioned even the principal cases would have filled too bulky a volume, or probably several volumes. Colonel Denison, has, therefore, wisely confined himself to making choice of episodes which, for one reason or another, reflect the various lights and shades of a forty years' experience of police court trials. The result is a captivating book. That it should appear in connection with the eighty-first birthday of the veteran magistrate, whose eye is not dim nor his natural force abated, is eloquent proof that a life passed in unceasing toil, public service, and devotion to duty, produces, happily and inevitably, a serene old age. That Colonel Denison may long continue to enjoy health, prosperity, and happiness, is the ardent wish of his countless friends and admirers.

A. H. U. COLQUHOUN.

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RECOLLECTIONS OF  
A POLICE MAGISTRATE





# RECOLLECTIONS OF A POLICE MAGISTRATE

## CHAPTER I.

### APPOINTMENT AS POLICE MAGISTRATE.

**I**N May, 1877, I was in London on my way home from St. Petersburg, and had just published my "History of Cavalry". I had been away from home for eight months and had taken passage to sail for Canada in a few days, when I unexpectedly received a cablegram from Hon. Oliver Mowat, Premier of Ontario, asking me if I would accept the appointment of Police Magistrate of Toronto. This surprised me, as I had made no request for any appointment, and had no desire to take a public office. In fact it was contrary to the tradition of my family, no one of whom up to that time had ever taken any civil appointment.

I promptly decided to refuse, and prepared a cablegram declining the offer, but on second

thoughts concluded to wait until I reached home before finally deciding. I therefore replied that I was returning at once and would see Mr. Mowat on my arrival.

When I saw the Premier, he urged me very strongly to accept the position. He told me that there were a number of applicants, but the Government desired particularly that I should take it, and he put the matter in such a kindly way, and gave such strong reasons, that I agreed to accept, with the idea that I should try it for a year, and if I did not like the work I could easily resign.

I arranged with my brother, the late Lieutenant-Colonel Fred. C. Denison, C.M.G., M.P., who was my partner in my legal business, that in accepting the position, it was to be on the distinct understanding that neither he nor any partner of his was to appear as a barrister in my court, and I made over all my business to him and gave up all practice, although at that time there was nothing to prevent me from practising. I also decided that I would take no fees of any kind, nor act on commissions or arbitrations, or directorships of companies, or accept anything that would put me under obligations to anyone. I was sworn in on the 2nd June, 1877, and have continued in the office ever since.

I found out at once how wise it was that I had decided to accept no favours. It had been the custom of my predecessors to continue their law practice, and do any outside work where they could get fees, and to accept passes from railways, steamboats, theatres, etc. Very soon after my appointment I received season passes on the Ontario railways, and on steamboat lines, etc. I sent them all back politely explaining that formerly I would have been glad to receive them, but that I had recently been appointed Police Magistrate and could not now accept them.

This policy has been a great satisfaction to me ever since. I am independent of everyone. I am constantly trying cases between the great railway companies, and citizens, thieves, and trespassers, and I am just as independent of the great railway companies, who can and do influence both the Dominion and Provincial Governments, as I am of the poor tramp who is found trespassing on their lines, or stealing a ride.

Not long before my appointment the powers of police magistrates had been very much enlarged, and shortly after they were still more increased. With the consent of the accused, I have been able to try all the serious offences, except murder, manslaughter, rape, high treason, and one or two crimes connected with the misuse of explosives,

without a jury, and with power in some cases to sentence to imprisonment for life. This wide jurisdiction has made my Court, for the last forty years, the principal criminal court of Ontario, for up to two or three years ago about ninety per cent. of the indictable offences have, with the consent of the accused, been tried by me. The last three years about eighty-three per cent.

I soon felt that I might do a good service to the community by giving them honest, even-handed justice, for there was a great opening for that kind of work in the Police Court, with the tremendous powers that had been placed in the hands of police magistrates. This feeling has led me to retain my office for so many years. More than twenty years ago the late Sir John Thompson, who was then Prime Minister of Canada, inquired through my brother, the member for West Toronto, whether I would accept a position on the High Court of Justice. I was much pleased at the offer, but declined it at once (although my salary would have been much larger), because I felt that my position was more important in many ways, and that I might be much more useful to the community where I was.

The question of salary did not weigh with me a particle. I have always felt that the pecuniary side of any question should not be allowed to have

undue weight. I fully agree with the saying of the great General (Chinese) Gordon on the question of money. He said:

“If a man cares for wealth, or fears death, he is the slave of others. If he is indifferent to them, he is free and their master.”

Solomon says, “How much better it is to get wisdom than gold.”

I refused, as I have said, to act as president or director of any company, and I am pleased to see that of late years provision has been made by statute preventing judges from accepting such offices. Such legislation should not have been necessary, but the practice at one time was a common one. I also decided to take no fees. I have a great aversion to the fee system; in time it is sure to bring the pendulum off the plumb. A man acting in a judicial capacity should have nothing to affect him, pecuniarily or otherwise, in deciding either way.

I have acted on these principles ever since I have been on the bench, and it has been a great advantage and satisfaction to me.

I have been continually urged to write the reminiscences of my experience in the Police Court, and in connection with it, some of my recollections will be found in the following pages.

## CHAPTER II.

### I COMMENCE WORK

**I** HAD arranged, as I have said, with my brother that he was not to appear before me. We had never done any business in the Police Court, but the first day I held court, my brother's office was besieged by a crowd of litigants and defendants endeavouring to retain him to take their cases. A few days of curt refusals put a stop to these attempts at influencing my court.

For the first few days after my taking up the work the entrance to my private office was blocked in the morning by a number of plaintiffs and defendants, intending to continue a custom which had been long in existence, of interviewing the Police Magistrate about their cases beforehand. They were usually provided with letters from aldermen telling the magistrate what to do in their cases. I stood in front of my door and as each letter was handed to me I opened it in the presence of the others, glanced at it hurriedly, and told the bearer to tell his alderman to come and give his evidence in open court under oath, and I would then

tear the letter up in the presence of them all. As the aldermen at that time had the control over my salary, I felt it necessary to take a very firm stand at the outset. It only took about a week to stop that practice.

At that time the amount of business in the Police Court was not large, about 5,000 cases per annum. It has been increasing with marvellous rapidity. In 1880 the cases all told amounted to 5,939. In 1900 the number had increased to 9,929. Ten years later the number was 24,826, and in 1913, 39,654; of these 3,849 were indictable offences, of which 641 were committed for trial, the remainder dealt with by me, except when I was occasionally absent, so that I must have dealt with about 3,000 indictable offences summarily, and in addition with probably 10,000 of other cases, being my share of the remainder of the cases for the year.

I might state here that a few years ago in reply to a request sent to him, I received from Sir Albert de Rutzen, the Chief Police Magistrate of London, a full statement of the cases dealt with by the police magistrates of that city. From it I find that there are fourteen police courts, with two magistrates for each, and that 198,711 cases were tried or investigated in the London courts in the year ending 13th December, 1913. This would be an average of 14,193 for each court, or

7,096 for each magistrate. In the same year Mr. Kingsford and I had 39,654 cases, an average of about twenty thousand each.

When these figures are compared with the other criminal business of the Province the contrast is amazing. The High Court of Justice, twelve judges, for the year 1912, in all the Assizes, for the forty-six counties of Ontario, dealt with 152 indictable offences. The County Court Judges in the forty-six counties, in the Quarter Sessions, and the County Judges' Criminal Court without a jury, in the same year, dealt with 1,247 indictable cases, making for all the judges in Ontario 1,399 indictable offences, while I had the same year 3,849, of which number 641 were committed for trial.

I doubt if there is any judge or magistrate, either in Canada or in England, who has tried as many indictable offences as I have in the last forty years, or had so wide an experience in the administration of criminal justice. In England the powers of the police magistrates are limited to six months' sentences. Mine in some cases extend to life sentences.



## CHAPTER III.

### METHODS OF THE POLICE COURT.

**B**EFORE describing cases coming before me, I will give an idea of the general principles upon which I have carried on my business. My main desire has been above all things to administer substantial justice in all the cases coming before me. This I felt should be done in preference to following legal technicalities and rules, if close adherence to them would result in injustice. I paid little or no attention to any rules that are often followed blindly, if in the particular instances they would have interfered with fair and impartial administration of justice between litigants. In the following pages I will give a number of illustrations of my methods.

There is one rule against leading questions. In some cases they should not be allowed, in many cases they are very useful. I never follow precedents unless they agree with my views. The men practising in my court have known for years back that there was no use quoting precedents to me. It is very rare that cases are exactly alike,

and the decision in one case might be right, while in another apparently like it it would be unjust.

To save time I used to chaff lawyers wanting to read them, saying, "Why read me another judge's opinion. If it agrees with my view, what is the object? If it takes a different view, why should I follow another man's mistakes? Sometimes I have had a lawyer quote some very prominent writer on some branch of law, as, for example, Russell on Crimes. After he had read the paragraph I would say, "Is that Mr. Russell's opinion?" "Yes," would be the reply. "Well, my opinion is different." I was once told that he was the greatest authority on the subject. My reply was, "Well, I am sure he has not half as much authority in this court as I have."

As a matter of fact, my experience had been so great, and the cases so numerous, that a new point could hardly come up that I had not known all about long before, and I had not time to spare for long arguments by men trying to teach me what was already clear to me.

I am always quite satisfied to have my cases appealed. At one time one judge thought I ought to be regulated a bit, and overruled some of my cases. On one occasion he had to uphold my decision. The next day the late Mr. Snelling, K.C., met me and congratulated me. "What for?" said

I. "Why, your decision in the case of —— and —— was strongly upheld yesterday by the Superior Court." My answer was, "Well, Snelling, I still think I was right."

On the question of precedents there is something rather illogical about the whole principle. In an argument one lawyer may quote two or three precedents all running in one direction, and the judge may be inclined to follow them, when the opposing counsel will rise and say, "My Lord, those cases have been overruled by a later decision", and he quotes it to uphold the opposite view; the judge is supposed to follow the later case, which is held to be the best law. Therefore the judges who overrule precedents and go against them are supposed to give better law than those who follow them. Why, therefore, follow precedents? The best plan is to go into the whole facts and decide what is fair and right between the parties.

When I have heard all the evidence on both sides in trying a case, I come at once to one of three conclusions:

- 1, the man is innocent;
- 2, the man is guilty;

3, I am not sure. The doubtful ones are the difficult cases, and I will wait and try to get further evidence, and when I have exhausted everything,

I give the prisoner the benefit of the doubt, if I am still doubtful.

I may also say that I depend upon an intuitive feeling as to a man's guilt or innocence and not to weighing and balancing the evidence. I depend upon this feeling in spite of evidence, and will subsequently give illustrations of the advantage of doing so.

On several occasions I have had disputes about horse trades. A man not knowing much about horses would buy a horse from a trader who would say the horse was sound and a good worker, and afterwards the purchaser would find that the horse was unsound and not able to work. He would complain that he had been defrauded. He would get a summons, and the case would come before me, charging the trader with defrauding him by false pretences out of the price of the horse, say \$100. The facts would come out before me and evidence of veterinary surgeons would prove that the horse was worthless. I would then say to the trader, "What have you to say?"

He would reply, "The horse is all right." I would say, "You are sure of that?" "Yes."

"Is it worth \$100?"

"Yes."

"Are you sure?"

"Yes."

“Then there is no difficulty, you take your horse back, and give the complainant the \$100.”

The man would object. I would remand the case for a few days and say, “If you don’t do that, then I will know you intended to cheat him from the beginning, and I will know what to do.”

This scheme generally put things right and no one was wronged.

From the beginning of my occupation of the Bench, I was punctual in my attendance, going on the Bench every morning while the town clock was striking ten. My regularity attracted in time the attention of the reporters, and about a year after my appointment the following item appeared in one of the morning papers:

“The punctuality of Colonel G. T. Denison, Police Magistrate for the city of Toronto, is something which passes the ordinary understanding. He goes by observatory time, and occasionally corrects it. He generally bolts in at the east door as the third beat of ten is boomed out from St. James’s, but if the bell should reach the fifth clang, and no magistrate is yet apparent, the faces of the officials and habitues begin to grow long and look uneasy; should it reach eight, a look of positive alarm spreads over the countenances of the deputy, his assistants and the waiting reporters. What can be the matter? While every ear is strained and the silence becomes oppressive, suddenly the east door opens, his Worship bounds in, and before nine and ten have been

recorded by the respectable bell in the tall steeple the first drunk is being conveyed tenderly below, wondering how he will pay that dollar and costs which has just been imposed upon him. What would happen if the clock should finish striking before he appeared? The question makes us giddy."

This item shows how soon I had gained a reputation for punctuality, but the subsequent record is very remarkable. During the forty years and more that have since elapsed I have never been one second late in going on the Bench in the morning.

It is strange that no accident of any kind, or stoppage of my watch, or any other cause has ever broken this record. It necessitates an explanation. I always entered the Court before the last stroke of the town clock. Sometimes the clock has been out of order, in which case I went by my own watch, but the secret of my always being on time was due to two causes. In the first place I always made a point of being in my office fifteen minutes ahead of time, and in the next place, up to the last year or two I always walked the three miles to the Court House, so that snow-storms cutting off the power on the street cars, or any other like difficulty never prevented me from being on time. I have often wondered that I have been able to maintain for so many years such absolute regularity.

## CHAPTER IV.

### POLICE COURT COUNSEL

**A**MONG the lawyers practising in the Toronto Police Court in my time, the wittiest and most humorous was Willam G. Murdock. He was a genial and kindly man, and a great favourite with everybody. The finest thing about his wit was its amiable geniality. I never heard him make a joke that the person at whose expense it was made did not enjoy it as much as anyone. Some so-called wits gain their reputation by making sharp and cutting remarks at someone else's expense, which often will produce a laugh. I do not call that type of humour wit.

Murdock was constantly joking at the expense of Henry Reburn, sergeant of the detectives. When he would begin it was a pleasure to see how Reburn's face would lighten up in anticipation. Murdock and I often exchanged jokes. I will mention one instance as an example. He was applying for bail for a man who had committed a forgery of a cheque for \$2,000, and I objected, saying the case was too serious.

Murdock based his argument on the ground that the man could not be quite right in his mind, from the manner in which he committed the offence. I replied: "You know my view on that point, Mr. Murdock. I do not believe that any man of really sound mind will commit crime. I agree with Josh Billings, who says, 'When a man makes up his mind to become a rascal, he had better first examine himself closely and see whether he ain't better constructed for a fool'."

Murdock drawled out in his inimitable way: "Yes, I know that view is held by your Worship, and (with a pause) Josh Billings."

"One more, Mr. Murdock," I replied, "King Solomon," and, holding up three of my fingers, I added, "there are just three of us."

Poor Murdock had a pathetic ending. Playfully pretending to fence with a friend, using an umbrella, the friend's umbrella accidentally entered his eye and he died in a few hours. He was deeply regretted by all who knew him, and was a great loss to the court officials and attendants, who very much missed his kindly and genial presence.

N. G. Bigelow was a constant figure in the Police Court, and did a large business in the defence of criminals. He was a man of considerable ability, but died in middle age.

Mr. Holmes was another very prominent practi-



tioner in my court. He was a young man of remarkable ability and shrewdness, but was a little too sharp in his methods. He could sheer off dangerous ground in cross-examination with the most remarkable skill. I never met a man who could equal him. The only trouble was that in his cases it kept me on the closest watch to guard against missing important points. Poor fellow, he was accustomed to take morphine, and once taking a little too much of it died before he could be revived.

There was another barrister who had a very hard struggle to make a living, who defended the poorer class of criminals, and did not hold a very good position in the profession. He came to me one day to ask my advice. The people at Sault Ste. Marie, then a small village in a remote and rather unsettled district, desired to induce a lawyer to settle in the place, because the county attorney was the only lawyer in the district, and as the plaintiffs always employed him, the defendants could not get any legal assistance or advice. A subscription of \$500 was raised, and an announcement made that it would be paid to a lawyer who would settle in Sault Ste. Marie. The offer had been made to this gentleman, and he asked me what I would advise. We knew each other very well, so I replied:

“I would take it and go up, and I should not wonder if within a year they would pay you \$1,000 to send you back again to Toronto.”

He took the joke good-naturedly, but he went to Sault Ste. Marie, and, strange to say, he was back practising in my court within a year. He died a young man, comparatively speaking.

On one occasion the late Goldwin Smith gave a legal dinner at The Grange, at which the late Dalton McCarthy, Q.C., Chief Justice Sir John Hagarty, I, and others were present. To start the conversation in a legal direction, Goldwin Smith said that he thought there was a difference in the custom in the courts in England, in the United States, and in Canada, that in England the judges ruled their courts, in the States the lawyers ruled, but that in Canada it was a sort of joint affair. After some discussion I said, “Well, I don’t know much about the other courts, but in mine I am in command.”

“I should think you are,” said Mr. McCarthy. “Yours is a regular court-martial. I have been there, sometimes, but I don’t like courts-martial, so I don’t go any more.”

“That is where you show your sound judgment,” said I. “If you cannot obey orders, it is better to keep away.”

McCarthy and I were great friends. He was President of the Imperial Federation League for some years when I was chairman of the Organizing Committee, and we often spoke together on the same platform, endeavouring to stir up a feeling in favour of Imperial unity, which is now such a powerful influence in the British Empire. He was one of the ablest men in the Province.

Mr. Fenton was county attorney for a few years, and was an able and conscientious representative of the Crown. J. Walter Curry, K.C., was Crown Attorney for a number of years, and a most energetic and efficient prosecutor. He worked with indomitable perseverance and in many important cases showed remarkable ability. He was in charge of the prosecution of the Hyams brothers for murder, and with four exceedingly able counsel against him handled his case most skillfully.

Nicholas Murphy, K.C., was another counsel who did a considerable amount of business in my court. His strong point was his thorough truthfulness. I always felt that I could take his word with confidence.

It is not necessary to say that there have been some practitioners who have not secured my confidence, and often the truth of the old saying. "Honesty is the best policy" is borne in upon me.

In forty years I have seen a great number of our ablest lawyers appear occasionally in important cases. The men I have named above are a few who have been regular attendants in my court.

The present Crown Attorney, J. Seymour Corley, K.C., is a very capable man, and it has been a great satisfaction to have such men to work with and to assist in the administration of justice. My relations with the various county attorneys who have held office during my time have always been of the most agreeable character, and I have the kindest recollections of them all.

## CHAPTER V.

### THE PRIESTMAN CASE

**I**N the spring of 1899 I was involved in a controversy with the High Court of Justice in a curious way. The law against keeping bucket-shops or places for gambling included among them disorderly houses, and the procedure for enforcing the law in such cases was different from that in all other kinds of criminal prosecutions. In every other type of offence an information has to be sworn to and a warrant or summons asked for, warrants being only issued in serious cases where the defendant would not be likely to appear on a summons.

In gambling houses the law lays down clearly the course to be pursued, and leaves no option. The Chief of Police writes a letter to one of the Police Commissioners, generally the Police Magistrate, stating his suspicion and belief that a certain place is a gambling-house, and requesting an order to permit him to enter by force and take possession of the house and all articles or papers used in the business, and to arrest and bring

before the magistrate all persons found in the place. There is no power to summon; the law is mandatory, and says all shall be arrested and brought before a magistrate.

I had received a letter in proper form from the Chief Constable, asking for a warrant to enter the premises of one Priestman, and Inspector Archibald was assigned to execute it. Archibald entered the office of the bucket-shop keeper and finding evidence showing the character of the business being carried on, he arrested the keeper and all the persons found there, and as was his duty took them to the police station, where they were bailed to appear the next day.

The case was tried before me and the evidence given, and upon the evidence I convicted the defendant. It was appealed to the High Court and the conviction was quashed, and the judge commented very severely upon the conduct of Inspector Archibald, on the ground that Priestman being a respectable man he should not have arrested him, but should have summoned him. In this the judge was absolutely wrong, as the law on the point is very clear and definite. This censure made in open court, and published in the papers, led the defendant Priestman to think that he had a case against Inspector Archibald, and he laid a charge against him before the Board of Police Commis-

sioners to have him dismissed from the force or punished in some way. The Board of Commissioners consisted of the County Judge, the Mayor, and myself.

Priestman came before us and made his complaint that he was arrested instead of being summoned. I said that the law was clear, that Archibald did exactly as the law provided, and that no fault could be found with him. Priestman said that the judge had condemned Archibald severely, and said he had no right to act as he did. I replied that "the judge did not know what he was talking about". This also got into the newspapers, and the judge, the late Judge Rose, brought the matter before the High Court of Justice, and they requested Sir John Boyd, the Chief Justice, to complain to the Attorney-General against me for speaking in that way of one of their number.

Sir Oliver Mowat, Attorney-General, sent the letter to me for my report, which I sent in, pointing out the law and also pointing out the fact that as a police commissioner I was acting as a judge in a matter which affected the livelihood of a worthy officer who was only doing his duty.

Sir Oliver sent my reply to the High Court of Justice, and they were not satisfied, but wrote another letter referring to "the impropriety of a magistrate commenting disparagingly in a meet-

ing to which the public was admitted, upon observations made by a judge of the High Court while presiding at the assizes; that such a course is not likely to suggest respect for the judicial office or to promote the due administration of the law”.

I wrote a very decided reply, for I was determined that, as far as I was concerned, I would show everyone fair play and not be influenced by outside considerations. I said that I had always maintained “that it was the duty of the police to enforce the law as they found it, without respect to persons, that if a policeman found any man breaking the law, it was his duty to put the law in force against him without favouritism or consideration for his social position”. I went on to say that “we could not leave it to any ordinary policeman to judge of the respectability of a man, and to decide whether one man was to receive greater consideration than another, because he was richer, or better dressed, or better educated, or moved in a different social sphere. Mollie Matches, one of the most notorious criminals on this continent, would pass anywhere as an intelligent, well-bred and prosperous business man”.

I held that any other system would bring the administration of law into disrepute and the police management into contempt.



I then went on to say that “such a principle as Judge Rose laid down does not exist in any country that I know of—certainly not in England, where one man in the eye of the law has been the same as another from the time that Chief Justice Gascoigne sent Prince Henry to prison, down to the other day when the London police arrested some of the wealthiest noblemen in England, on the same charge as that on which Inspector Archibald arrested Priestman and others”.

I concluded by saying that “if Judge Rose had refrained from censuring others in a matter for which he was not responsible, it would have increased the respect which is entertained for his high judicial office, and would not have affected the due administration of the law by the Police Department”.

Sir Oliver Mowat, replying to this, said: “Nothing further need be said. I believe this is the first time any complaint has been made to me as to anything you have said or done as police magistrate”.

This ended the matter.

## CHAPTER VI.

### DIFFERENT TYPES OF OFFENDERS

**T**HE professional criminal, as far as my experience has gone, does not seem to bear ill-will against a judge who holds the scales of justice evenly and decides fairly, no matter what reasonable sentence may be given. I had a curious indication of this feeling a few years after I had been appointed magistrate. I was visiting a friend in Kingston and he suggested one day that I should pay a visit to the Kingston Penitentiary, which is the great prison for serious offences in Ontario. I demurred at first, because I had sent many prisoners there, and they were sent for the more serious offences and were sentenced for the longest terms. I told my friend that it would not be pleasant for many of the prisoners to see me going through the prison. I agreed, however, reluctantly, to go, for I was interested in seeing the building and the general conditions of imprisonment.

The Warden of the penitentiary told off one of

the senior officials to show me over the institution. In the first work-shop I entered I saw that some of the prisoners recognized me and, to my astonishment, seemed pleased to see me and nodded to me and smiled. I spoke to several of them and said:

“Did I send you here?”

“Yes, sir.”

“For how long?”

Probably they would say, “For three or four years.”

In one shop a number of the prisoners came around me and greeted me with the utmost friendliness. I asked them many questions; how much longer they had to serve, how they were fed and cared for, and they spoke quite favourably of the prison. I recognized one prisoner whom I had sent down some years before, and said:

“Why, Leslie, are you still here? I did not think I had given you more than three years.”

“That is right, sir,” he replied, “but I was sent down again for a burglary in London.”

He was a very sharp fellow and he went on to say—speaking apparently for the comrades around him: “We all think well of you, Colonel, because you always give us a fair trial. The detectives have got to prove their case clearly or you will not convict, but some of the magistrates

and judges decide against a man with a record because he has a record, whether the case is proved clearly or not, and that is not playing the game fairly. If the detectives cannot prove their case they should not get the decision, but if they do prove it then we never complain of the judge for sentencing us. All we want is fair play." It was the exact point of view of the football player who wanted an absolutely fair referee.

The contrast between this method of looking upon the result of the trials of the professional criminal, and that of another class of customers who are very respectable and often wealthy, is very remarkable. Of course, in many cases people of this latter class pay their fines willingly and blame nobody but themselves. Some of them, however, resent bitterly being prosecuted and blame everybody but themselves. They find great fault with the magistrate and the prosecutor and the police. I noticed sometimes in years past that people, fined for not cleaning snow from the sidewalks in front of their property, retained a strong feeling against me personally for doing my duty, sometimes a very bitter feeling. I did not mind this, for people who would take that view were not worth bothering about.

A good many years ago a second police magistrate was appointed, Mr. Rupert E. Kingsford,

and he was assigned to deal with all the minor cases, while my business was mainly confined to trying the serious indictable offences. The result has been that my dealings have been with the worst criminals, while Mr. Kingsford's principal work has been with the respectable and wealthy classes.

It has been a great relief to me to have escaped dealing with the type who now come before Mr. Kingsford, and particularly of late years since the motor-car has become an established institution. There are a number of rules for the guidance of drivers of motor-cars which are often broken: over-speeding, driving on the wrong side of the street, not having lighted lamps in the dark, or not returning to the scene of an accident. Over-speeding is the commonest offence of them all, and numbers of defendants are constantly in court to meet such charges. A man always feels he is going very slowly if he is going only five miles an hour over the rate permitted by law, and there is constant complaining by motor car owners, if brought before the court on those charges. Those who complain the most are generally so-called millionaires. Sometimes in my club they will complain to me about the motor laws, and the way in which they are administered.

I always close the discussion by saying: "Thanks to a kind Providence, I have nothing whatever to do with motor cases. I deal with the aristocracy of crime, with murderers, highway robbers, forgers, embezzelers and all the highest class of criminals. I have nothing to do with the petty offenders who don't remove their snow, or drive their motors too fast, or commit other frivolous little offences, and I am very thankful, for my customers are much more pleasant to deal with; they rarely complain or bear any ill-will."

## CHAPTER VII.

### THE POLICE COMMISSION.

**A**S Police Magistrate I have always been a member of the Board of Police Commissioners; and the Board, which consists of the County Court Judge, the mayor and myself, has had the absolute control of the organization and management of the force. As we have been free of popular control, we have been able to manage without any reference to political feeling, or secret society or other influence of that kind. I very fortunately never had been connected with any secret organization of any sort. I was not a Free Mason or Orangeman, and consequently have had a free hand in working only for the real benefit of the police administration. Being a member of the Canada First party, and indifferent to any political party, changing from one party to the other with the utmost freedom, if the interest of the idea of Canada First led me to one side or the other, I was not influenced by those strong political party prejudices which are often so injurious to the best interests of the country.

Shortly after I came upon the Board I found one very serious difficulty in the way of managing the force to the best advantage. There were several of the under officers who had done excellent work, who had risen to the most important places, who were drawing the highest salaries, and who had, either through age or illness, become unfit for work, and were unable to attend to their duties properly. In some instances these men were given sick leave, and, being on full pay, were drawing salaries they were unable to earn. There were one or two such cases when I was first appointed. There was no pension fund, and if the men were discharged they might have been sick and penniless in their old age.

We then endeavoured to get up a pension fund, to be maintained by contributions from the men, and a scheme was prepared, and we applied to the Legislature to grant a charter to authorize this being carried out. About half or more of the older men at once agreed to this proposition, but many of the younger men, who thought they would never be ill, or grow old, objected strenuously, and a large deputation waited on the Premier, the late Sir Oliver Mowat, and prevailed upon him to forbid the establishment of the system.

When I heard of this I told the Board there were "other ways of getting over the difficulty, and that



as there was a general law, which allowed benevolent organizations to establish benefit funds, that we could act under that law and establish a Benefit Fund Society for all the men who were willing to join it. This was arranged, with great care, and the rates of pension, and all necessary rules made out, and the men were asked to join. About two-thirds agreed to it, but about one-third refused.

As soon as we had it fairly started I suggested that we should have all the men in it, but we found that the dissatisfied men still held out. We asked them to send a deputation to discuss the matter with the Board. They came and were evidently influenced by the opinion of the Premier that it would have to be voluntary.

I then addressed them, and said that I understood their point of view, and that we did not want any of the men to join, except of their own free will, that it was quite voluntary, but that the Board had decided that after January 1st, they would only retain in the force those who had voluntarily joined the Benefit Fund, and we advised those not wishing to do this, to send in their resignations to take effect on that date, then some three or four months ahead. Not one man resigned, and when the New Year began, and we were preparing the estimates we raised the pay of all the men and officers, by an amount sufficient

to cover the contribution to the Fund, and give them increased pay as well.

This satisfied everybody, and the Pension and Benefit Fund has been ever since the greatest comfort and blessing to the old men, and to the widows of those who have died in the force. Although I am not personally affected by the Pension System, I look back to my dogged persistence in this matter with the greatest satisfaction. All about the city now are to be seen old men, formerly members of the force, who have done good service, and are receiving allowances to enable them to be comfortable. I see many of those who fought against the organization of the Benefit Fund now enjoying the benefits, and many of them have told me how much they felt indebted to me for my insistent support of the policy.

The Police force of Toronto has a very high reputation all over America for honesty and efficiency. A gentleman from Seattle who travelled to a number of large cities to inquire into the methods and efficiency of the various police forces, and wrote an article upon the subject afterwards, put the Toronto force above them all. This was very gratifying to me, for I have been on the Board for forty years, while the other two members have changed frequently.

An important point in connection with the force

was, that not many years after I was appointed, Maj. Draper, the Chief of Police, had to resign on account of ill health. I nominated as his successor Lt.-Col. Henry J. Grasett of the Royal Grenadiers, and although the other members of the Board had friends they favoured, the arguments in favour of Col. Grasett were so strong that he was unanimously appointed. This was more than thirty years ago, and we have worked together ever since in perfect accord.

Col. Grasett has been the Treasurer of the Police Benefit Fund ever since his appointment to the command of the force, and has exercised a very careful and able supervision over its management. The proof of this is shown by the fact that when he took charge in 1887, the Benefit Fund's cash assets were \$25,666. To-day they are well over \$800,000 and not one dollar has been lost in all that time; a most remarkable proof of the ability with which the Police Benefit Association, guided by the Chief, have managed their business.

In the appointment of new constables there has been no political influence used. The candidates are examined carefully by the Chief before they come before the Board. The standard of height is five feet, ten inches, and the men are carefully examined by the Doctor before appointment. The certificates

of character are closely inquired into, and then the men are appointed on probation. They are trained under old constables for some months, and if there are any signs of weakness in health, or character, or energy, they are not retained. So that it is a survival of the fittest. We also have many strict regulations to improve the tone of the force. No rewards are allowed to be given by anyone for the services of the men. Tips are absolutely forbidden. Men have been dismissed for accepting them. Rewards for the apprehension of criminals, if offered by the citizens of Toronto, are refused by the police. If rewards are offered from outside, and the police earn them, the money goes to the Benefit Fund.

I always maintain this policy very rigidly, sometimes with difficulty. I will give an illustration of this. In the summer time it is customary for people, going on vacation to the seaside or elsewhere, to lock up their houses and notify the police and leave their keys at the station. A number of policemen in plain clothes on bicycles visit these houses both night and day. When the citizens come back, sometimes, not knowing our rules, they offer the men five or ten dollars, which is invariably refused. Oftentimes a citizen encloses the money to the Chief, and asks him to give it to the constable. The Chief always returns the money to

the sender, explaining that the rules of the force prohibit its acceptance.

We have had cases where after this, the citizen has asked the Board of Commissioners to allow the man to receive it. One persistent man sent twenty-five dollars as a present to the Benefit Fund. At first the other members were inclined to accept this, but I protested vigorously, and pointed out that if that was accepted it would get out among the men, and others would be giving money the same way, and the result might be that the men watching the houses would devote the most of their care to the houses of those who gave money to the Benefit Fund, while others would not have as good attention.

Another illustration I may mention: A prominent business man gave an entertainment at his place of business one night, and the constable on the beat assisted in regulating the carriages. When the people had all gone the man, before shutting the door, offered the constable a two-dollar bill. The constable refused to take it, and said it was against the rules. The gentleman shoved the bill in the policeman's belt and slipped in and shut the door. The next morning he received a very polite note from the inspector of the division, saying that the constable had handed him the bill, which he returned in accordance with

the rules. The gentleman was so struck with the whole story that he told me about it, and also told me that the inspector's letter was framed and hanging in a police station in New York as a curiosity.

I have often heard friends say that they had tried to give constables money, which had been refused, but I have only heard of but one case where the money had been accepted. One young constable thoughtlessly received a tip from someone, and mentioned it to his comrades. They were so indignant at his bringing discredit on the force that they reported him, and he was struck off the roll.

## CHAPTER VIII.

### RECOLLECTIONS OF THE NEGRO ELEMENT

**T**HERE has been a remarkable change in the condition of affairs in Toronto since I was appointed Magistrate. The population in 1877 was under 70,000; it is now over 500,000. When first appointed I had only one clerk, who at times had temporary assistance. Now there are four police magistrates and seven clerks.

Another remarkable change has been in the great increase of foreign population. There was formerly quite a large negro population in Toronto, now there are very few negroes. Most of them seem to have drifted southward. In 1877 nearly a third of the population was of Irish birth or descent, now the relative proportion is very much smaller.

The negroes, many of whom were escaped or freed slaves, were a source of amusement in the court because of their many peculiarities, and I can recall some amusing incidents relating to them. Thirty-five years ago the coloured people had a Baptist church on Queen Street, at the

corner of Victoria Street, which had a rather large congregation.

One morning, going through my calendar, I came to a charge of assault against one Richard Lewis. When the name was called out, a burly negro, evidently a labourer, came up to the bar to stand his trial. I told him he was charged with having committed an assault upon one William Hopkins, and asked whether he pleaded guilty or not guilty.

He replied in a very gruff voice :

“I pleads guilty, yo honah, but it was under succumstances of de very gravest provocation.”

I turned to look at the complainant, who had stepped up into the witness box. He was a small, dandified, little negro, very black, wearing a high white collar, and large white cuffs, and the whites of his eyes and his teeth seemed to be shining out. His business was that of peddling coffee, pies, and cakes to the clerks in the down-town business places. I administered the oath to him, and asked him to tell me his story.

With a grand air he began :

“Suttenly, you honah. It was on the evening of Thursday last, at de coloured Baptist Church at de corner of Queen and Victoria Streets in dis city, de prisoner at de bah stepped up to me and said, ‘Mr. Hopkins, what do you mean by calling



Mrs. Brown by de Christian name of Harriett for”?

“I told him that when I knew a lady intimately, I was sometimes in de habit of calling her by de Christian name.

“‘Take dat,’ said he, and he hit me a number of times.”

“Did you strike him back?” I asked.

He drew himself up with an air of great dignity and said:

“Suttenly not, yo honah. Occupying de position dat I do, as a Sunday School teacher in de Central Prison, and going about every day among de bankers and de principal business men of de place, supplying dem wid hot coffee, do you think it would be right for *me* to enter into a pussonal altercation wid a man of *dat* class,” pointing at the defendant with infinite contempt.

“It will be five dollars and costs or thirty days,” said I.

#### A LITERARY SOCIETY

A few days after this, on leaving my office, I found outside of my door three negroes, evidently of the labouring class, dressed in their best, and with an air of importance which attracted my attention. One of them said:

“I beg your pardon, yo worship, but we’s a depitation, and would like to speak to yo honah just for a few minutes.”

I saw some promise of humour about it and replied:

“Certainly, come in, gentlemen” and, asking them to take seats, I inquired as to their business. The spokesman began:

“We’s a depitation from de Littery Society of de Coloured Baptist Church on the corner of Queen and Victoria Streets, and we want to get yo honah’s advice as to dis man Hopkins, who was up here in de Court last week.”

I asked what was the trouble.

“Well, yo honah, we have a Littery Society in our Church and Mr. Hopkins is one of de members, and at de meetings he just talk, talk, talk all de time. No one gets any chance to say anything. He was criticized by de chairman and requested to behave moh in conformity wid de succumstances of de case. He just set de chairman and de Society at defiance, and kept right on with his talk, talk, talk. De matter became so obnoxious dat de society called a meeting and expelled him from de society, and paid back to him all de money he had paid in, his entrance fee, his monthly subscriptions, and some donations to de libery fund, and we told him he must not come to de meetings any

moah. It did not make a pahticle of difference, yo worship. He comes in jus de same, and he goes on talk, talk all de time, and de society don't know what ought to be done, for you know de gentleman is half a lawyer, and we's 'fraid of him, so de society appointed us, as a depitation, to ask yo honah, what you would advise us to do under de extraordinary peculiarities of de case."

I asked if they had by-laws and rules, and they brought out a little manuscript book of rules, evidently copied from some other society, and I found that the society had the power, at a meeting called for the purpose, to expel a member for breaking the rules, or refusing to obey the directions of the chairman. They had done everything regularly, and had told him about it. I advised them to write out two copies of the resolution expelling him, and also a notice warning him that if he intruded again he would be arrested for trespass, and to serve one copy on him and to have two men make the service so that there could be no question as to his being notified. This they did and had no further trouble.

Before they left, however, with a laudable desire to obtain further information about a learned society of the kind, I asked if they had refunded his payments. They replied:

"Yes, sah, we gib him back his entrance fee,

his monthly subscriptions, and his donations to the libery fund.”

Then I asked:

“How much did it all come to?”

“Altogether, yo worship, it come to ninety cents.”

Still thirsting for knowledge I asked:

“How was it made up?”

The spokesman replied:

“Twenty-five cents was the entrance fee, and he had paid five monthly subscriptions of five cents each, and had given four donations of ten cents each to the libery fund.”

It was an amusing exposition of the financial standing of one of the literary societies of Toronto.

#### HOPKINS IN THE POLICE COURT

In *The Evening Telegram* of the 27th January, 1881, appears the following report of the proceedings in my Court in reference to a charge against this man Hopkins. It is a good illustration of the humorous way in which the Police Court matters were dealt with by some of the newspapers and is quoted as it appeared:

#### WM. HOPKINS

Wm. H. Hopkins, the well-known coffee and sandwich purveyor, was charged with threatening

to shoot Mr. Charles Page, an elderly gentleman, of very dark complexion and thick lips, a characteristic negro.

Hopkins addressed the court as follows:

“Yah Wership: De circumstances of de case am dese. De ’plainant and dis chile am bofe members of de Odd-fellows Lodge, and de ’plainant forgettin dose brudderly feelings which am de ’stinguish proofs of de Oddfellows Association, am jealous of dis chile. De ’plainant threatened to butt me, yoah Wership, and for making use of such language he should be exonerated from de Club.

“What did he mean by butting you?” asked the Magistrate.

“What did he mean? Shuah yoah wership knows what a butting match am. Ye see, Sah, dis am de way it’s done. De rules and relations of de match forbid de butting in de face or in de stomach, but it must be de two heads meeting, and de man wid de tickest head am de best. Why, Sah, dat African in de box am de hardest butter in de city. He can split a cheese, or bend a piece of iron, and does de Court and de gentlemen present tink dat I was going to let him butt me. Well Sah dat man wanted to hab me put out of de lodge, and I would like to know what for a man like dat is to exonerate me from de lodge? Yoah see, yoah Wership, a great many things am said in de lodge what am not fit for de public, but if de witness want all de truf he can hab it.

“Dat man,” said the witness, “brought de revolver and threatened to shoot me.”

“What do you say to that prisoner?” asked the Magistrate.

“Yoah Wership, dat man swore to walk hand in hand wid all de members of de lodge. He was de fust to perpose de brudderly lub wid de breddren and sistern of de membahs. It was him dat read de oath and de ceremonies, and guv de secrets to de oders. Dat was de man what smiled upon me when I rode de goat, and swore by de bones of de dead dat he would be de fadder to de widdower, and de mudder to de fatherless. Dat was de man and now yoah Wership, he stole de monies of de lodge. He borrow money and cakes from myself, and never paid me back, and what kind of a man am him to seduce my kraeter afore dis court, and de leaders of de land. Such a man should be exonerated from de land.”

“But what about that pistol that you threatened to shoot him with?”

“De pistol am it, yoah wership. Wen I heard dat African was gwine to butt me, I tuk de cylinder out ob de shooter and went to de loge, and how could I shoot dat African wid a shooter widdout a cylinder?”

“But the witness says he is afraid of you.”

“Yoah wership, dis am de crisis of ma life. Dat man got between me and my wife. He got up at de caucus meeting to turn me out of de lodge, because I was de smartest man in it. I knew dat man’s head was hard and dat he could butt better dan me, so I scared him wid de pistil widout de cylinder. What should be done wid such a coon as dat? I’m stonished at him. I tell you, yoah wership, if dat man’s head ever comes in contact wid dis, I’s e goin to pertect my own. Dat man afraid ob me? De man dat goes into de house ob anudder, am not afraid. Dat man hab de heart of de lion, der nerves ob steel, and de head like iron. Dismiss de case, yoah wership.”

Instead of dismissing the case, I placed both complainant and defendant under bonds to keep the peace to each other for the space of one year.

To finish my recollections of Hopkins: A short time after this episode, Hopkins had a quarrel with his brother, and in his temper fired a revolver at him, wounding him in the neck. The wounded man was in the hospital for a number of weeks, and then came to give evidence before me about the shooting. The wound was a most peculiar one; it had made a hole in the man's windpipe through which the air escaped as he breathed with a most peculiar whistling and his evidence was accompanied by this uncanny sound. I never heard of a case like it. Hopkins was sent to the Kingston Penitentiary for some years, and I don't remember seeing him again.

Another remarkable negro who often appeared in court was George Wright, who made a living by sawing and splitting cordwood, then a very important business, employing a number of men, but now with the disappearance of the woods, and the almost universal use of coal, a lost art.

What distinguished Wright over all the other habitués of the court was that, in my opinion, he was the most accomplished and able cross-examiner I ever knew. He was courteous and skilful in the highest degree. I remember once after a very

careful and cunning cross-examination of a witness, he caught him in a distinct contradiction. He made the witness repeat his second statement and, recalling his previous one, he said to the witness:

“Now will you please explain to his worship, dar, how you make dem two points harmonize?”

About fifteen years ago I was trying a negro for breaking into a house and stealing a number of articles which were at the moment on the table in front of the witness box. They were identified by the owner. The negro was defended by a barrister who was also an officer in the 48th Highlanders of the Toronto Militia. He made a vigorous defence of his client but the case was clearly proved, and the negro was convicted. I sentenced him to a term, and Mr. Curry, the Crown Attorney, in the usual way applied for an order of restitution of the stolen articles to the owner. I made the order at once. Then the complainant stated that the negro was wearing his best Sunday trousers, which had also been stolen, and he wanted them back. The prisoner's counsel made some objection that the negro had no others. I said that the prisoner could wear them to the jail, and as soon as he got the prison clothing, the trousers were to be restored to the owner, and then, addressing the lawyer, I said: “When he has



served his term, he can join the Kilties." I doubt if the Highland Officer appreciated the joke.

A good many years ago the manufacturers of pianos had succeeded in making pianos of an inferior type at very low prices, and this was followed by a general custom of selling them to the poorer people on the instalment plan, by which they could be paid for by small monthly payments. This led to large numbers of pianos being purchased by people in quite humble positions. The fact of one of the lower classes having a piano in the house, gave the owner a social distinction among her associates, which could not be overlooked. A scrubbing woman at the City Hall bought one, a charwoman I knew of also had one, and I have no doubt that, in their own circle, it was a great mark of distinction.

In a small street in a humble section of the city there lived a number of negroes, mostly labourers or railway porters. One of these, more ambitious than the others, by close saving and hard work, had succeeded in buying a piano. The wife, as well as the husband, was anxious for social distinction, and they decided to give an evening party in order to show off the piano. They invited a coloured woman who, I think, gave lessons in music to come and try the piano. They also invited a few of the more select of their acquaint-

tances to come to the party. The coloured woman (the musician) was evidently of a higher social scale than the other guests. She was an ample personage, well dressed, and with an impressive manner

The party had scarcely begun when the news of it spread through the street among the other coloured people who had been formerly on the visiting list of the hostess; and, finding they had not been invited to meet the distinguished musician, a feeling of deep resentment arose, then indignation, and then they gathered in front of the house and acted in a most disorderly manner. The police heard of it and came and arrested the principal offenders on the charge of disorderly conduct, and they appeared before me the next morning and were fined. It was an interesting and most amusing case, and gave me a great insight into the point of view of that particular stratum of society in Toronto life. I did not grudge the time given to investigating it.

## CHAPTER IX.

### THEFT OF LACE AND FORGERY

ONE day just as the Court was adjourned and I was leaving the Bench, the sergeant of detectives, Newhall, came in and asked me if I would wait a minute, to remand a prisoner who had just been placed in the dock. The prisoner was a respectable looking young woman, a housemaid in a gentleman's family. Newhall had the charge prepared and swore to it, charging her with the theft from her mistress of a quantity of lace, and I arraigned the young woman, and asked her whether she pleaded guilty or not guilty.

"I am not guilty," she said very earnestly.

I was impressed at once with the feeling that she was innocent, and in a low voice I cross-examined Newhall, who was standing close to me. I said:

"Have you got any evidence against that prisoner?"

"Yes," said Newhall. "It is a clear case."

“That is strange,” I said, “for I do not think she is guilty,” and I asked what the evidence was.

He replied: “I found some of the stolen lace in her trunk, and there is a witness who saw her coming from the room from which the lace was stolen.”

“How much lace was stolen?” I asked.

“About one hundred dollars’ worth.”

“How much was found in her trunk?”

“About ten dollars’ worth.”

I then asked who saw her coming out of the room, and Newhall said a fellow servant, and he added, “She is here” and indicated to me where she was sitting at the side of the courtroom.

“I looked at the young woman and said, “I believe that she is the one that stole the lace, for only a tenth part has been found.” I then asked him if he knew where her home was, and found that although living at the house where she was employed, she had an aunt living near, whose house was her home. I suggested that it would do no harm if he were to search the aunt’s house as soon as possible, to see whether most of the lace was there or not.

The prisoner was remanded till the morning. I issued a search warrant to Newhall, to make the search, and in the morning I heard that the rest of the lace had been found in the aunt’s house, in

the woman's trunk, and that she had been arrested on the charge of theft. She pleaded guilty, and admitted having placed a portion of the lace in her fellow servant's trunk, to create suspicion and relieve herself. She was sentenced, while the first prisoner was discharged. I was glad that I had paid attention to what was only an intuitive feeling, and that I had followed it up by active steps to endeavour to find out the truth.

I will mention another case where an intuitive feeling that a prisoner was innocent, in spite of strong evidence to the contrary, caused me to take drastic measures to get at the truth, although it is not supposed to be the business of a judge to interfere in the searching out of evidence.

In this case a young man named McEachren employed in a carpet shop on Yonge Street, had embezzled some thirty dollars of his employer's money, and absconded to the United States. Some weeks after he returned to Toronto, and gave himself up, and his friends repaid the money, and as he was only a lad of about seventeen years of age of previously good character, I gave him a short sentence of some seven or ten days.

When this was done the employer asked to lay a fresh charge of forgery, claiming that the prisoner had forged his name to a cheque for \$90.00 the day he left Toronto, and had got it cashed at

the bank. I swore the employer to the information, and arraigned the lad and asked him if he pleaded guilty or not guilty. He said "Not guilty" with such an honest air, that I at once doubted his guilt and I was so convinced, that I began making inquiries into the evidence. The cheque was there, and the employer declared positively that the cheque was filled up in the young man's handwriting, but that the signature was a fairly good imitation of his own. I also learned that the banker was able almost positively to identify the prisoner, as the lad who cashed the cheque. I left the Bench, and went into my private room, and sent for detective John Hodgins then on our staff.

I informed him of what had just occurred in the Court, and told him I believed that McEachren was innocent, and asked him to go to the carpet shop as if looking for evidence against the accused, and I suggested to him that he should interview all the employees, and see if there was a young fair-haired lad of the height and general appearance of the prisoner, and if there was, then to endeavour to find out whether he had been flush with money the day after McEachren had run away. Sending him off on this work, I returned to the Bench, and went on trying my cases.

In two or three hours I had finished my court, and was in my room when Detective Hodgins came

in. He reported that there was a young lad named Bright, about the same age, height and complexion as the accused working in the shop, and that he had taken his address among the others, and had gone to his boarding-house, and made inquiries. He was told that some weeks before, he had received a letter with some money from an uncle in the country, that he had paid three weeks board which he owed, and three weeks ahead, and had bought himself a new suit of clothes. Hodgins asked the boarding-house keeper if he could look up his books, and fix the date on which the board was paid. It turned out to be just the day after McEachren had gone.

I then concluded that I had discovered the real forger, but still it was difficult to prove, and he might escape. I sent down to the cells and had the young prisoner brought up to my room. He had been remanded till the next day, to come up to be tried on the new charge of forgery. I told him that I did not believe the charge against him, and that I thought he was innocent. He repeated his denial of all knowledge of the forgery. I told him who I thought had done it, and he seemed shocked to think that his writing had been forged by a fellow clerk. I advised him to apply for a warrant for the arrest of Bright as a witness not likely to appear on a subpoena, in order that

we might secure him. He agreed to this, and I issued a warrant for the arrest of Bright as a witness and gave it to Hodgins.

The next morning I found Hodgins waiting for me at my office. He told me that he had waited at the door of the boarding-house till Bright arrived in the evening, and, as he was entering, seized him by the collar.

“You are my prisoner in the Queen’s name,” he said.

The lad wilted and asked the reason.

“Oh,” said Hodgins, “about the forgery of that cheque.”

“My God! How did I get found out?”

“I know all about it,” said Hodgins, and he took him to the station. Before starting he gave him the usual caution, that he was not bound to answer any questions or say anything, but that if he did, it could be used in evidence against him. Then as they walked along Hodgins said:

“What possessed you to do that?” He then told him that he knew McEachren had run away to the States, that he did not think he would come back, and so he wrote out a cheque imitating his handwriting, and forged the signature of his employer. He then went to the bank and cashed it, endorsing it with a good imitation of McEachren’s signature.



When Hodgins brought him into the station, Deputy Chief Stuart was there, and Hodgins told him, in the young man's presence, that he had cautioned him and repeated the caution, and told the Deputy that the prisoner admitted that he had committed the forgery. The prisoner corroborated this.

Hodgins then prepared an information charging Bright with having committed the forgery. When McEachren was called to stand his trial, the Crown put in some evidence, and then Bright was called, and soon cleared the prisoner. Bright was then arraigned, and committed for trial.

When the assizes were opened shortly after, Chief Justice Sir John Hagarty was on the Bench, and I went to see him and told him the whole story, of how we had entrapped the young man to save an innocent party, but that he was only a lad, and I hoped he would be as lenient with him as he could. He said he would remember what I said and do the best he could for him. He only sent him to jail for two months.

This was another case, where I took irregular methods to do substantial justice.

## CHAPTER X.

### A MINISTERIAL ASSOCIATION.

**W**E have had a Ministerial Association in Toronto for a great many years, I should think more than thirty, composed of very worthy religious people who formed themselves into an organization for bringing pressure upon the Board of Police Commissioners, to enforce the most drastic and cruel punishment, upon certain classes of the criminal population who offended their tender susceptibilities. I have found many of these really worthy people, in well-meaning enthusiasm, and forgetting the example of their Master, who told the woman to go and sin no more, urging the most severe punishments on people who, if erring, were certainly unfortunate and to be pitied. They showed the spirit of the old Puritan, who said of his opponents, "Smite them, oh Lord, hip and thigh, from Dan even unto Beersheba, from the rising of the sun until the going down thereof".

The origin of the Ministerial Association was curious and interesting. There was a Presbyter-

ian elder who kept a shop on a quiet street in the city, and next door to him was a small cottage, which was rented by a young woman living alone with a young girl as a domestic. She lived very quietly and apparently respectably, but the elder became suspicious and felt that, in view of his position as a pillar of the church, a woman such as he suspected her to be should not live next door to him. He went to the Chief Constable and asked him to drive her out. The Chief questioned him closely, and could not find anything to justify him in taking action. There were no rows, no noise, no traffic of people coming and going, and apparently the woman was living a quiet and respectable life. But the Chief told him that if ever he heard a row going on in the house, any fighting that would justify the police entering, to notify the police, and they would enter and arrest the inmates, and if there was anything wrong it would probably be discovered.

I knew nothing about this, and one morning I found in the dock a well-dressed, respectable looking young woman and four men. The woman was charged with keeping a disorderly house, and the men with being frequenters. As soon as the case was called, the Deputy Chief Constable asked to have the case adjourned till the next day, as there

was something peculiar about it, and he wished to make inquiries.

The next morning I fully investigated the case, and discovered that about 10 o'clock, on the night of the arrest, four men had gone to the woman's door, and when she came to it, they forced their way into the sitting-room, took off their coats and refused to leave the house. The woman sent her servant girl at once for the police, and being afraid to stay in the house stood on her front doorstep waiting her return. She gave evidence that a man ran past the door and made a signal to one of the men standing near her, and the four men began apparently to fight with one another and use bad language, when suddenly a squad of police came up and arrested them all.

With the police came the elder, and the police proved that he had come to the station and stated that a row was going on in the house. It was further shown that one of the four men had been induced by the others to go up with them, as they intended to create a row in order to have a house arrested. Another policeman on duty in the other direction gave evidence of the young girl coming to him for assistance.

The case was at once dismissed, and the woman discharged. Mr. Murphy, her counsel, immediately applied for a summons against the elder, and

the three men, for a conspiracy against the woman. They were committed for trial on this new charge and convicted, the elder being fined twenty dollars. He at once went to his pastor for sympathy and encouragement. The pastor called a meeting of the ministers of the different churches, and a Ministerial Association was organized.

## CHAPTER XI.

### DOCTOR R. A. P. SHEPPARD

**P**ERHAPS the most remarkable character that appeared in the Court in my time was an old negro named "Doctor" R. A. P. Sheppard, but always known as "Doc" Sheppard. He often appeared in various capacities, and acquired such a notoriety or reputation, that everyone knew of him, and once during his lifetime a biography of him was published in pamphlet form and had a large sale. He deserves a chapter to himself.

Sheppard was an active, well built man of medium height, of very dark colour, with an immense mouth and large protruding lips. This gave him a very open countenance, and when he smiled it was a smile that spread all over his face so that it seemed all smile, and there was a very benignant air about it, not often seen. The lips were so protruding that when he spoke they seemed to wave in the air, and from practice, or unconsciously, he was in the habit in conversation of using them so

freely that I always said he gesticulated with his lips. He was unique in this respect.

Sheppard had been sent from London, Ontario, to the Central Prison at Toronto for six months for stealing a hive of honey. While there he took a great interest in the Sunday School among the prisoners, and tried to learn all they could teach him. He could not read, but he learned a lot of the stock religious phrases, which he sometimes used in his conversation.

After his discharge from the prison he went to live in a cheap ten-cent lodging-house that was kept by an old negro couple, harmless creatures, who belonged to the Coloured Baptist Church. After a time he decided to marry the maid-servant, the drudge of this lodging-house. She was a tall, thin, angular, white spinster of about fifty years of age.

Sergeant Reburn of the detective force told the anecdote which rapidly spread and introduced the name of "Doctor" Sheppard to our knowledge. It appeared that Sheppard could not raise the sum of two dollars to buy the marriage license to enable him to get married to this woman. He tried to borrow the money from several persons, without success, and he then applied to Reburn.

"I want to ask you a great favour, Massa Reburn. Would you 'blige me wid de loan of two

dollars till Friday? I want to buy a marriage license, and I will pay you for shuah on Friday”.

Reburn said:

“Are you quite sure you can pay me back on Friday?”

“Sartin shuah, Massa Reburn”.

Then said Reburn:

“I will tell you what to do, you are sure to have the money on Friday, so wait till Friday, get your money, buy the license, and get married then.”

Sheppard thought over the suggestion for awhile, and then very seriously replied:

“It ain’t no wise possorable, Massa Reburn; de woman can’t be put off.”

As a matter of fact Sheppard got the license on credit, and I doubt if he ever paid for it. The clergyman, I understood, was paid in the same way.

#### SHEPPARD AS WITNESS

A short time after this, before I had ever seen Sheppard, the old negro couple who kept the lodging-house were brought before me on the charge of keeping a disorderly house. The Deputy Chief Constable, who had laid the charge, called Sheppard as his first witness. I was surprised to see an old negro, whom I had never seen before, get up



from the rear of the courtroom in response to the call, and come forward saying in a loud voice:

“Heah I is; I’s’e fighting de battle of de Lord, and ye can tell ob de tree by its fruit.”

He was sworn and told me several things which I think were inventions, but he showed that he was very indignant because the old negress had told the Baptist Church authorities, that he (Sheppard) had been in the Central Prison, and that, in consequence, the select congregation of that church would not admit him as a member. He complained of this, saying in his picturesque way that,

“De old lady dah, shot off her mouth at me to de church.”

The late Nicholas Murphy, K.C., appeared for the defendants, and commenced to cross-examine the witness.

“What is your name?”

Dr. R. A. P. Sheppard.”

“Are you a doctor of medicine or a doctor of divinity?”

“Neider, sah. Dat is my Christian name. I was named after my old Massa when I was a slave afoah de war.”

Sheppard had said in his evidence that the conduct of the old people was bad, that as a father of a family, with grown-up sons and daughters, he

could not stand such goings-on, and that he had complained frequently to the police.

Mr. Murphy went on to cross-examine him.

“You are a married man, doctor?”

“Yes, sah.”

“When were you married?”

“On de 31st day of January last”.

“That is to your present wife.”

“Yes, sah”.

“When were you married to your first wife?”

“Dis is my fust wife.”

“Do you mean to tell me that you were never married before?”

“Yes, sah”.

“Are you quite sure about that?”

“Sartin, shuah”.

“Now, then,” said Mr. Murphy, “what did mean by telling his worship a few minutes ago that you as a father of a family, with grown-up sons and daughters, could not stand such goings-on?”

Mr. Murphy roared at him and scolded and scolded and denounced him.

Sheppard’s face was a study. He smiled down on Mr. Murphy with the most kindly and benignant air, which only made Mr. Murphy more vehement and then with the utmost coolness said:

“Mista Murphy, ain’t dar heaps of folks who have children who were never married.”

Mr. Murphy was taken aback, but he denounced him furiously, and asked him how he, with such a character, dared to come into court and give evidence against anyone, and the more he roared at him the more Sheppard smiled most patiently, and when Mr. Murphy stopped he said in the most amiable tone:

“Mista Murphy, can’t a man reform? You know what de Scripture says: ‘As long as as de lamp holds out to burn de vilest sinner may return’.”

“Where do you get that text?” asked Murphy.

“Dhat, sah! you will find in de Gospel according to St. John.”

This was said with an air of sorrow at Murphy’s ignorance. Murphy did not know any better, so he said “that will do, you can step down”.

I need not say that Sheppard failed in his prosecution. I have rarely seen a lawyer more cleverly dealt with by a witness, but the incident required to have been seen, to be fully appreciated.

On one occasion when I was away and Mr. Boustead, J.P., was taking the court for me, Sheppard was brought up for disorderly conduct on the street. He wished for an adjournment. He wished to be tried before me. Mr. Murdock, who prac-

tised in my Court, and was an irrepressible wag, told Sheppard he would prepare an affidavit asking for an adjournment, and he prepared one of the most absurd character, which Sheppard put in, probably not knowing what was in it. Boustead had not much sense of humour, and refused the adjournment, found Sheppard guilty of disorderly conduct and gave him a fine or sixty days in jail.

In *The Evening Telegram* of the 30th and 31st August, 1880, appears the following account of this affidavit and the result of the trial:

A POWERFUL LEGAL DOCUMENT THAT FAILED—THE  
DOCTOR SENT DOWN FOR TWO MONTHS

Upon Sheppard's name being called this morning at the Police Court, to answer to the charge of throwing stones on the street, he slipped up to the rail with a cheerful smile radiating his countenance like the polish of a shining stovepipe. He said:

"Your Worship; I's here a dokerment that'll 'stonish you. My legal 'viser says dat dare's a new statute past, and dat you darn't send dis chile to prison on the charge proffered. Dar!"

The following document was then passed up to the bench:

The Queen	In the Police
against	Court in and for
Dr. R. A. P. Sheppard	the City of Toronto

I, Doctor Remiquis Assassination Poeliontis Sheppard, of the City of Toronto, in the County of York, pusher

of a push-cart and dealer in broken bottles, heads and other things too delicate to mention, hereby declare as follows:

1. I am the defendant in a certain charge now pending in the police court against me of being disorderly and worse than that.

2. My wife Sarah (sometimes called Sally for short) is a material and necessary witness for me on the said charge (the like of which has never been known before, and equals in fury and bravery the charge of the Light Brigade) and I cannot safely proceed with my defence to the said charge without the evidence of my dearly-beloved wife Sarah.

3. My said wife has been knocked down in the eye with a stone, and otherwise injured in the breast, and is in consequence of such nefarious action on the part of somebody or bodies to the declarant unknown, disabled to attend.

4. One Michael Kavano, who I think is of Italian extraction, and who follows the avocation of a boot-black, although I do not pretend thereby to insinuate that he is a coloured boy, as I declare hereby that he is a white child; is a material and necessary witness for me in my defence to the said charge, and I cannot safely proceed to trial without the evidence of the said Michael Kavano.

5. The said Michael Kavano is now a sailor on Her Majesty's inland lakes, many miles perhaps from Toronto, and it is impossible for this declarant to procure the attendance of said Italian at said trial.

6. Your declarant prays and submits that your Honour, the Honourable James Bellingham Boustead, may remand the trial of said case for one week, when

the declarant is reasonably certain he can procure the attendance of said two witnesses on his behalf, and your declarant hath signed.

Declared to me at Toronto,  
this 30th day of July, 1880  
(and in the 104th year of  
the independence of the  
United States) pursuant to  
37th Victoria.

Dr. R.A.P.  
his X mark  
Sheppard.

N. F. HAGEL, a Commissioner for the County of York.

After perusing the legal declaration with due diligence, the Bench inquired what the initials "R.A.P." stood for.

Sheppard—I don't know. That's my 'nitials.

Bench—What were you christened?

Sheppard—Doc.

Bench—What! did you become a doctor so soon?

Sheppard—Yes, and I'se a sight better than some whose got their 'grees from a college.

Bench—We will not argue on that point, but were you christened Remiquis Assassination Pocliontis?

Sheppard—Certainly not.

Bench—Then this document, which displays great legal astuteness, falls to the ground, and as the charge of stone-throwing is proved against you, I sentence you to pay \$5 and costs or sixty days.

Sheppard—Will your Honour gib dis chile time to pay?

Bench—No credit here.

And the doctor was led away with a sorrowful countenance, as black as Erebus, to the deep dungeon that all well-regulated Police Courts have on board.

The next day the following letter appeared in *The Evening Telegram*:

#### AN EXPLANATION

Sir,—I have had my attention called to your issue of yesterday, in which appears what purports to be a declaration having the effect of an affidavit made before me by one Sheppard, commonly known as Dr. Sheppard. With respect to that declaration I wish to state that it was presented to me while I was engaged with clients by a barrister, acting on behalf of Sheppard, and accompanying him. As is usual, I asked the latter to declare the truth of it, telling him it was of the same effect as an oath. I didn't then know the contents of the document, nor had I the slightest idea that it was the senseless piece of trifling it was. I hasten to state this, lest it should be thought that I treat my commission with the levity which the document would indicate.

N. F. HAGEL.

Sheppard served his term, but the next time he appeared before me he complained bitterly of Mr. Boustead's action. Although I could not have done as Mr. Boustead did, I had to stand by him. Sheppard said:

“If yo Honah had been heah, you would not have sent me down, but Mr. Boustead sent me for sixty days.”

“You cannot tell Sheppard,” I said; “If I had been here I might have given you six months.”

It staggered him for a minute, and then he said:

“Well, yo Honah, I would not have cared if you had, for den I would have known dat it was de law.”

While Sheppard was in the jail on this occasion he was either sick or pretended to be, and he applied to the jail physician Dr. Richardson to relieve him from working. Dr. Richardson was an exceedingly quick-tempered man. He paid no attention to Sheppard’s complaints saying: “Put him to work, put him to work”.

Some time after his release Sheppard met Dr. Richardson on the street and sidled up alongside of him saying,

“Yah! Yah! Put him to work, put him to work. Yah!” This was done with an offensive and insolent air.

Dr. Richardson had Sheppard summoned under the by-law, for using grossly insulting language. I felt there was a grave question as to whether these words came within the by-law but I knew that if Sheppard got a chance to cross-examine Dr. Richardson, he would drive him wild, and make a very unpleasant scene. I asked one of Dr. Richardson’s friends to keep him away and apply



for an adjournment. This I granted against Sheppard's objections. Dr. Richardson was still obdurate, and I adjourned it again. Sheppard made a great objection. He claimed that he wanted to be tried, and assured me that there was nothing in the case.

"I assure yo Honour, dars nothing to it. It is a pure case 'ob professional jealousy', referring to Dr. Sheppard's name. Dr. Richardson dropped the case the next time it came up, and often afterwards told the story to his friends with great glee.

Doc Sheppard's business, as he explained it himself, was collecting rubbish.

One day in an abandoned oil refinery Sheppard was moving about picking up old hoops and various scraps of iron, and with his cart fairly full he was going off, when the caretaker followed him, stopped him, and said:

"Where did you git that iron?"

Sheppard said, "Yo want to know whar I got dat iron."

"Yes I do."

"Well come along wid me and I'll show you."

And he wheeled his cart back into the yard, dumped the iron down on the ground and said, "Dar's whar I got it", and started off as fast as he could go. The caretaker and several others

followed, and a constable joined in, and he was arrested for stealing the iron, and the next day appeared before me. I heard all the evidence and told him he was convicted and was just going to write down a short sentence when he called out earnestly "Hold on dar yo Worship—Hold on to dat pen. Deserve (reserve) your decision." I stopped and asked him what was the matter. He said, "I don't want to be in jail on Christmas. Remand de case till "next Tuesday (the day after Christmas) and I will be here for shuah, to take my sentence." I said, "You are remanded on your own bail in \$100 to appear on the 26th inst." Then he went out.

When his name was called on the 26th he came to the bar with great promptness and began to argue his case again, with remarkable fluency. "Yo Honour, dar is a great principle in de British law dat if dar is a doubt in de case, the doubt belongs to de prisoner. Dar is a great doubt in dis case, and I claims it. I have a great doubt." I said, "You are quite right Doctor in the general principle, but it is not you that should have the doubt. It is I that should have it, and I have not a particle of doubt. Now what made you run away if you were not guilty?" His reply was as quick as a flash.

“Now hold on dar a minute your Worship. You is a military gent, now if you and me were on a war together, and you said to me, Sheppard, I want you to go right on in front on a scout, and see if you see any of de enemy coming, and I go on a mile or two ahead, and I see about fifteen or twenty of de enemy coming, is it my place to stay dar and fight? Suttently not. I would run back as hard as I could, and when I saw a constable and a lot of people running after me of course I ran away, but dat aint no proof dat I stole de iron.” My reply was, “You will be committed to jail for five days and you will be out in time for New Year’s.”

Sheppard in time was one of the best known characters in the City and was constantly being pointed out to strangers. One morning as I finished the court and it was adjourned, Sheppard stepped up to the bar and said, “I want to make a complaint to yoah Honour. I is very much annoyed on de streets of dis city. When I’s walking along, nearly everybody glares at me, and dey nudges each other and say, ‘Dars Doc Sheppard,’ and dey stare at me and it’s going on all de time. It’s a perfect nuisance, and I want to ask yoah Honour if anything can be done to obviate the annoyance.” I was thinking while he was talking, how to meet it, for I could not think of any plan

for stopping it. So I said, "Well Doctor I fully sympathize with you. I am troubled that way myself, I see people nudging each other constantly and whispering, "There is the Magistrate," and I agree with you, that it is very embarrassing, but I cannot see what we can do about it. We cannot prevent people looking at us, that is one of the penalties of greatness, and I am afraid Sheppard we must just make up our minds to put up with it." Suttently, sir, I suppose we must," said Sheppard, and he straightened himself up and went off quite contented.

On one occasion Sheppard made some pitiful complaint which a reporter published with poetic license as follows:

Out in the cold world,  
Out in the street;  
Put out by the bailiff  
By the neck and the seat.  
The iron trade am busted,  
The push-cart am gone,  
My wife she am dying,  
And I can't last long.

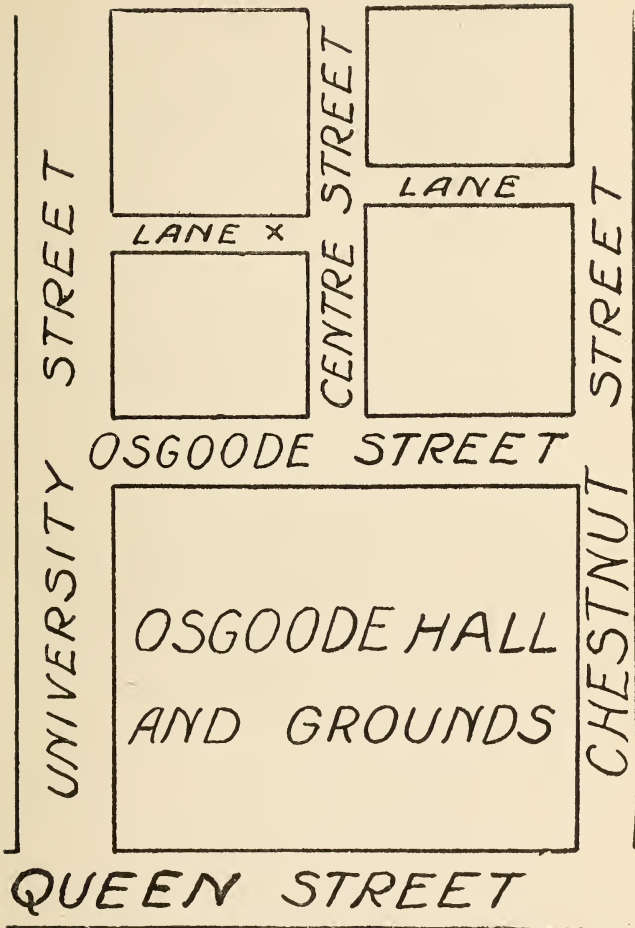
## CHAPTER XII.

### THE DIAMOND ROBBERY AND HUMOROUS CASES.

ONE of the most interesting cases I ever had was in connection with the robbery of a valuable diamond ring. One evening some thirty years ago, a commercial traveller, for a Montreal piano factory, was in Toronto on business, and happened to have entered a tavern on Queen Street, a short distance west of Osgoode Hall. He had a glass or two of liquor there but was quite sober. He had on his finger a fine diamond ring, worth more than \$600. He was chatting with some people in the bar-room when eleven o'clock came, at which time the bar had to be emptied, and the place closed for the night. About a dozen men left the bar, and some of them stood outside a minute or two before separating. When the commercial traveller started to go east towards his hotel, a short red-headed man said, "Oh are you going that way. So am I," and they walked eastward. On the way the red-haired little man suggested that the traveller should accompany him to a friend's house,

where they might have another glass before they went to bed. The traveller consented, and on reaching the corner of the Osgoode Hall wall, they turned north, then east along Osgoode Street to Centre Street, which was the first street running north. They turned up this street to the first lane, then turned to the left into it. They had hardly entered when two tall men who had been hidden jumped on the traveller and, with the assistance of the red-haired man, threw him to the ground and stole his ring. He yelled "Help! Police! Robbers!" at the top of his voice. It happened that just at that moment a policeman and two police recruits were walking down Chestnut Street, and hearing the cries, ran down the lane, and approaching Centre Street saw three men over one on the ground who was screaming for help. The three men heard the policemen coming, and ran as hard as they could towards University Avenue. The old policeman passed two of the fugitives, leaving his probationers to secure them, and chased and captured the one in front. It was winter time and there was snow on the ground. The three prisoners were captured; the foremost one only getting a few yards out of the lane, the others being caught in it.

The next morning the three prisoners were in the dock charged with highway robbery. The ring



How the diamond robbery took place. The small x shows the exact spot.

was not discovered on them, but the deep snow prevented any possibility of finding it. Mr. Murdock appeared to defend them. The first witness was the complainant, who told me the story just as I have related it. He identified the red-haired man among the prisoners positively, could not be positive about the two taller men, as it was dark, but said that if the two men in the dock were those caught by the officers, they were the men, as he saw them captured. The next witness was the policeman, who said he was coming down Chestnut Street and when opposite the lane, heard the shouts for help. He with his companions ran at full speed down the lane—the lane from Chestnut Street was about its own width or a little more to the north of its continuation from Centre Street west, so that they did not see anything until they got close to Centre Street, when they had a diagonal view, and saw the three men over the other, who was yelling for help. On his approach the men ran off at once, but they were all caught after a sharp chase. The two recruits corroborated this story, and the Crown Attorney closed his case.

Mr. Murdock then put in his defence. He said that his clients had nothing to do with the robbery. That they had come from the eastern part of the city and on arriving at University Street



they had turned north along the Osgoode Hall wall, and on reaching the first lane had heard the shouts for help. They ran down the lane and found the complainant lying on the ground yelling and calling for help. They had just reached him when they heard some men running towards them from the other direction, and becoming frightened they ran away and were caught.

There was also an attempt to prove an alibi showing that they had been in an eastern part of the city. This alibi failed as they had plenty of time to have gone the short distance to the west, and to have met the complainant at the tavern. Mr. Murdock also said that his clients were respectable farmers' sons from Alliston, a village about fifty miles from Toronto, and were men of good character. Mr. Murdock did not seem to have much confidence in the story of his clients.

I was uneasy, however, and called the traveller back to the witness box, and said, "Are you positively certain, that the small red-haired man is the same man you saw at the tavern, and who walked with you to the place where you were robbed?" "I am positive, sir," he replied, "I walked with him talking to him under the lights of the streets, had an excellent opportunity of seeing him, and am quite sure he is the man, and besides, your Worship, he was not out of my sight for a second,

for I saw him caught in the lane". I then said: "Could you not have been knocked senseless for a few seconds?" "No," he replied, "I was in full possession of my senses all the time."

The case was finished, and ordinarily I would have sentenced them to the Penitentiary at once, but for some reason I was uncertain, and to the astonishment of the Crown Counsel, I remanded them for a week.

Thinking over the case after the Court was over, I felt uncomfortable. As far as the case was concerned, it was absolutely proved, and it was not on circumstantial evidence; it was direct, positive testimony, showing that the prisoners had been caught in the act. It was a serious case, a Penitentiary offence, and yet I had a doubt, and was worried about it. I went to the Chief Constable, and told him to send me a detective whom I would want for a few days, and to supply him with funds to take him to Alliston.

Detective Burrows came to my room shortly afterward. I told him I wanted to see him about the diamond robbery. Burrows said it was a very clever capture by the constable, and a very clear case. He was very much surprised when I told him I was worried about it, and I gave him my directions. I told him to go to Alliston, a small village in the country, and pretend to be an agent

for the sale of fruit trees. I told him to put up at the tavern, and talk fruit trees to everyone—that he could in that way in the day time move about among the farmers and talk to them without exciting suspicion, and I said, “The whole country side will be talking about these three young men who are in prison on remand. In the grocery shop you can talk trees, and listen to the talk about this robbery case—the same way in the tavern bar-room, find out what is the belief in the neighbourhood, as to the guilt or innocence of these young men, and find out some way or other, whether any of these men were ever away for any length of time in a large city, or whether any of them have ever lived away in the States.”

Burrows came back in a few days and came to my room and said that he was puzzled about the case. He told me there was not a soul he could find that would believe one word of the story, and he had found out positively, that none of the three had ever left their farms for more than a few days, and none of them had ever been in the States. I said at once, “Then we have the wrong men. This was a piece of skilled scientific criminal work done by old hands, and farmers’ sons never did it. Their story was true, the man was knocked senseless for long enough for the transposition to take place, and he has not known it”,

and I told him to go to the tavern where the traveller had met with the red-haired man, and said, "I think you will find that one of our own crooks a red-headed small man who looks like the red-haired prisoner, was there that night, and when you find that out you will be able to tell who his chums were".

Burrows left and made these inquiries and either the next day or the following day, he came to me, and told me that he had found out all about it, told me the names of the three men who were all in the tavern that night. I said at once that the red-haired men looked very much alike. Burrows went on to say that they had knocked the man senseless, and escaped through a disreputable house just opposite to where the man was robbed. He asked me if he should lay charges against the real criminals, but I advised him not, as the traveller had been so positive, and insisted on identifying the wrong man, and that therefore we could not do anything.

The next day the three young farmers were up on remand, and when called, Mr. Murdock asked to put in evidence of good character, and he had all the best people of their neighbourhood present to give that in mitigation of sentence. I stopped him at once and told the prisoners that I was going to discharge them, that I was satisfied that they

were absolutely innocent, that I regretted very much having kept them in jail for a week, but that I did so in their interest, and I discharged them. The Crown Attorney was astonished and came up to the front of my desk, and asked me what was the matter, that he never saw a clearer case. I said, "I will tell you after Court". Murdock came up shortly afterwards in his quaint way and said to me quietly, "Heavens! Colonel what struck you? I had the Warden and the Reeve and the Parsons, etc., all here to speak for them. I said, "there has been a mistake, your clients' story was quite true."

Now referring to this case I think I may say that I do not believe another judge in Canada would have taken the course I did. I knew it was irregular, and contrary to every rule of legal evidence, or legal procedure, but I have always felt that my first duty was to do justice, justice above everything, and to set legal quibbles at defiance. And while this was the most irregular procedure in my experience, it is the one of which I am most proud, and to which I look back with the most satisfaction.

To finish with this matter I may say that within a year all three of the real thieves were up before me for different crimes clearly proved, and they must all have thought that I had eaten something

that had disagreed with me, and put me in a bad temper, for I took a serious view of their cases, and gave them severe sentences.

Some cases are humorous in their character. On one occasion a batch of twenty or thirty citizens were summoned for not registering the birth of their babies within the thirty days prescribed by the law. I fined the educated people and those in comfortable circumstances one dollar and costs each, because I thought they should know of the law, and could afford to pay the fines, but the poor labouring men, who lost their wages while attending the court, I treated more leniently, allowing them to go with a caution. One wealthy barrister, a friend of mine, had to plead guilty, and I fined him and said to him, "Now, don't let this occur again". He had a large family, and he used to tell the story afterwards as his experience of the Police Court, and repeat the warning I had given him not to let it occur again, and he would say, "and I never have".

Another man's name was called and a Queen's Counsel answered, and said the registration had been neglected, and excused his client on the ground that he had only been a few months from England.

“Then he had no excuse, because the laws of registration are well understood in England.” Then I asked, “What is the defendant’s position? What does he do?”

“He is a doctor.”

“Then there is no excuse whatever in his case. Two dollars and costs.”

“But,” said the Q. C., “you only fined the others one dollar and costs.”

“Yes, I know, but when a man appears by counsel he is entitled to more consideration.”

The lawyer told me afterwards that his client was delighted with my action and paid the extra dollar cheerfully, to have the joke on him, and that he had chaffed him a good deal about the value of his services.

### SNOW CASES

Another class of case which gave me a good deal of work, but which now is always done by the other police magistrates, was the failure to clean the sidewalks of snow, and a large proportion of the respectable citizens have been summoned for neglect of the provisions of the snow by-law.

On one occasion the late Sir William Howland, formerly Lieutenant-Governor of the Province, was summoned for not having the snow cleaned

from the sidewalk in front of a vacant lot he owned. When his name was called his secretary answered, and said he was authorized to admit the charge and to pay the fine, and wished to explain that Sir William Howland had paid a man for cleaning it and the man had neglected it. I fined him one dollar and costs or ten days, the usual fine. The secretary paid it and went away.

Meeting Sir William at my club, he referred to it and told me of the trouble it was to watch over various vacant properties. A year elapsed, and the same thing occurred again. The secretary answered the name, made the same excuse, and pleaded guilty.

“It will be one dollar and costs or ten days,” said I, and then suddenly I said: “No, I will not make that ten days, I will make it eight days.”

The fine was paid, and after court I went to my club to lunch. Sir William came in to lunch also, and I beckoned him to come over to my table. I joked him about being up again, and he laughed over it, and we discussed other matters, but just as I was leaving he said:

“Oh, Colonel, I wanted to ask you something. My secretary said you first said one dollar and costs or ten days and then you changed it to eight days. He could not understand the meaning of it, nor could I.”



“Did you not see the meaning of that, Sir William? Well, I will explain. You had the privilege of paying the fine or of serving the term if you chose, and it suddenly struck me that if you chose to serve the term it would just keep you in jail till the day after Christmas, whereas eight days would let you out the day before Christmas, and as we were old friends, I could not bear the idea of your being in on Christmas, so I arranged it as I did. I think it was a very kindly, thoughtful act.”

“I do not think anybody else in the world would have thought of it,” he said, laughing heartily. I heard that he often afterwards told the story, saying that he had got favours from me that I had not given to anyone else. He was a very fine old gentleman, one of the Fathers of Confederation, and lived to be ninety-six years of age.

## CHAPTER XIII.

### OLD SOLDIERS.

**I** HAVE many recollections of old soldiers. I commanded for about forty years the Governor-General's Body Guard, which formed the cavalry of the Toronto active militia, and commanded it at the Fenian Raid of 1866 at Fort Erie, and again in the Northwest Rebellion of 1885. On the 1st April, 1885, I had just finished my court, when I received telegraphic orders to turn out my corps for active service in the Northwest. I issued orders at once, and left Toronto with my Command three or four days later, and was away from Toronto for nearly four months. On our return the Corps was released from duty, and the next morning I took my seat on the Bench.

To my surprise I found that the barristers and officials of the Court had prepared a special reception for me. The Courtroom was decorated with flags, and with a quantity of flowers, very tastefully arranged around my seat and desk. Addresses were made by one of the barristers, and

the Chief of Police, warmly welcoming me back to my duties, and I expressed my thanks in a short speech. I then began trying criminals in surroundings which I believe were very uncommon in a police court. Although it was somewhat embarrassing, I was nevertheless much pleased at the kindly feeling manifested by my friends.

The old soldiers and pensioners had an idea, which was well founded, that I had a friendly feeling for them. The old pensioners some years ago were all long service men, who had put in the best part of their lives in the army, and had generally followed the Colours all over the world. They were a very interesting class, and about pension day there was considerable fraternizing and jubilation, which often brought them before me for drunkenness.

I generally made any excuse I could for letting them off, for they had done no harm to anyone but themselves. On one occasion I told a fine looking old soldier that he was charged with being drunk, and asked him if he pleaded guilty or not guilty.

“Guilty, Colonel,” he replied, “of course I was guilty. Why wouldn’t I be guilty? Didn’t I get my pansion yesterday? What would be the use of my toiling and slaving in the British Army all my life, all over the world, if I couldn’t get drunk on pansion day?”

There was an earnest air of indignation in his manner, which amused me very much. I said: "You may go, but don't come here again before next pension day?"

The methods used by these old soldiers to let me know they were soldiers were often very clever. They generally tried to give me a hint that would not be understood by the crowd. Sometimes they would stand rigidly at attention, and plead guilty, generally addressing me as colonel, as in fact do most of my customers. I could detect the old soldier at once. Sometimes I would ask:

"Have you been here before?"

"Yes, Colonel."

"What was done with you?"

"I was admonished, sir." There could be no mistake then.

Sometimes they would give me a military salute, and sometimes a pretended soldier would salute to cause me to believe that he was a pensioner. I did not like fraud, and I could detect a bogus salute, and I would tell him that a man who could not salute better than he did, should not get drunk and I would fine him.

One fraudulent customer of that kind attempted to deceive me, so I said, "Were you ever in the army?"

“Yes, sir,” he replied.

“In what regiment?” I said.

“In the 61st Hussars.”

“Are you sure it was not the 51st Hussars?”

“No, sir, the 61st Hussars.”

“In the British Army?”

“Yes, sir,” and he told me he had served in it seven years.

“Well,” said I, “I am quite interested in seeing you, for I never saw a man of that regiment before, there are only twenty-one regiments of light cavalry in the army, and I must be the only man who ever saw a man of the 61st Hussars. I shall keep you awhile as a curiosity.” And I promptly fined him.

Another fraud of this type told me that he had belonged to the Dublin Refuses. He evidently had heard of Fusiliers, and was intending to mention them, but did not remember the name. He was fined.

Another man told me he was drunk but he had met an old friend whom he had not seen since they were on the “Rock” together. He knew, I would understand that they had served at Gibraltar. Of course under the circumstances, he got off without a fine.

Another old pensioner excused himself by saying he had met an old comrade that he had not

seen for some time, and he had taken more than he should.

“Was he an old soldier?” I said.

“Yes, sir.”

“Well you can go this time, but you take my advice, and keep away from old soldiers, they are a bad lot.” He laughed and went off.

I would never allow litigants to come to discuss cases out of Court, or discuss anything at my house, and there were often attempts to gain my ear in various ways. People coming to my house to see me, were always told to wait in the vestibule, until I went to them. The moment I found it was about Police Court business I would open the door and show them out. One day a man summoned by another for some offence, came to my house to explain matters to me, but knowing my reputation for not talking over cases, he brought along with him another Irishman, an old soldier, a man of experience to aid him, and to endeavour to get me to discuss the case with him.

He began by telling me he had a summons. I asked to see it, and I pointed out to him that he was to be at the Police Court the next morning at 10 o'clock, and for him to be there, and I would hear all he had to say.

“Yes, sir,” he said, “but I want to explain it so you will understand it.”

“You can explain it in Court when the other side is present. I will not discuss a case with one man behind the other man’s back.”

“The old soldier with a wise look that was most impressive, said:

“That seems the correct principle, Colonel.”

“Of course it is,” said I. “Now how would you like the other man to come here in half an hour, and tell me all about you behind your back? You must go,” and I showed him out.

The old soldier turning to me as if we understood each other, said, “You are quite right, Colonel, that is the correct principle, not only “in jurisdiction to yourself, but also in jurisprudence to others.”

“Certainly,” I said. “You understand it,” and they went off.

One noted character who came before the Court thirty years ago was a big Irishwoman who stood nearly six feet in height and was strong and heavy. The police had great trouble whenever they attempted to arrest her for drunkenness. One alone would rarely attempt it. She was often fined for drunkenness, and would serve her time in jail. Sometimes she would be arrested for vagrancy, for wandering about the streets without a settled home, and was several times fined for that. Then she rented a small house, and having friends who

like herself appreciated stimulants it happened that the house was the scene of drunken rows; and fighting and bad language could be heard, until the place became a nuisance. While a row was going on one night the police came down and arrested everyone in it. The woman was sentenced to a fine or sixty days in jail and before she left the dock to serve her sentence, she turned to Sergeant Ward in charge of the police division, and said: "Sergeant Ward, dear, before I lave I want to spake to you. You have brought me here often, and had me sent down for being drunk. Then when I would not get drunk, you brought me in for being a vagrant and had me sent down for not having a home. Thin I get a house, but there is no plasing ye, and ye bring me up for keeping a disorderly house. Now Sergeant dear, there is no place left for me, except a balloon, like a good fellow have a balloon for me when I come out". The police were obliged to let her have her say before they could take her to the cells, for great bodies move slowly. Ward was often chaffed about the balloon. In those days when airships and aeroplanes were unknown, the joke was much more effective.

This reminds me of another story of the same type. An Irishman who was a member of the House of Commons for an English constituency, some years ago called on me, and I asked him to



sit on the Bench with me, and he afterwards told me a story brought to his mind, evidently by the fact that I was a Magistrate, and a Colonel of Militia. He said a friend of his who had been a Major of Militia, and was a Magistrate in Ireland, was one day trying his cases, when he had to send an Irishwoman, of the same type as the one I have just described, to prison for a term, when she addressed the Magistrate in these words:

“Well, Major, I want to say this to ye, that me feyther was hanged for murther, me husband was hanged for murther, me eldest son is sarving a term of penal servitude for life, for shooting a landlord, (note the fine distinction) and my two daughters are earning a disgraceful living in Dublin, but I thank the Good Lord, and the Holy blessed Virgin Mary, that there was none of my people was ever connected with the Militia.”

## CHAPTER XIV.

### THE TEXAS CASE

**I**N June, 1883, I was in Europe with my wife and two daughters. We were coming from Italy to England and had arrived at Heidelberg. At the table d'hôte of the Hotel Victoria, two elderly ladies and two young girls happened to be sitting exactly opposite to us, and we exchanged a few remarks. The next day, we went to Mayence, and at the hotel in the evening we saw the same ladies again. The following morning we went on the steamer for Cologne and again found the same party. We spent the day together and I spent most of the time talking to the elder lady, a nice looking gray-haired kindly woman. When we arrived at Cologne, we all went to the Hotel du Nord, and I and my family at once went out to see the Cathedral and walk a little about the city. After about two hours we returned to the hotel, and in the doorway, the elderly lady was standing, waiting evidently in distress, and she at once came to me and said, "I wish to speak to you Col. Denison for a few minutes. I am in great trouble".

We went to a retired corner of the writing-room and she said, "I am in the greatest distress. I have no friend or relative near me, and I have received a letter which has shocked me dreadfully". She had found it waiting for her at the Post Restante.

She handed me a letter which had been forwarded to her from her home in Devonshire. It was from her only son, who was living in a town in Texas. I read the letter very carefully. The young man who was about twenty-seven years of age told his mother, that he had got into an awful scrape. That he was interested with several partners in a mining claim, and another set of men had tried to jump their claim, and there had been a fight, and one of their opponents had been killed, and he and his partners had been arrested for the murder, that he was in jail, and that the trial would come off in about two months. He said he had not done the killing himself, but he would be tried with the others, and he asked his mother to send him £200 to enable him to secure a lawyer, witnesses, etc.

"After reading it carefully I said, "Now, Mrs. —if you wish me to advise you, you must not mind my asking you some searching questions?"

"Certainly not," she said.

I then said, "you have had some trouble with your son?"

"Yes," she replied, "I am sorry to say that I have".

"You have often had to supply him with money?"

I had told the old lady on the steamboat that I was the Police Magistrate of Toronto and like the majority of English people, she apparently thought that America was all one place, and had no idea that Texas was more than 1,000 miles from my home. So she said, "Do you know my son or anything of him?"

"No," I replied, "I know nothing of him, never heard of him, but has he not been more urgent of late, and have you not had to refuse him?"

"Yes, I could not send him more. He had been such a drain upon me, that it is the reason I am travelling here now. I have been appointed by the Court of Chancery to take the two young ladies who are with me, who are wards in Chancery, for a trip on the continent during their vacation, and I am paid for my services, which helps me to get along. I need not have done this but for my son's constant demands."

I then said, "Now I must say that this letter is to my mind what we call in Police Court circles a 'put up job'. I don't believe there has been any

row, that any man has been killed, that any trial is to take place, or that any part of the letter is true, except that he wants you to send him £200”.

“Oh! Colonel Denison! do you think any son could be so heartless to play upon his mother’s feelings so cruelly?”

I replied, “You know him, I do not, but I have told you candidly my opinion.”

“What can I do?” she said.

I then advised her. I saw that she was so alarmed and so nervous, that I would have to tell her to do something. So I told her she could send him \$100, and that would be amply sufficient to retain a lawyer for preliminary work, and I said I would write by the mail that day to Toronto to the Chief of Police, and request him to write to the Chief of Police of the town in Texas, and ask him if a man of her son’s name was there, and what he was doing, and if he was in any trouble. The lady did not want her son to know about the inquiry, and I said I could have it done quietly and I took her address in Devonshire, and gave her mine in London, and told her I would not be sailing for Canada for about six weeks, and I should get a reply in plenty of time for her to do more if necessary. I did not see the lady again.

I went on to London with my family and some four or five weeks elapsed, when I had a letter

from Mrs. ——— written evidently in great anxiety, telling me that she had received a cablegram from her son, saying, “If you want to save my life cable me £200 at once”. I telegraphed to her, “Do nothing, till you hear from me, am writing”. And I wrote and told her that the Canadian mail steamer had been reported that morning at Menville, and to give me another day or two.

The next day I received a short letter from Major Draper, our Chief of Police. He said he had lost no time, and had just received a letter from the Chief of Police of the town in Texas, and had barely time to enclose it, and catch the English mail.

The letter from Texas from the Chief of Police, said in effect: “I have placed your man, he is a bartender in a hotel here. I cannot find any trace of his having been in trouble here. If you want him wire me, and I can lay my hands on him at any time.”

I enclosed both letters to the old lady and received a very grateful letter of thanks for my kindness which had saved her £200, but she would, I think, rather have lost the money, than have had such conclusive proof of the heartless cruelty of her son. In acknowledging her letter, I told her not to worry about him any more, that if he only used his ingenuity as skilfully in defrauding

others, as he had used it trying to defraud his mother, he would get along.

I have often thought over the extraordinary coincidence of this affair. It was so strange that she should have happened to meet perhaps the only man in that part of the country who would not only have understood the business, but who had the machinery at hand to discover the facts at once.

## CHAPTER XV.

### THE DALTON IMITATORS

ON 27th December, 1892, a daylight robbery occurred which as *The Globe* said, “surpassed for reckless audacity, anything that had occurred in Toronto for many a year”. A man named Ammon Davis had a jewelry shop on Queen Street and at 8.10 a. m. he was opening the shop and getting the jewelry out of the safe, and putting it in the show case, while his boy was cleaning the window. Three men entered the shop and covering Davis and the boy with revolvers, forced them into a room at the back and bound and gagged them carefully. One stood guard over the captives, while the other two rifled the safe of \$500 in cash, filled their pockets with jewelry and made off by the back door.

On the 17th January, 1893, the shop of Frederick Roberts was entered in the same way. Roberts, his apprentice and a customer, were all gagged and bound and about \$1,000 worth of jewelry stolen and carried off. The robbers wore wraps about



their faces which masked them, so that the police could not get any reasonable description of them.

On the 28th January, 1893, *The Toronto Empire* began a report of another outrage in these words: "Is this Toronto or is it Deadwood City?" and it gave an account of an attempted robbery of the Home Bank on Church Street. The cashier was in a cage, and the money was in it with him, when four men entered the bank and demanded the money. The cashier held up a chair in front of him and refused to give it up. Major Mason, another clerk, attacked one of the men, and was struck on the head and knocked to the floor. Another clerk escaped by a back door, ran upstairs to a law office, and telephoned to the detective department which was only about seventy-five yards away. The robbers became alarmed, ran out, separated and escaped. There was no clue, and the police got a very poor description of the robbers. The newspapers all had articles on the subject, some severe upon the detective department.

Public indignation was still more aroused two or three days later, when a box with a quantity of jewelry stolen from Davis's shop was found in a doorway alongside the shop, and was taken to the detective department. It was discovered that every article had been tested with acid and proved not to be genuine. A note found in the box read:

“Here’s your fake jewelry, Mr. Davis, we don’t want it. They said we would not shoot, but they’ll see if we wont. It was only the detectives getting around so quickly last time that saved them. They’ll hear from us again. It may be in a few days, or perhaps not for some little time, that will depend, but we mean business”. There was no signature to this.

The detectives at last got a clue which turned suspicion upon a man named Bennett and three others named Norris, and William and Edward Archer. Their movements were carefully and secretly watched. From the nature of the case it was necessary to make the arrests as nearly as possible simultaneously, otherwise some of them would have escaped. One evening, knowing Bennett was at home, Detective Duncan, accompanied by Constable Allan, went to his house. The door was opened by Bennett himself. The detective said,

“Do you live here now?”

“I do,” said Bennett.

In reply to further questions Bennett stated that no others had been visiting him, and that he had no jewelry about the place.

“Well, I am going to take a look through the house anyway,” said Duncan, and he produced his warrant. The officers entered the house, keeping

a very close guard on Bennett. "I'll put on my coat and help you," he said. "No thank you," said Duncan, "just stand where you are please," and the search began. His anxiety to don his coat was soon explained. On a chair beside a bed lay his coat, and beside it a revolver loaded in every chamber. In his overcoat pocket was found a quantity of cord, identical in appearance with that which bound Ammon Davis, Frederick Roberts and the others, also some faded factory cotton similar to that which was used in gagging the victims. Four murderous slung shots and a mask of dark coloured texture were also found. For some time the search for jewelry was fruitless. On the table was a dish filled with bird seed. Running his fingers down through this the detective found a gold locket with Ammon Davis's ticket still on it. On emptying the contents of the dish several other articles were found including a diamond ring. The detective took Bennett, his wife and baby to the station to prevent the news of the arrest spreading. A posse of officers shortly after went to the residence of Norris and arrested him. Detectives Mackie and McGrath made a careful search for jewelry, and found a loaded revolver, but could not find any jewelry until they began to search the bed in which a baby was sleeping. Mrs. Norris asked them not to waken the

baby but they moved it and found in the bed tick exactly under where the baby had been lying, several articles of jewelry which had been stolen from Roberts. The two Archers were arrested about the same time.

Bennett seeing the game was up confessed and told the whole story and all the stolen property was recovered. I committed them for trial to the Quarter Sessions. Bennett was sent to the Penitentiary for fifteen years, William Archer for ten years and Edward Archer for three years.

## CHAPTER XVI.

### CONTROVERSY WITH THE CITY COUNCIL.

**I** HAVE already related how on my first appointment I was presented with letters from aldermen on behalf of litigants, and of the drastic steps I took to prevent attempts on the part of the aldermen to interfere with my business. I was obliged to take a very firm stand, as my predecessor had rather encouraged the practice, or at least did not discourage it. The reason was that the law provided that the city council should pay the Magistrates a fixed amount, but could supplement it as they wished. The salary had been increased considerably in return for favours granted by the Bench.

I saw that it would never do for my salary to be dependent on the favour of ward politicians, and through representations to Mr. Mowat, the Prime Minister, I had my position assured to the extent that the Council could increase my salary but could not reduce it. I went on with my work without reference to the aldermen, and without interference from them, for a number of years,

but in 1890, I became involved in a quarrel with them. I had been working strenuously and had been doing a great deal of hard work, speaking in different parts of the country, on behalf of Imperial Federation, and in combating commercial union. I was threatened with illness, and my doctor insisted that I should take a complete rest. I applied to the Attorney-General, Mr. Mowat, for leave of absence for two months, May and June, 1890. This was granted to me by the Lieut.-Governor, and I went to England, and soon regained my strength, and came back at the end of June in good health.

When I arrived in Toronto, I learned from my brother, Lt.-Col. Fred Denison, that as soon as I had left, some members of the Council took action against me, demanded a committee to investigate the affairs of my office in my absence, and that I had been abused very unfairly. My brother, knowing that I was not well, had carefully guarded me from knowing anything about what they were doing.

I found that the executive committee had passed an order stopping my salary, because I had not applied to them for leave of absence, and the Treasurer informed me that he could not pay me monthly as had been the invariable custom. I paid no attention to it, and was able to do without

the money, and I found by looking up the law that my salary was to be paid half yearly.

Not long after my return Alderman Saunders, who was chairman of the special committee appointed to discipline me, called to see me, and said that he would call his committee together, and that I could come and explain that I had my leave from the Lieut.-Governor direct, and they would then recommend the executive to rescind their resolution

I said, "the Council appointed a committee in my absence, and without waiting for my return, decided against me, and stopped my salary, and now you can go to your committee, and tell them from me that I will see both you and them in the 17th concession of a very hot place before I will take any notice of them."

He left me, and nothing more was done, my lurid language had closed all diplomatic relations between us. I went on with my work for six months, until the whole business was forgotten. My half year ended on November 30th, and on the morning of December 1st I called on the City Treasurer, and asked for a cheque for my half year's salary. He had forgotten all about the order until I spoke, and then he asked me to wait till the following Thursday after the next meeting of the executive committee. I replied, "No, I

want it now, it was due last night, but "I know you cannot give it".

I left and went at once to my lawyer, and told him I wanted him to sue the city for me, and to do it at once. He said, "I will write them now."

"No, that will not do," I said; "I want a writ issued within an hour, and served on the Mayor to-day, and if you cannot do it, I will get someone who will."

The writ was served by 3 o'clock.

This stirred them up. The city solicitor was consulted, and advised them that they had not a shadow of justification for defending the suit. They paid the sum into Court in about eight days, and I told my lawyer to proceed against them for the eight days' interest and the costs, which he did and I received the full amount. The newspaper cartoonist made fun of the aldermen. I went on with my work till the 1st of June, but the order of the executive committee was never rescinded, and again the matter was forgotten. I called on the Treasurer on the 1st of June, and demanded my half year's salary. He said, "That order has never been rescinded, and I cannot "give you a cheque just now".

"Where will you be in an hour?" he said.

"I do not know," I replied.

"Where are you going now?"



‘I am going to my lawyer’s office to issue another writ.’

The treasurer asked one of his clerks whether they had a blank cheque signed by the Mayor. They happened to have one, and I got my cheque. Mr. Coady then asked me to take my cheques monthly, as was the custom with everyone else.

‘Never again,’ said I. ‘They will never again be able to attempt to humiliate me in the eyes of the public. I shall only take my salary as the law provides,’ and that has been the practice ever since, now more than twenty-nine years, during which time our relations have been quite friendly.

## CHAPTER XVII.

### SCHEUER BURGLARY

ONE very cold, stormy, winter night a man who had the appearance of an ordinary mechanic, walked into a Yonge Street drug shop, and asked for half a dozen sheets of fly paper. The druggist thought he was a little "off", and hesitated before making the sale.

"Surely," said he, "the flies are not bothering you in weather like this."

The customer replied that no doubt it was rather a queer purchase to make, in the month of December, but went on to explain that he was Engineer of a nearby factory, and wanted it for the purpose of exterminating cockroaches, which had become a plague around the boiler room. The explanation was perfectly satisfactory and he got what he wanted.

Next morning when Mr. Scheuer's jewelry shop, also on Yonge Street, was opened, it was discovered that the place had been burglarized during the night, and seventy-five diamond rings which had been in a plate glass show case had been

stolen. No one had seen or heard anything unusual during the night, although the interior was wired, and equipped with a burglar alarm.

On investigation it was found that entrance had been made by a side door leading upstairs, and from the upstairs hall a door was opened by a skeleton key into a room directly over the shop; a hole was then carefully made by a brace, bit and jig saw, through the flooring, and down through the ceiling. A tightly folded spring umbrella was then forced through the small opening, the handle being attached to a wire on the floor to prevent it from falling through. The spring was then pressed and the umbrella opened up. The work was then continued of enlarging the opening, until it was sufficient to allow a man's body to pass through. The object of the umbrella was to prevent the noise of falling plaster, as all the rubbish fell into it. A rope ladder had been prepared, and all the burglar had to do was to make it fast by means of a strong piece of hardwood running across the side of the hole. Once inside the shop, the only other barrier was glass. To prevent the breaking glass from serving as a signal to a policeman or some passerby a few sheets of fly paper came in handy. These were stuck on the show case, which then was struck with a muffled brick and the glass broken without the least sound. The diamonds were se-

cured, the return trip made up the rope ladder, and the night's work was finished, and a clear escape made.

Next day a city jeweler purchased seventy-five diamond rings a good deal below market price. A few hours afterwards Detective Montgomery brought them to the Police headquarters. Mr. Scheuer was sent for and identified them. Instructions were given by Inspector Kennedy that nothing was to be said about the recovery, consequently everyone kept quiet, although the newspapers kept throwing out hints that the Police department was a little slow, etc. The jeweler was perfectly candid about all the details of the transaction, and consented quite willingly to render all possible assistance to the police.

At the time of the purchase the jeweler was twenty-five dollars short of the amount he had agreed to pay, and the thief had no particular desire to handle cheques under the circumstances. Consequently it was arranged that he should call that afternoon and get the balance in cash.

A simple plan was arranged to secure his arrest in case he kept his appointment. A book with a red back was to be placed behind an electric bulb in a certain part of the window. In case he turned up in the day time, the book was to be opened showing a white fly leaf which was to be the signal,

and after a certain hour in the evening, this particular light was to be switched on, the red back serving as a reflector and a fairly distinct signal at the same time.

The burglar did not return for the money that afternoon nor for several days afterwards. The window, however, was watched, from a point of observation, every day from the time the shop was opened in the morning, until it closed at night, and at last one evening at about 6.30, the long looked for light was turned on, and a rather tedious wait was rewarded by the arrest of a somewhat scientific American crook, by Detectives Newton and Wallace.

An account of the arrest, the recovery of the property, and the method used by the burglar, appeared in the papers on the following morning. The Yonge Street druggist read about it, and remembered his customer of that stormy night. A few days afterwards they met again in the Police Court, and the druggist identified him as the man who bought the fly paper. The jeweler who purchased the rings, and some others, who were in the shop at the time, also identified the prisoner. He was convicted and sent to Kingston penitentiary for five years. This man was never known in Toronto before, but information from different

police departments of the United States showed that he was a most clever and dangerous criminal.

#### POLICE COURT ANECDOTES FROM DETECTIVES.

Some years ago a Jew kept a junk yard at the corner of Centre Avenue and Christopher Street. His stock-in-trade consisted of rags, bones, old iron, bottles, etc., all enclosed by a high board fence.

Although he kept buying bottles all the time, the pile seemed to remain about the same size. About this time he had a couple of new customers, who were making regular calls and seemed to have an unlimited quantity of bottles for sale.

Finally the Jew suspected that there might be some line of communication between these new customers and his back yard.

Suspicion soon led to action and some split peas were bought. Something sticky was thrown over them and a few dropped in a number of bottles. A few days afterwards, his two customers came to his back door, with a loaded hand cart, and wanted to know if he would buy some bottles. He was anxious to buy but he didn't happen to have just the correct change, and had to go down the street to get a bill changed. When he got back he told them how pleased he was to get bottles, and old

rubber, etc., and just as he was about to pay them, a couple of policemen stepped into the yard.

Now a policeman is seldom a welcome visitor in a Jew's rag shop, but on this occasion it was different. In fact he was so delighted to see them that he called them over and showed them what he had just bought, and introduced the customers from whom he had made the purchase. Worst of all he turned their attention to some split peas in the bottom of the bottles and explained how they got there.

The result was that the two thieves got thirty days each next morning and the Jew got back all his bottles.

A few years ago a young man with a yearning to see the sights of Toronto arrived in town, and very soon got in contact with a couple of other young men who very kindly offered to act as guides.

Time passed quickly and pleasantly and it was evening before he knew it. He had seen so much by daylight, that he decided to wait over and take in some of the attractions by moonlight. His guides promised to make things interesting for him. And they did.

As they were passing through a lane the stranger felt a stinging sensation about the head and he became unconscious.

Two hours afterwards he regained conscious-

ness and dragged himself, bruised and bleeding, from the lane.

In some way he got to the nearest police station and told his story to two detectives who were put on the case. \$200.00 in American gold certificates had been stolen from where it had been hidden in the leg of his drawers. He described his companions, one of whom had red hair. A red-haired man was known to the police as one who had taken quite an interest in enterprises of this kind on previous occasions.

The search was at once started for the red-haired man and his companion. The detectives soon discovered them and they were arrested and searched, and a few gold certificates found on each of them, and to improve matters both were positively identified by their victim.

Next Monday morning they asked for and got a week's remand. They, of course, knew that the complainant had no money left, and that there was a chance of his getting out of town and bearing his loss. The police paid his board, however, in a quiet place, and he was on hand to give evidence when the case was called. He gave his name as Charles Shoulder, and his home as Beaverton, Ont. Both were sent for trial on his evidence. Bail was refused.

Two weeks afterwards the Chief of Police got a



circular card from the Chief of Police of Masselon, Ohio, asking for the arrest of a man named Fred. Oxland, on a charge of stealing \$450.00 in American gold certificates, and a number of other things from a man named Charles Shoulder. The theft, or robbery, had taken place three weeks or so before. A photograph of Fred. Oxland was at once recognized as the complainant in the robbery charge, and he had given the name of the man he had robbed in Masselon. Telegrams were at once sent out and he was arrested the day afterwards in a Northern town about seventy miles from Toronto. He was brought back to Toronto and admitted everything that was charged against him. He was kept in jail here as a fugitive from justice, for about a month, until the case came to trial of the two men who had assaulted and robbed him. He went into the witness box against them, and told the whole story of how he had got the money. The men got seven years each, a telegram was then sent to the Chief of Police of Masselon to come on and get Oxland. An officer was sent on at once. Prisoner waived extradition proceedings and returned with the officer voluntarily. The sum, \$200.00 or so found here, was sent to the Chief of Police of Masselon and was handed over to the rightful owner. We heard later that Oxland pleaded guilty, and was sentenced to from one to three years.

## CHAPTER XVIII.

### DODDS AND THE BEANS.

SOME thirty years ago Mr. King Dodds, who was the proprietor of a sporting paper, conceived the idea of increasing the circulation of his paper by giving a prize to the subscriber, who could make the closest guess as to the number of beans in a glass jar, closed and sealed in the presence of prominent persons. The jar contained a few thousand beans, and anyone buying a copy of the paper had the right to file his estimate of the number of beans in the jar.

The police authorities considered that this was contrary to the lottery act and decided to prosecute. They employed an old Irish Constabulary pensioner to go to the office to buy a paper, and to enquire of Mr. Dodds the terms and conditions of the competition, so as to have the evidence on which to lay the charge.

The case came before me for trial. The old constable was the principal witness, and told the story of his buying the paper and getting from Mr. Dodds the method and plan for the contest.

Mr. Murphy for the defendant, cross-examined the witness.

“Why did you go into Mr. Dodds’ office?”

“To buy a paaper.”

“Had you any other object?”

“Oh yis! I wanted to have a conversation with Mr. Dodds about the banes.”

“Had you any other object?”

“Oh, yis.”

“What was it?”

“Pwhat was pwhat?”

“What was your other object?”

“To buy a paaper.”

“You told me that before, now tell me had you any other object?”

“Oh, yis, Mr. Murphy.”

“What was it?”

“Well, as I told you prviously, I wint to ask Mr. Dodds about the ‘banes’.”

Yes, yes, I know that, but I want you to tell me, at once, if you had another object besides the conversation about the beans.”

“Did I have another object?”

“Yes, yes, did you have any other object?”

“Well, Mr. Murphy, as I prviously explained to you, I wanted to by a paaper.” By this time the people in the Court were laughing immoderately, and Mr. Murphy got angry, and said,

“Now then I want to ask you whether you did not go to buy a paper, and have a talk with Mr. Dodds, in order that you might come here to act as a common informer against Mr. Dodds? Now answer me that.”

“A Common Informer! (with several indignant grunts of anger.) Would you dare, Mr. Murphy, to call me a common informer? Ugh, Ugh! I am surprised at you, Mr. Murphy, a gentleman belonging to a larned profession. I am ashamed of you, that you would so far forgit yourself, as to call me a common informer. In the whole coorse of my exparience in the Royal Irish Constabulary, I never saw any nimeter of your profession, so far forget himself as to make any such suggestion.” Every sentence was punctuated with indignant grunts. When he quieted down, Murphy once more endeavoured to cross-examine him. He went on to ask him a number of preliminary questions, and when he had laid the foundation he would spring an embarrassing question. Then the witness would break out into a lament, that he had ever lived to be so insulted as to be compared to a common informer, and Mr. Murphy would have to wait to get a word in, and then he would say, “Now then answer my question.”

The witness then in the most innocent way would say as if surprised, “Pwhat question?”

Murphy would start again and make another preparation, and the same thing occurred again. The witness getting more regretful every time to think that Mr. Murphy, a learned gentleman, would so far forget himself. At last Murphy gave it up, and told him to stand down.

The argument was made before me that this contest about the beans was not a matter of chance, but a matter of skill. I decided that it was a case of giving property by a method of chance. I held that no amount of skill could estimate the nearest to the correct number, as there were many thousands of beans, and that when the skill ended it was an absolute matter of chance which guess came closest to the exact number.

The case was appealed, and came before the same judge who decided that beating a drum was not playing a drum, and he decided that it was a matter of skill, and not a game of chance. My conviction was quashed.

## CHAPTER XIX.

### THE ADMINISTRATION OF LAW IN CIVIL DISPUTES

I HAVE sometimes startled my friends in the legal profession by the very advanced views I hold on this question. I had a case before me once, in which a woman had employed a lawyer to prosecute a civil case for her against a defendant. The case was decided in her favour for \$511.00 with costs. Her lawyer paid her some thirty odd dollars, and retained the balance. The woman applied to the Police Court for a summons against the lawyer for the theft of the money which he had retained. I tried the case, and found that the lawyer had made so many motions, and taken so many legal steps, that he had made up a bill of costs to cover all the money received, except a very small balance. I found that, although morally the woman had been done out of her money, legally the lawyer had a good defence. I made some caustic remarks on the method in which civil law was administered, and the members of the profession began writing letters to the Press, attacking my views, and *The Canada Law Journ-*

*al* took up the defence of the Profession generally. I answered this in a letter to that journal dated November, 1900, most of which I reproduce :

I find in your issue of the 1st instant an article commenting on some remarks made by me in reference to our system of administering law. I have taken no notice of one or two abusive letters from one or two lawyers, but when your Journal, the organ of the profession, has taken up the matter, I ask permission in your columns to correct some errors into which you have fallen, and to place my views clearly, so that there may be no misunderstanding. You say that I accused the Solicitor of misappropriating money ; that I made wholesale charges of wrong-doing against the profession as a class, and that I charged it with being a degrading thing. In reply, I say, that I did not make charges against the profession, but against the system of administration of civil justice. This system has been in use with constant attempts to amend it for hundreds of years, so that the present members of the profession only follow the practice and traditions of centuries. I hold that the system is wrong, and should be reformed. Slavery was a wrong, handed down for many generations, yet a man might have denounced the institution without being charged with reflecting upon the character of the slave-owners, who were born under it. Slavery has been reformed out of existence in all civilized countries, and when the public fully appreciate the wrong of the present method of administering law, a change may be made to remedy it, and this could be done without injustice to the present members of the profession.

I will now state my views in reference to the administration of civil justice. The State has taken upon itself the duty of settling disputes between citizens. This is an absolute necessity, unless we relapse into barbarism, where no man would have any rights, unless he was able to defend them by force. The State, having taken upon itself this duty, and having the power of organized government to enforce anything it undertakes, it follows that the individual citizen is at the mercy of the system which the State devises, and is helpless in its hands. I hold, therefore, that when a man is a peaceable citizen, obeying the laws, paying his taxes, and conforming to the rules of organized society, he is entitled if he gets into any difficulty, or dispute with a neighbour, which they cannot settle between themselves, to be able to appeal to the State, to see that justice is done, and I feel that this duty should be performed by the State with the least delay, and the least possible expense to the individual.

Now what is the usual course under the present system? Two neighbours in a business transaction, have a dispute or a misunderstanding. It often happens that there is a good deal to be said on both sides. The differences however are irreconcilable, and the citizens have to appeal to the State to decide. One citizen goes to his lawyer, lays the whole case before him, naturally with his own colouring, and gets an opinion on the law. The Counsel knows well that no one can positively tell what the law is, but probably gives an opinion that his client has a good case, and one that is worth fighting in the Courts. A letter is written to the other side or a writ is served, and the defendant goes to his lawyer for advice. The lawyer hears the defendant's statement,



looks up precedents and advises him to defend the case, although he also knows there is no certainty as to the law. The case is now fairly started and the costs begin to roll up. Motions of all kinds can be made—to set aside appearance—for security for costs—for particulars of statement of claim or defence—to strike out statement of claim or defence—for better and further affidavit on production—to compel attendance of witnesses, and so on. Then the examination for discovery and other examinations, conducted at great length, and with tiresome reiterations and repetition; all taken down in shorthand, all extended in full, all rolling up heavy expense. Then after all these motions, and filing of affidavits, and examinations upon them, and attendances and drafts and engrossings, etc., the case at last comes before a jury. Technicalities of law are brought up and discussed and overruled and reserved. Then witnesses are examined again, and with the same reiteration and repetition, all again taken down in shorthand. Objections are raised to questions. These are also argued and the objection sustained or overruled, with points again reserved. These things all tend to confuse the minds of the jury, as to the real merits of the case, which are often to be found on both sides. Then follow long arguments of Counsel; then the Judge's charge, the reserving of more points with the result that the jury will probably give the verdict one way, while the Judge has reserved law points, to settle whether the decision should not be given the other.

The case may then come up before the full Court, and the points of law (concerning which, if the law is the great science our profession claim it to be, there should be no question) have to be decided. Three Judges supposed to be experts, impartial, upright men, who

have devoted their lives to the study of law, sit for hours and listen to the same arguments, on the same evidence, with the same precedents quoted, under the same magnetic influence and ability of the Counsel on both sides, without the slightest reason apparent why they should differ, if there is anything in our boasted science of law, and at the end of it all, two of the Judges will decide one way, and one the other. Then an appeal is taken to the Court of Appeal. The same thing happens, only the Judges of this Court are supposed to be still more highly trained experts, and here also, two may decide one way, and two the other, on exactly the same facts and arguments. Then follows an appeal to the Supreme Court, when the same old story is told, with the result possibly, that three will decide one way and two the other. Lastly comes the Judicial Committee of the Privy Council, and then a final decision is made one way or the other, but apt to be the nearest right, because they have no appeal above them, and do not trouble themselves nearly so much about precedents as about justice.

Then what happens? One man wins and the other loses, neither being altogether in the right, neither altogether in the wrong; but one gets everything and the other loses everything, his own costs and his opponent's taxable costs, while the successful man is heavily punished in his Solicitor and client costs, and in the mental worry, loss of time, etc. The total costs in a case like this will probably amount to thousands of dollars, if not tens of thousands, and might have been as satisfactorily settled, without expense and with just as much certainty, if the parties had tossed a penny to decide at the start. It must be remembered that a man once in the law

cannot avoid this. If a poor man is fighting a rich one, or a rich Corporation, he must absolutely give up his right to have the case decided, or run the risk of ruin.

It was against this system that I based my remarks, and expressed my hope that some day the people through their Parliament would be able to reform it. I think that the State should legislate so that the Judges should decide disputes quickly and simply without formalities, and without regard to anything, except the absolute justice in each case; that there should be only one appeal which should be final, that musty precedents perhaps the mistakes of men gone by, should not be worshipped or followed to create injustice. If the State did this, did away with fees of every kind, and hired the lawyers at fixed salaries to assist the Judges in bringing forward the evidence, there is no occasion why disputes could not be settled in one-tenth of the time and at one-twentieth the expense now incurred.

This letter was published in November, 1900, and now fully nineteen years have elapsed, and I still hold the views I then expressed.

## CHAPTER XX.

### RICE, JONES, AND RUTLEDGE

ONE of the most tragic cases that we have had, was that of the burglary of the Standard Bank, Parkdale, and a double burglary at Aurora, for which three men named Rice, Rutledge, and Jones were arrested in Chicago, and extradited to be tried in Toronto. They were handed over to the Canadian authorities, on the 3rd April, 1901, and were tried for the Standard Bank burglary on the 23rd May when the jury disagreed.

On the 3rd June they were brought up for trial on the charge of committing the burglary at the Aurora Post Office. The next day they were taken from the Court to the jail, in an ordinary double cab. The prisoners were shackled together, Jones being in the centre, and they were put upon the back seat of the cab with two county constables, Boyd and Stuart sitting on the seat facing them. While driving through the streets, some man suddenly threw a parcel into the cab on the knees of the prisoners; the parcel contained two loaded re-

volvers which Rice and Rutledge seized, and at once presented at the two constables, telling them to hold up their hands. Stuart held his up, Boyd made some show of resistance, and was shot and killed instantly. The three men then jumped out of the cab and ran off as well as they could, being shackled together. Constable Stuart followed and fired at them with his revolver as they were running, and wounded Jones very seriously. The prisoners jumped upon the vestibule of a street car, which was passing, and attempted to take control of it. The motorman seized one of them, and one or two men standing in the front vestibule, helped him, and they with Constable Stuart succeeded in disarming Rice and Rutledge, Jones being helpless.

On the next day they were found guilty of the Aurora burglary. On the following day, the 6th, Jones died of his wounds in the jail. On the 7th June, Rice and Rutledge were sentenced to twenty-one years' imprisonment in the Penitentiary for the Aurora burglary, and were also charged with the murder of Constable Boyd. That same evening as the jail prisoners were being marched across the main hall of the jail, Rutledge suddenly broke from the ranks, and ran up the spiral stairway to the top, several stories, and sprang over the railing and threw himself down-

wards upon the paved floor of the hall. He was instantly killed.

Rice was tried for the murder of Constable Boyd and was found guilty, and was hanged on the 18th July, 1902. He belonged to a respectable family in Chicago, and was said to have had a university education, but had got into bad company. He was a young man. Constable Boyd who was murdered, was an old man of seventy, but in good health and vigour. Three violent deaths in a few days, followed by an execution made a deep impression upon the community.

## CHAPTER XXI.

### IMPOSTORS

**S**INCE I can remember, the City of Toronto has been visited from time to time by impostors and adventurers, who have flashed across the firmament like rockets, exploding and disappearing in the same way.

The most distinguished in his assumed rank was Prince Athrobald Stuart de Modena, the same man who became notorious in England, by his relationship with the Countess Russell. He took rooms at the finest hotel in the city, became acquainted with a few people who entertained him, and introduced him to others, and for a time spent money freely and incurred debts still more freely, and before long came before me, and was sent to the Central Prison for some months for fraud. While he was there, a negro had been serving a term in the prison for theft, and when the official was giving him a suit of clothes to wear when being discharged, the negro said to him:

“Is it not extraordinary the number of prominent men dere happen to be in dis prison just at de present moment?”

“Why so?” he was asked.

“Why,” he replied, “we have a prince, and we have a colonel,” (in for a political offence) and look at me, I am de President of de Coloured Liberal Association of Chatham.

Some years ago, one of the Judges of our Court of Appeal, when coming home from a trip to England, accompanied by his wife, chanced to meet on the steamer, Colonel the Hon. H. Annesley (formerly commanding the 16th Lancers) who was accompanied by his wife. They were presentable people, and became quite friendly with the Judge. They told him that they were to pay a visit to Government House at Ottawa. When they were separating at the port of debarkation, the Judge and his wife invited them, if passing through Toronto, to pay them a visit. A short time after they arrived in Toronto, and were welcomed at the Judge's house. It soon became known that Hon. Col Annesley and Mrs Annesley were guests of the Judge, and his friends gave entertainments for them. The daughter of the Lieutenant-Governor suggested to her father, that it might be well to invite the Judge and his guests to dinner. This was done, and the Lieutenant-Governor took Mrs. Annesley in to dinner. While at dinner she was telling the Governor of their mythical visit to the Governor-General's, when he told her that



Capt. Chater, one of the aides de camp from Ottawa, was at the table, and he pointed him out to her. She calmly looked at him and said "he was not there when we were there". After dinner Capt. Chater and the Lieutenant-Governor's aide, went to the library and looking up the Peerage, and the Army list, discovered they were impostors. For the sake of the Judge and his wife, they decided not to speak of the matter till the morning.

As soon as the wife had an opportunity to speak to her husband, she evidently told him the game was up, for in the carriage driving home, he told the Judge that he was very sorry but they would have to leave by the early train for the East. This they did, and about two hours later the Governor's aide called at the Judge's house, to tell him that he had been imposed upon. It was discovered afterwards that the man was the organist of a church in a small country town in Ontario, and had come out to fill that position.

Another case somewhat similar occurred in this way. Capt. the Hon. Conyngham Denison, R.N., came over on a passenger ship to Boston. On arrival he received a cablegram recalling him at once to England. An impostor who travelled on the same ship had stolen from him a few pages of crested notepaper and envelopes, some marked

handkerchiefs, etc., and knowing that Capt. Denison was returning at once to England, he assumed his name and rank, and came on to Montreal, and his arrival was announced in the papers and then he came to Toronto. He evidently heard that there was a family of Denisons here, so he did not remain, but left for Buffalo within twenty-four hours. There he was made a good deal of and defrauded a number of people, and I think served a term in prison.

Another impostor named Signor Ramponi, also managed some years ago to get an introduction into some families in Toronto, and was invited to entertainments. He was in the habit of searching the dressing-rooms when the houses were thrown open for dances, and stole a quantity of jewelry. The police heard of it and having a suspicion of Ramponi arrested him suddenly, and found some of the stolen articles in his possession. He was tried before me and I sent him to the Central Prison for three months.

I received the following letter from a cunning Chinaman, giving a false English name:

Dear Sir

City Dec'r 5th 1913.

Quen Yee Co.

99 Queen Street West City.

The store deal on Sunday forenoon, and keep gamble down cellar every Sunday and night. Mr. Ing Hong gambler keeper and take commission.

Next Sunday from 4 p.m. to 5.30 p.m. tell 5 detective go catch gamble and Sunday deal sell wine. Make him do not against law please.

Yours truly

Geo. Wilson.

Please do not tell other body may be other body let he know.

This was evidently the result of a bitter feud between Chinamen. This assumng of an English name was another instance of the guile of the Heathen Chinee.

#### DR. TUMBLETY

In June, 1859, I was at the Carlton Racecourse, then situated on Keele Street, and was riding home after the races along Dundas Street, when a man rode up behind me, and opened up a conversation—I turned to look at him, and he was certainly a man to attract attention—He was flashily dressed in a black velvet coat with side pockets, a showy waistcoat and a black velvet cap. He wore a large gaily-colored silk necktie. He had a fine horse and his saddle and equipments were good. His seat, however, was remarkable. His stirrups were too long, and his legs which were also long were stretched straight out in front. His toes were pointed outwards at an angle of forty-five degrees from the horse's sides, reminding one of the re-

mark of a cavalry riding master, in one of Punch's cartoons, yelling to a raw recruit: "There ye go agin, a sticking yer toes hout like a hinfantry hajutant".

He was very communicative, making complimentary references to my horse. He told me he was Dr. Tumblety, the celebrated Indian Herb Doctor, and said that the day before, he had driven his horse and buggy to Becket's, on King Street, then the principal drug shop in the city, and had gone in to order some medicine, leaving his horse untied. The horse ran away down east on King Street, ran into other vehicles, and smashed the buggy. The Doctor was summoned before the Police Court, and was fined for leaving his horse untied. From his demeanour as he told the story, I was satisfied he had planned the incident purposely in order to attract attention, and to advertise himself. I looked up the report in the newspapers, and found he had stated accurately what had happened.

I was at first surprised at his addressing me, and accompanying me, but I was young, not yet twenty, and I was riding my father's charger, which was one of the finest saddle horses I have ever seen. It had taken a prize at the Exhibition, and the late T. C. Patteson, one of the best judges of horses in the country, often told me years after,

that the horse I used to ride in my youth, was the finest he had seen in Canada.

Dr. Tumblety was desirous of advertising himself, and was willing to speak to any one, and made use of my horse, as a subject on which to open the conversation.

Not long afterwards I heard that Dr. Tumblety had been tried for practising medicine without being qualified. He was tried at the Assizes, and sentenced to pay a fine of two hundred dollars. He walked up to the Clerk's seat in front of the Judge, and taking out a great roll of bills from his pocket, he flung it in front of the Clerk saying: "There! take your change out of that".

He went to Montreal after a time and played another of his pranks to get talked about. He went into the principal drug shop, on the main business street in Montreal, and bought some article, and then, putting his hand into his pocket to get money to pay for it, he pulled out a handful of coins, gold coins, and half dollars, and quarters and small silver. Looking at his hand full of this mixed money, he said loudly, so that all the people in the shop might hear him. "How did I ever get that trash in my pocket?" He picked the gold out in one hand and walked to the door and threw the handful of silver out the door, and across the side-

walk onto the roadway, where there was soon a scramble for it.

I always afterwards took an interest in news of him, as he was occasionally referred to in the Press. The Civil War in the States broke out shortly afterwards, and during the tremendous struggle I saw Dr. Tumblety's name mentioned in the newspapers, showing that he was doing something on the Northern side in Washington.

The greatest triumph in his special line occurred in 1865. On the 14th of April of that year, the whole world was shocked at the news of the assassination of President Lincoln, and for some days the confusion and excitement was intense. The next day the authorities discovered that Dr. Tumblety had suddenly disappeared with great secrecy from Washington, carefully covering his tracks. For a couple of days, the wires in every direction were buzzing. Rumours came from various places that he had been seen, but after two or three days he was captured in some place in Missouri, while he was still apparently struggling to escape. He was brought under guard to Washington, and held in custody for a time. Within a week it was announced that Dr. Tumblety was discharged, because it was discovered that his pretended flight was just another scheme to advertise himself.

## CHAPTER XXII.

### POLICE COURTS IN LONDON AND OTHER ANECDOTES.

**I** SPENT my vacation in England in 1887, and while in London I obtained letters of introduction to Sir James Ingham, then Chief Magistrate of London, and Mr. Newton, the magistrate at Great Marlborough Street. I delivered my letter to Sir James Ingham at Bow Street on the 27th of June, and sat on the bench with Mr. Vaughan, his colleague, and listened with much interest to the cases which Mr. Vaughan was trying.

I was very much pleased with the manner in which he conducted the court. He was painstaking and careful, and to my mind, sized up the witnesses with great ability, and in every case gave a decision which agreed with my own opinion as to what should have been done. We might both have taken the wrong view, but as we agreed I formed, as is usual in such cases, a very high opinion of him. After the court I lunched with Sir James Ingham, and had a long conversation upon Police Court methods, which I

found very instructive and interesting. Sir James was then a man of eighty-four, but bright, active and vigorous. He was a most interesting man to meet, and treated me with the utmost cordiality.

Montagu Williams, the celebrated barrister, in his "Leaves of a Life" tells an interesting story about Sir James which is well worth repeating, although he does not vouch for it:

"A gentleman travelled by rail on the South Western from Bournemouth to London. He commenced his journey in an unoccupied carriage, and proceeded for a considerable distance alone. At one of the intermediate stations, a man entered the compartment. The train did not stop again until it reached Vauxhall. On the way thither the gentleman from Bournemouth fell asleep. When the train arrived at Vauxhall, he woke up, and put his hand to his pocket, for the purpose of ascertaining the time. To his consternation he found that his watch and chain were gone. His sole companion in the carriage was busily engaged reading a newspaper. Turning to him in a somewhat excited manner he said: 'Has anyone entered this compartment while I have been asleep?'

" 'No,' was the answer.

'Then, sir,' proceeded the gentleman from Bournemouth, 'I must request you to tell me what you have done with my watch. It has been



stolen during the time that you have been in the carriage. You had better return it or I shall have to give you in charge on our arrival at Waterloo.'

"The other traveller protested his innocence and said he had seen no watch and that he knew nothing about the matter. When the train arrived at its destination the suspected man was taken to the police court, where the charge was laid against him before Sir James Ingham. He was remanded until the next day.

"The next morning when the prisoner was put in the dock, the prosecutor simultaneously entered the witness box. The latter wore a very dejected appearance, and before any questions were put to him, said he wished to make a statement. 'I do not know,' he began, 'how to express my regret for what has occurred, but I find that I did not lose my watch after all. I communicated my loss by telegram to my wife at Bournemouth, and she has written to say that my watch and chain are safe at home.' Here was a pretty state of affairs. An innocent man had been dragged through the streets as a felon, falsely charged and locked up for the night. Sir James did all he could to throw oil upon the troubled waters. He said 'It was a most remarkable occurrence. To show, however, how liable we all are to make these mistakes, I may mention, as an extraordinary coincidence that

I myself have only this morning been guilty of precisely the same oversight as the one in question. I was under the impression when I left my house at Kensington, that I put my watch in my pocket, but on arriving at this court I found that I must have left it at home by mistake.'

"The business of the court over, Sir James Ingham wended his way home. On entering his drawing-room, he was met by one of his daughters who exclaimed: 'Papa, dear, I suppose you got your watch all right.'

" 'Well, my dear,' replied the Chief Magistrate, 'as a matter of fact, I went out this morning without it.'

" 'Yes, I know, papa,' his daughter replied, 'but I gave it to the man from Bow street who called for it.'

"There had been an old thief at the back of the room who heard Sir James giving his experience. He had slipped out, taken a hansom cab and driven to Sir James Ingham's residence, and representing himself to be a *bona fide* messenger, obtained possession of the valuable watch which was never heard of again."

The next forenoon I spent on the bench with Mr. Newton at the Great Marlborough Street Police Court. He was an exceedingly genial and kindly man and we exchanged a few remarks as the court

went on. I soon found that his method was in great contrast to that of Mr. Vaughan. He took the police evidence in face of any contrary evidence. A boy about twelve years old was charged with disorderly conduct on the street. He was a manly little fellow, and very indignant at the charge against him, and he had two citizens to corroborate his evidence. Mr. Newton seemed to think that the lad's bold manner to him was a proof of his having been guilty of the charge. "If you would talk to me as you do, I can imagine how you would talk to the policeman on the street," said the magistrate, I was of the opinion, watching the lad closely, that his conduct was that of righteous indignation at a false charge, and was not intended to show any disrespect to the court. I, of course, held my tongue, but Mr. Newton fined him forty shillings. I was sorry. I would have liked to have paid the fine for the boy, but I knew I could not do it, without it becoming known, and that it would have been a reflection upon Mr. Newton, who had treated me with the utmost kindness.

A few minutes later a young woman named Cass was brought up charged with accosting people on the street. She denied the constable, who was the only witness against her, flatly, and I did not believe the constable's evidence. I made bold

to say to Mr. Newton, "Could the constable hear what passed?" He replied, "Oh! they know these women." I said in a doubtful tone, "Perhaps!" My remark seemed to have caused him to hesitate, and consider, and he said, "If you are an honest girl as you say you are, don't walk on Regent street at night after 9.30, for if you do, next time you are caught you will be sent to prison or fined. Now you can go."

It turned out that she was a respectable young lady, had influential friends and relatives, and the arrest was evidently a mistake. A complaint was made to the Government. The matter was brought up in the House of Commons, and the Government was beaten on a vote for adjournment by a majority of five. *Punch* devoted its principal cartoon the next week to the question, censuring Mr. Newton.

#### LORD MORRIS OF KILLANAN

While in London in May, 1900, I met Lord Morris of Killanan, who was Chief Justice of Ireland for a number of years, and was afterwards one of the Lords of Appeal of the Privy Council. In the London *Sketch* of May, in that year, our first meeting was described in the following item:

"Lord Morris, who has just resigned his office as a Lord of Appeal, is one of the most familiar

figures in the lobby of the House of Commons, of which he was a member as long ago as the Sixties, and where his ready wit, and vivacious gestures, make him an object of no little interest. Only a few days ago he was introduced by Mr. Henneker-Heaton, M.P., to Colonel George T. Denison, who came from Canada to attend the recent banquet of the British Empire League. The moment the noble Lord heard the word Canada, he gave a kind of "whirroop," seized the hand of the gallant Colonel, and shook it as if he would never let go."

I had often heard of his Lordship before, for he was widely known for his wit and other peculiarities. When Lord Aberdeen came to Canada as Governor-General, an anecdote was told of Lady Aberdeen and Lord Morris, which caused some amusement in Canadian circles. It appears that shortly after Lord and Lady Aberdeen were given the Vice-Regal position at Dublin, they entertained the leading officials, and prominent members of Dublin society, at a large dinner. Lord Morris, so the story went, was seated next to Lady Aberdeen who to open the conversation turned to Lord Morris and said in the most friendly way: "I suppose, Lord Morris, that we are all Nationalists here." The old Chief Justice looked around the room, and up and down the table, and in his rich

brogue, replied, "Well, your Excellency, barring your Excellencies, and maybe one or two of the waiters, I don't believe there is one in the room."

On meeting Lord Morris this anecdote came to my mind, and I recalled it to his memory, and asked him if the story was true. His reply was:

"Av course it was true. Why wuddent it be true. It was the God's truth, and why shuddent I say it."

There is another anecdote told of this fine old gentleman. A counsel once in arguing some case before him, made use of the argument, that public sentiment was opposed to some principle against which he was contending, and said that the "people" would never support such a policy. Lord Morris' reply was amusingly characteristic:

"Mr. —, I want to say this to ye, there is not a village in all Ireland, where there are not two or three dirty blackguards who call themselves "the people".

This is one of the very few precedents that I ever quote. When counsel before me use this appeal to popular sentiment, and the feeling of the people, I find this decision of Lord Morris, which I presume has not been reported, a most effective reply.

The late Sir Charles Fremantle told me of once meeting Lord Morris on the steamer from Holy-

head to Dublin and on making some inquiry, Lord Morris replied:

“You see, my dear Fremantle, I have been a while over there in London, and I find my brogue is getting a bit faible and I am going back to Dublin to titivate it up a bit.”

I did not think when I talked to him that it required to be titivated. It was delightful.

SIR SYDNEY WATERLOW, LORD MAYOR OF LONDON

When in London in 1874, I met Sir Sydney Waterlow, who was then the Lord Mayor of London. He was very kind to me and when he paid a visit to Canada some years later I remembered his kindness, and called on him when he came to Toronto. While here he visited the Police Court one morning and sat on the bench with me, and a day or two later dined at my house.

At the time of his visit to Toronto, the National Exhibition was in progress. He was received by the Mayor and the officials of the Association and shown over the Exhibition. The Press devoted a good deal of attention to him, and reported his doings at considerable length, and referred to him in complimentary terms, one reporter describing him as a fine, level-headed, old gentleman.

Two years later I was in London, with my wife and daughters, and Sir Sydney invited us to din-

ner, and asked me to bring one of my daughters to his box at the opera on the following night. When we arrived we found that Sr Sydney had brought with him his wife's sister, a young Californian lady.

In the interval between the acts, Sir Sydney, recalling his recollections of his visit to Toronto and the Exhibition, said to me, "Do you remember the curious phrase used by one of the reporters who said that I was a fine old gentleman and a flathead?"

I laughed and said, "Oh, no! Sir Sydney, you have forgotten. He did not say you were a flat-head. He said you were a fine, level-headed, old gentleman."

Sir Sydney replied, "Oh, yes! that was it." I went on to say the two phrases are the exact opposite in their meaning, flathead not being complimentary, while level-headed was on the contrary very much so.

The young lady from California, and my daughter, both of whom understood the full meaning of the American expression, laughed most heartily, and Sr Sydney discovered for the first time that he had been highly spoken of in the phrase that had been used.



## CHAPTER XXIII.

### CIRCUMSTANTIAL EVIDENCE

**I**N 1905 a daring burglary was committed at the Dominion Carpet Factory, on King St. West, in Toronto. The premises had been carefully locked up in the evening, and in the locked offices were two safes supposed to be burglar-proof, with about \$500.00 in each. The night-watchman was inside patrolling the building, which was a large one. Suddenly four men attacked him. They were masked, and each had a revolver. They overpowered him, gagged him, and tied him to the steam pipes of the furnace, and while one man with a revolver mounted guard over him the other three blew up the safes with dynamite, and stole the money and all four got away. The matter was reported to the police, and in investigating the case, the detectives heard of four men having been seen in the neighborhood a few hours before, and suspected who they were and decided to arrest them on chance. A man named Bennett was arrested in Montreal and the others in Toronto.

The explosion of the dynamite had torn small pieces from the bank notes in the safe, and when the Superintendent entered the office in the morning he picked up some little scraps and gave them to the police. When Bennett was arrested in Montreal the police found on him some bills of the Molson's and Home Banks of the denominations which had been stolen, but in a little packet of court plaster a scrap of a bank note was found. When Crosby, the second man, was arrested and searched some bills were found, but particularly a \$5.00 Home Bank bill which had a hole torn out of it and a scrap off one end of it. When Hunter, the third man, was arrested a ten cent silver piece mutilated was found, and a fifty cent piece with a hole in it which had been plugged, and with two other marks upon it.

When Bennett arrived from Montreal he and Crosby were put in two cells with an empty one between, which was occupied by two concealed detectives. After a time believing they were alone, they began to talk cautiously, but enough was said to prove that they knew each other, and that they had been engaged in something similar to what they were charged with.

The ten cent piece found on Hunter was identified by a workman employed in the factory, who said he had been paid it not long before, and had

taken it back and exchanged it with the cashier for a sound one. The cashier identified it, as the one that he had in his desk which had been stolen. The same thing occurred as to the fifty cent plugged coin, which was paid to a workman who handed it to his wife, who found objections raised to it, and could not pass it, therefore she had taken it back to the cashier who had it in his desk for some time. The workman and his wife and the cashier were positive in identifying it, as it had three peculiarities. Hunter brought two of his family to swear that they had seen a ten cent mutilated coin and a fifty cent plugged one for some weeks in his possession. This I did not believe.

As to Bennett, the scrap of the bank note found on him with his court plaster, exactly fitted a hole in the \$5.00 bank bill found on Crosby, and the piece found on the floor of the office the morning after the burglary exactly completed the whole bill, proving therefore that Bennett had part of the stolen bill on him, and Crosby a great part of the remainder of the bill, while the piece found on the floor, proved that it was part of one of the stolen bills. This evidence with some other corroborative points satisfied me of the guilt of the three men and I sent Bennett to the penitentiary for ten years, and the other two for eight. This

was one of the most peculiar cases of coincidence or circumstantial evidence in my experience.

About twenty-five years ago the Oulcott Hotel on Yonge Street was broken into and goods stolen therefrom. The detectives on examining the premises afterwards, found half a coat button irregularly broken. On searching Nelson's lodging-house (a well-known thieves' resort) a man was found with a coat with the remainder of the button on it. He was arrested, and the half button was an important link in the evidence under which he was convicted, and sentenced to three years in the penitentiary.

## CHAPTER XXIV.

### THE WESTWOOD MURDER

ON the morning of the 8th October, 1894, *The Empire* newspaper had an account, the headlines of which read as follows:

“Shooting a Mystery.” “Frank Westwood fatally shot at his own door.”

“Towards midnight Saturday an unknown man called at the house of Mr. Benjamin Westwood in Parkdale and shot his son, Frank, at the doorstep. Mr. Westwood fired a shot from his revolver but the man escaped. Parkdale aroused by the crime. Three city detectives were up till a late hour last night hard at work on the case but so far it is said have obtained no clue. Was the assailant one of the crew of a stone hooker who shot for revenge? Young Westwood’s reputation good.”

Shortly before 11 o’clock the young man went to answer a ring at the door. On opening the door a revolver was presented at him without warning and discharged. Westwood fell backwards into the doorway, shot through his right

breast. The assailant made his escape. The whole affair was shrouded in mystery. Neither the boy, who was eighteen years of age, or his relatives could imagine any motive for the crime.

Startled by the report of the pistol the whole household were aroused and young Westwood was found lying in the open doorway. He was still conscious but could not give a clear description of the murderer, for he was in the shadow, but he said he was a middle aged man of medium build who wore a dark moustache and was dressed in black.

There was absolutely no clue to give any theory, and consequently imagination had free play, and rumours began to multiply and fly about, that there was a woman in the case. That young Westwood and another man were rivals in love, and the shooting was done by a jealous lover. This was denied by the young man and his relatives and associates. The family were wealthy and held a prominent position in the church, and were highly respected, all of which caused general interest among the public in the case.

On October 9th, *The Mail* said, "In the absence of all explanation of the affair, there have been set afloat a great number of idle theories, many of which are absolutely silly, and are annoying and unjust, not only to the afflicted family, but to

others who have been dragged into the case without sufficient cause. The belief that there must be a woman at the bottom of it all, has been embraced by many, and as a consequence the names of certain young ladies who have been seen in the company of young Mr. Westwood have been mentioned very freely. Up to the present, however, none of these have been shown to be connected even in the most remote manner with the tragedy." The paper went on to say that it was believed that young Westwood could tell much more if he wished.

The young man died on the 10th October, unable to give any clear information as to who had shot him. Then the rumours kept increasing and it was said that the young man's life was heavily insured, and that his father and he were on bad terms. These reports were both shown to be absolutely false. The inquest began on the 12th of October and was adjourned to various dates until the 13th of November when the jury brought in a verdict in the following words:

"From the evidence submitted we are of the opinion that the deceased, Frank B. Westwood, came to his death from a bullet wound at the hands of an unknown person."

During the whole month while the jury from time to time were inquiring, the wildest rumours

were floating about, and the newspapers were commenting very strongly against the detective force of the city. The *Saturday Night* had an article severely censuring the people, and papers, who without justification "had been insinuating and suspecting and spreading their black lies all over Toronto and all over Canada". The verdict of the 13th November was no answer to these cruel rumours and scandals, and the whole affair was a mystery apparently unfathomable.

The detectives, however, had not given up all hope and on the 21st November, seven days after the jury had given up the case, the citizens of Toronto were startled at reading in the morning papers of that day, that a young mulatto woman named Clara Ford had been arrested on suspicion of being implicated in the murder. She was arrested at her home on the 20th November, and when her rooms were searched, a suit of man's clothes, consisting of a gray tweed coat, a dark cloth vest and trousers, and a black fedora hat were found, also a .38 calibre revolver with four chambers loaded and two empty. A charge of murder was laid therefore against Clara Ford for the murder of Frank Westwood.

The investigation came up before me at the police court on the 28th November. The headlines



of the newspapers will give a summary of the investigation:

“A minute and circumstantial story of the perpetration of the Lakeside Hall tragedy, told to the police by the prisoner herself. About the 1st July last young Westwood, she said, acted improperly towards her. To Mr. Reburn’s inquiry why she did not resent the insult at the time, she said that young people were always teasing her because of her colour. Changed her attire at Dominion and Dufferin streets, putting her skirt under the pavement. Stood for twenty minutes under a tree in the grounds of Lakeside Hall, and saw Frank pass in. The confession was also made to Inspector Stark. Clara was about to confess in court, but was urged by the detectives to get a lawyer. Mr. Murdock was second choice and Mr. Murphy third. Dramatic story of the prisoner’s escape round by the old Fort from the scene of the tragedy. Committed for trial.”

As soon as this was done the detectives were severely censured for questioning the young woman after her arrest, and articles and letters appeared in the papers. When the case came for trial the detectives were in a sense put on trial and the jury gave a verdict of not guilty principally on account of Reburn’s action in getting the confession.

After the trial I told Reburn that I was very much pleased with what he had done, because he had settled a lot of horrible rumours, and cleared up a mystery that had been a serious thing for a family that had lost one of their dear ones. Of course, neither Reburn nor the other detectives had any personal feeling against the accused girl.

## CHAPTER XXV.

### AN EXTRADITION CASE.

**A** MAN named McHolme had failed in business in England, and having appropriated money which should have been handed over to his creditors absconded to Canada. After some time he was discovered here, and arrested, and brought before me for investigation, and for authority to take him back to England for trial.

When the officer arrived from England with the warrant for his arrest, and with the evidence taken before the English Magistrate, I was doubtful as to whether the evidence was strong enough to commit him on the charge of theft, although the evidence was clear that he had committed an offence against the Bankruptcy Act.

McHolme insisted that the charge of theft was trumped up, to get him to England, in order to try him under the Bankruptcy Act. I told him they could not do that, because the British Government held that a man extradited could only be tried on the exact charge on which he was sent back. He and his lawyer both insisted strongly

upon this, but I pointed out that the British Government only a few months before, had broken off the Extradition treaty with the United States, and were refusing to extradite any more, on account of the United States having taken that course in one case, and I told the prisoner in the dock, that if they attempted to try him on the bankruptcy charge, to tell the Judge what I said about it, and to refer him to the case in the United States, and the British Government's action thereon.

McHolme was taken to England, brought up for trial, and, as he expected was charged under the Bankruptcy Act. Either he or his counsel told the Judge my message, that he could not be tried on any charge but that on which he had been extradited. I can fully appreciate the horror and indignation of a Judge of the High Court of Justice of England at receiving a message from a Colonial Police Magistrate. He took no notice of my message, tried the man promptly, and committed him to penal servitude for five years.

I had told McHolme to let me know if this happened, and his lawyer promptly sent a full account of the matter to the Counsel that McHolme had employed here. I was at once informed of it.

I wrote a full report to the Governor-General asking him to forward it to the Home Secretary,

to have the matter put right. I did not hesitate to express my views in easily understood terms. Not long afterwards one of our detectives was in England, and asked what had happened to McHolme. He was told that he had got five years, but had been released in six weeks, through some influence from Canada.

It was all the better for McHolme, for he was then free to remain in England, and as we had recovered almost all the money for his creditors, no harm was done.

## CHAPTER XXVI.

### WELLWOOD ROBBERY

ON the evening of May 1st, 1908, W. B. Wellwood who at that time kept a fruit and confectionery shop at 161 Yonge Street went home for supper, leaving Ethel Sketch, a girl clerk in charge and alone. When he returned a little before 7 o'clock he found her lying in a pool of blood at the back of the shop, with her face and head a bloody mass of bruises. A doctor was called in at once and temporary treatment given. She was then removed to her home. The Police headquarters were then notified by telephone, and detectives Tipton and Wallace were put on the case. They went to the shop and got all the particulars regarding the surroundings, and also obtained the information that nothing had been stolen, although at the time the cash register contained a considerable sum of money. This left the crime without an apparent motive, which is usually the most unsatisfactory kind of a case to work on.

After everything possible was learned at the

scene of the brutal assault, Miss Sketch was seen at her home, lying in bed, with her head swathed in bandages, and so weak from the recent experience and loss of blood, that it was impossible to get an exact account of what had happened from her. Hope of recovery was very doubtful. The two detectives, however, visited her on the following day, and were delighted to find her somewhat stronger, and more rational and able to give an excellent account of what had happened on the night before.

Shortly after she had been left alone, a man of whom she gave a very good description, entered the shop and asked to buy a pound of biscuits. The biscuits were kept near the back of the shop, and not far from the cash register. When she stooped over to get the biscuits, she got a heavy blow on the head which sent her face against the jagged edges of the tin which contained the biscuits. This blow, strange to say, did not knock her unconscious. She struggled and called for help, but no help came, and she was soon beaten and strangled into the condition in which Mr. Wellwood found her.

She stated positively that she would know the brute anywhere, if she could ever get her eyes on him. Another very important thing she remembered, was, that while being smothered to stifle

her cries, she had got one of the man's fingers in her mouth, and bit into and held on to it until she fainted away.

Shortly before this outrage, two women belonging to the unfortunate class, one living on Adelaide Street, the other on St. Patrick Square, reported that they had been held up in their homes, in broad daylight by a man with a revolver, who robbed them of whatever money they had. And shortly after it a man named Duncan, who kept a grocery shop on Adelaide and John Streets, was also robbed one night just as he was about to close his shop. This robber also had a revolver.

At the time I refer to four crimes of a serious nature had occurred within a few days, and nothing had been done.

Some of the newspapers had made sketches of the City Hall, and of Wellwood's shop, and gave the number of yards that separated them.

On occasions of this kind, members of the police department who have any pride in their organization, feel worse than any citizen, and the general public know but little of the strenuous work involved in keeping a city clean of dangerous criminals.

A few days after the affair at Wellwood's, information came to the department, that a man who had been away from the city for a great num-



ber of years, had recently returned after having served out a sentence in a United States Prison.

This man was known to be capable of almost any act of viciousness but he had been absent for so long that no one in the police force knew much about his appearance.

Inquiries soon revealed where he was living, also that since his return home he had joined a hockey team. It was further learned that this hockey team had their photographs taken by a Yonge Street photographer recently.

A little careful negotiation soon put the police in possession of the group picture. It was taken at once to Miss Sketch, and at first glance she placed her finger on the man suspected, although there were about twenty in the group, and all wearing sweaters which gave them an appearance of sameness, and said "that is the man".

That night Tipton and Wallace secured a quiet spot where they had full view of the house where the suspect was supposed to live. Next morning about five o'clock they took up their watch. It was about seven before any one came out and between that and 8.30 four had left the premises, but none of them quite answered the description of the man wanted. A false move at this point would have spoiled everything.

Just a little after nine another man came out who filled the bill fairly well. He had both hands in his pockets and kept them in that position until he got a block and a half away from the house. Then he pulled out his left hand which held his pipe and in a few more seconds pulled out the right with a match to light it. As he reached out the hand to strike a match against a telegraph pole, a white bandage was quite noticeable on one finger; one of the detectives walked up on the left, the other on the right. Both arms were caught at the same time. He was supposed to have a revolver in his possession, and there was no reason to think that he would hesitate to use it. He, of course, denied all knowledge of the charges preferred against him, but Miss Sketch, Mr. Duncan and two others who saw him running from Duncan's door after the robbery, as well as the two women who had been robbed, positively identified him. Then there was the silent witness of teeth marks well into the bone on both sides of one finger. I committed him for trial and while awaiting the sitting of the Sessions Court, he with a number of others made a most sensational escape from the jail. He was rearrested in Huntington, West Virginia, a few months afterwards and brought back to Toronto for trial.

The evidence was very clear in all the cases, and he was found guilty and sentenced by Judge Winchester to imprisonment for life in Kingston Penitentiary. Miss Sketch recovered in time.

Robbery was undoubtedly the motive of the brutal assault, but in some way he decided that it was wise to make good his escape before he had accomplished his purpose.

## CHAPTER XXVII.

### TURNER MURDER CASE AND JOSEPHINE CARR AND MURDER OF HON. GEORGE BROWN.

A SECTION man of the New York Central Railway was walking along the company's track about three and a half miles north of Niagara Falls, when he noticed a parcel (which had been thrown out of a passing train) rolling down the embankment. He followed the parcel to the edge of the river and found the dead body of a new-born child tied up in a shoe box. He at once notified the Coroner at Niagara Falls, who ordered its removal to the undertaker's, where an inquest was held. The inquest showed that the infant had been murdered by strangulation, and that a corset string had been used for the purpose. It also revealed the fact that the child had been born in a hospital or maternity home, as there was a piece of adhesive plaster bearing the name "Authers" stuck on the back. The Coroner's jury returned an open verdict and the body was buried.

A short account of the case appeared in a Niagara Falls paper and was copied by a Toronto paper, and read by a man on Booth Avenue who had a woman named Authers occupying rooms at his home. She had left to go to the General Hospital for her confinement about ten days before. He knew that this woman had been negotiating with some one for the adoption of her child, and that papers were to be made out and possession transferred soon after birth. These facts were given to the police, and an investigation started. It was found that Mrs. Authers had given birth to her child, that it had been adopted, and taken away a day or so after birth by a woman supposed to be Mrs. Turner, the wife of a commercial traveller from Niagara Falls, N.Y., the mother of the child paying two hundred dollars to the woman to whom she had given it.

The investigation further led to the arrest of a Mrs. Miller who was living in a house on Wood Street.

This Mrs. Miller turned out to be Mrs. Turner, who had adopted the Authers baby, the object being to get the two hundred dollars. She strangled it the night she brought it home.

The body was exhumed, and brought back to Toronto and a second inquest was held, and the woman was found guilty of murder by the Cor-

oner's jury. Evidence in the Police Court, and at the Assizes showed that the morning after the murder, she left the house carrying a parcel, that she was seen getting on the Niagara boat with same parcel, and also seen getting off the boat at Lewiston with the parcel, and getting on a N. Y. C. train with it. She was also seen getting off the train at Niagara Falls without the parcel, and this was the same train from which the section man saw the parcel thrown from the window. A new pair of boots was found in Mrs. Turner's bedroom, with a certain number stamped inside; a corresponding number was found on the shoe box which contained the infant's body, although an attempt had been made to obliterate it. The sale slip with the same number was found on file in Eaton's office, and also on the driver's sheet who had delivered the boots, and Mrs. Turner was identified by the saleswoman who had sold her the boots. The tag on the baby's back had been preserved, and the nurse who had attended Mrs. Authers identified her own handwriting on the tag. The tag and handwriting were both identified by another nurse who had been assisting and had stuck it on the baby.

Mrs. Turner was found guilty of murder, and sentenced to fifteen years in Kingston Penitentiary.

## JOSEPHINE CARR

An extraordinary and tragic case was that in which Josephine Carr, a girl of about eleven years of age, was tried for murder. A young married woman left her little baby not yet a year old, in a baby carriage in front of Eaton's on Queen Street, and went in to make some purchase. When she came out the baby carriage and baby had both disappeared, and she could find no trace of either.

It appeared afterwards, that Josephine Carr had taken the carriage and the baby and had gone east, and at some distance from the built-up portion of the city, had killed the baby and hidden its body in a culvert, where it was found not long after. It was a stupid and unaccountable murder. The girl was tried and convicted, and sent to prison, and I understood that she died not long after.

## THE MURDERER OF GEORGE BROWN

On the 19th of March, 1880, I had among the list of prisoners on my calendar one George Bennett, charged with non-support of his wife. I arraigned him and heard something of the charge, remanded him for a week on his own bail and let him go. As he went out I said to Mr. Nudel, Police Court Clerk, I am sorry I had to let that

man go, as he is one of the worst men that I have ever had before me. Nudel said that he had not noticed him. I remarked, "that man fears neither God, man or devil".

Before the week's remand was up, this man, who was employed in *The Globe* office in some capacity, went into the private office of Hon. George Brown, who was the Editor of *The Globe*, and after a short altercation drew a pistol, and shot Mr. Brown through the thigh. Bennett was arrested and brought before me on the morning of the 27th March, charged with shooting with intent to kill. He was remanded from week to week to await the result. Mr. Brown lingered for some weeks and died on the 9th May from the effects of the wound. The Coroner's jury on the 11th May brought in a verdict against the prisoner, and he was committed for trial on the charge of wilful murder. After a careful trial in which he was defended with great ability by the late Nicholas Flood Davin he was convicted and sentenced to be hanged.

He was hanged on the 24th July, 1880, and the day before, the late Major Draper, our then Chief of Police, told me he was going the next morning with other officials to the jail, to see the execution, which even then was prohibited from taking place in public.

Remembering my impression about Bennett be-



fore the murder, I asked Major Draper if he would pay close attention to the man's demeanour on the scaffold, and let me know whether he showed any signs of fear or trepidation, for I believed that he did not fear anything in heaven above or in the earth beneath. The next morning Major Draper told me that he never wanted to see another execution, that Bennett was cool and collected, showed no sign of fear, and was in fact the most unconcerned man of all those who were present. He asked permission of the Sheriff to speak to the assembled officials, and made a speech of about ten minutes in length, in a calm and self-possessed manner, and then turned to the trap door to be hanged.

The next morning in the *Toronto Globe* of the 25th July, there was a very full description of the whole affair, and I quote the following extracts from it:

"Immediately after the commission of the crime, and indeed until very lately, the prisoner spoke about the deed, and acted in the most nonchalant manner. His air at the coroner's inquest had a certain amount of bravado about it, and since then he has frequently expressed to fellow prisoners, and to his keepers, his utter indifference to his fate. . . . His last artistic effort being a picture of himself dangling at the end of a rope. This last incident will serve to illustrate the flippant manner in which he regarded the awful doom whose consummation was but a few days off . . . . He walked with a firm tread."

## CHAPTER XXVIII.

THE IRISH ELEMENT—JACK O'LEARY'S TRIAL—  
MEETING IN PADDY DALY'S—JOHN MAHER, ETC.

THE Irish forty years ago, as I have said, formed a very large proportion of the population, the labouring classes at that time being almost all of that nationality. They added very much to the humour of the proceedings in the Court when I first occupied the Bench.

Many years ago there was a street called March Street. It was one of the slums of the city, and had acquired a very unsavoury reputation. In order to improve its standing, the City Council changed its name to Stanley Street. The old saying that a rose by any other name would smell as sweet was verified in the opposite sense, for Stanley street smelt as bad as March Street. Another attempt was made to improve it by naming it Lombard Street, and I think that then it was worse than ever, for the old wooden shanties were continually becoming more decrepit.

It was inhabited by Irish labourers, carters, woodsawyers, etc. A well known character nam-

ed Dan Dwan, a labourer on the docks, was popularly known as the Mayor of Stanley Street, for he had great influence among the residents, and was an active politician. He was a witty, humorous fellow, and well known in the city. I met him once many years ago, long before I was on the Bench and said to him:

“Good morning, Dan. I hope you may live long, and always be “able to keep a pig, and always have a barrel of whiskey in the corner.”

“Well, sir,” he replied, “what’s one barrel of whiskey in a large family and no cow?”

The jail is situated to the east of the Don River, and prisoners going from court to jail crossed the Don Bridge. About fifty years ago there was a very popular music hall song called “One more River to Cross”. One day a couple of young dandies were walking along the street singing it.

Dan looked at them and said:

“Yes, boys, and I know the river, it’s the Don.”

Another day he was talking to a stranger when the van called “Black Maria” was being driven down to the jail with the prisoners convicted for drunkenness, etc., the usual term being thirty days.

Dan said to the man:

“Do you see that team? That’s Curnel Dini-son’s team, and they are the fastest in the city.”

“They do not look very fast,” said the stranger.

“But they are,” said Dan. “They would take you as far in half an hour, as it would take you thirty days to get back.”

### JACK O’LEARY’S TRIAL

When I was quite a young barrister I was asked to defend a man named Jack O’Leary for burglary. He was almost caught in the act, being found in a lane in his shirtsleeves, at the back of the shop that had been broken into, and in the shop was found his coat. There was little chance of getting him off, but I did the best I could with the jury, making a strong point of the fact that the Crown had not proved that the coat was his, and that there was no evidence that it was his coat. To my amazement the jury acquitted him. I left the Court and O’Leary came after me, and asked me to apply to Chief Justice Draper for the restitution of the coat. I refused most emphatically, and told him to say nothing about it, and advised him to leave the city at once.

The next morning I was passing through the Court House when Dan Dwan came up to me and said:

“Good morning, Mr. Dinnison,” and he went on to say, “I was in the Court yesterday. I heard

ye pleading for Jack O'Leary. Be japers ye did it well! Ye mulvathered that jury till they didn't know where they were at. For he was bloody guilty."

"I am afraid he was," said I.

"Yes," said Dan. "But you know, he had no business to ask for his coat."

I replied: "I refused to apply for it." He then told me that O'Leary had gone in himself, just as the Court was opening that morning, and had asked the Chief Justice to order the return of his coat.

The Chief Justice said: "But you said that it was not your coat."

"No, my Lord, I did not."

"Well your Counsel did."

"No," said O'Leary, "he did not. He only said that they did not prove it was my coat, but I can prove it is my coat."

The Chief Justice said:

"I think this is the most impudent request ever made to me," and he ordered the coat to be sold, and the proceeds given to a charitable institution and ordered O'Leary to be removed from the Court.

I do not think I ever defended another prisoner. I was not pleased with my experience in that case.

## MEETING IN DALY'S BACK YARD.

Lombard Street reminds me of another famous settlement of fifty-five years ago, principally composed of Irish emigrants from the County of Clare, and popularly known as Claretown. It was situated on what are now known as Ryerson, Wolseley and Carr Streets. The principal man in the settlement was Pat Gibson, a railway labourer, who was known as the Mayor of Claretown. He was a tall, well built, powerful man more than six feet in height.

A man named Standish Wilson, who kept a tavern on the opposite side of Queen Street, was the bailiff or agent of the owner of Claretown. He was a stout old man, with a large way of talking, and sometimes used Latin quotations in a very amusing way. I remember him once telling of a row that occurred between two neighbours in the settlement, and he told me that from what he overheard about the trouble, he was under the impression "that there had been a prior fracas among them, but that they "were of a very pugnacious disposition intirely".

Not far from Standish Wilson's tavern was another small tavern kept by a rival named Paddy Daly.

There was a general election for the old Parliament of Canada about the year 1862. I was then

a very young man and was one of the Committee for the Conservative candidate, and John Canavan, a young Irish lawyer, a friend of mine, was another. In those days elections were very different from what they are now. The polling lasted two days, there was open voting, open treating, and almost open bribing. Our opponents in this election had called a meeting of electors to be held at Paddy Daly's, to be addressed by the candidate and other prominent politicians. Canavan conceived the idea of breaking up the meeting and I agreed to help him. Daly's tavern was too small for a meeting, but he had a fair-sized yard at the back of his place with the usual wood-shed running along one side of it. Standish Wilson, and Pat Gibson the Mayor, brought down the male population of Claretown, and they filed into the yard, and took up an advantageous position on the roof of the wood-shed. It was a fine summer evening and Paddy Daly had brought out the kitchen table, and placed two candles on it, with a pair of snuffers between them, and two or three chairs for the Chairman and Secretary. The yard was packed, and when the meeting had got fairly started, Canavan stood upon a chair by the table and began to speak and to move a resolution in favour of our candidate. The other side had brought a well-known mob leader named Bob Moody from the

St. John's Ward district, with a number of his followers, and as soon as Canavan began to speak, there was a great uproar and Moody got upon the other side of the table. Canavan got up on his side and the noise and yelling was so furious, that not a word could be heard from either of them. I was standing right behind Canavan holding him from falling from the table, when Pat Gibson, who was standing at the back of the roof of the shed, said to his Claretown boys, "Make a way for me boys", and he ran down the roof and made a flying leap over the heads of those near and landed on the table, seized Moody in his arms, and they both fell into the crowd beyond. The table was broken and tumbled over, Canavan and I were thrown aside. The chairman ran through the house and away went the candidate after him. The Claretown people cleared the yard in a few minutes, and Canavan invited everybody to go to Standish Wilson's, where he would treat them. When we went up there the place was jammed. Wilson's wife and family were handing out the liquor as fast as it could be done, and Wilson in his shirt sleeves standing with his thumbs in his waistcoat arm holes, smiling benignantly upon the scene. He came up to me and said:

"Mr. Dinnison, did you ever see a meeting more beautifully cleaned out than that?"



I said I had not.

He replied: "I do not believe, Mr. Dinnison, that in the whole course of my political experience, I ever saw a meeting so illigantly disturbed as that was", and he went on to speak very highly to me about Canavan.

"Canavan is a smart little chap, but I think he is too abusive intirely. He reiterates his abuse 'ad nauseam'."

Wilson afterwards asked us to get him some kind of employment under the Government, and we tried to do so. About four years or more afterwards I met him one morning in the street with a bundle of papers in his hand. He had been appointed a census enumerator. He held the papers up for me to see and said:

"There, Mr. Dinnison, after waiting four years 'ridiculus mus nascitur'."

This all happened when I was quite a young man, long before I was a Magistrate, but I have described the event as throwing light upon a method of electioneering which has long since disappeared.

#### JOHN MAHER

A well known Irish character some years ago was John Maher. He had been employed in a book shop on King Street, and I often saw him

there. I think his people in Ireland had partly educated him for the Catholic priesthood, but from his after career, I do not think that that was his natural calling. He began to drink too much, and soon lost his employment, and was often sent to jail for drunkenness. In time he came to look upon the jail as his home. The jailer treated him very well, for as I have said he was fairly well educated, and pleasant in his manner. When in jail, he was generally employed as a clerk in the office, and was very useful.

When he would come out of jail on the conclusion of his term, his friends would treat him too well, and in two or three days he would go down again. After a time he would sometimes not take the trouble to get drunk, but would give himself up as a vagrant, and ask to be sent down. I would always ask him how long he would like, and give him the number of months he indicated. Sometimes he would be out for a day or two and would be up again for drunkenness, and would say:

“Give me another chance this time, Colonel. I have a few friends I want to see.”

I always gave him the chance.

When he would come up for drunkenness, he generally made some very humorous remarks. On

one occasion when I asked him if he had been drunk, he said:

“I was, Colonel, but I could not help it. They had set me to make out the Criminal Statistics returns, and I worked hard at them for a long time, and it was the dryest job I ever had. You have no idea how dry they are, and when I came out I naturally had to take a few drinks. I plead guilty.”

“Well, Maher,” said I, “you will not have any more statistics for awhile to work at, so you can go but try to keep sober,” which he did for a day or two.

On another occasion, when I asked him when he came up if he was drunk or not, he replied,

“Yes, Colonel, I was. I happened to get a copy of that last article of yours in *The Westminster Review*, and I got so worked up over it that I took a few drinks and here you see I am.”

I said, “Well Maher, I don’t blame you, that article was enough to drive any man to drink. You can go, you are discharged.”

About eighteen years ago, I published a volume of my military reminiscences, under the title of “Soldiering in Canada”. Maher had been in the Toronto Field Battery in his early days; I first knew him in that capacity, for my corps was brigaded with the Battery, in the old Active

Mounted Force of Toronto. While in jail Maher happened to see a review of my book, so he wrote me a note saying that he was very anxious to read it, and asked me if I would lend him a copy, which after reading he could return to me by the policeman driving the van. I sent a copy to him, which he returned in a couple of weeks with a warm note of thanks. The police and the jail people were much surprised at the friendly relations between the magistrate and probably the most impecunious tramp in the city.

#### HARRY HENRY

Another very well known character in the olden days was Harry Henry, whose record of convictions far surpassed that of any other offender. For a great many years he was constantly spending his time in jail. He would serve his thirty days, get out for a day or two, and go down again year after year for more than forty years.

When I first went on the Bench he was still coming regularly. He had hundreds of convictions recorded against him, 300 or 400. The first time I sent him down he told me that he had many times been sent down by my grandfather, and my father, both of whom in their day, as Justices of the Peace, had often sat on the Bench before the days of Police Magistrates. Harry Henry really

looked upon the jail as his home, and was always employed by Governor Allen of the jail as a butler, and the strange thing about him was, that he was absolutely reliable for he had charge of the Governor's sideboard and liquors. The Governor used to send him into town sometimes on messages, and he would carry out his errands with strict care and return promptly. On one occasion Governor Allen sent him into the city with a new turnkey, or guard, to make some purchases and bring them back to the jail. The guard was very uneasy and anxious, and watched Harry with such close care, that Harry became annoyed, and watching his chance, gave him the slip, and made his way back to the jail as fast as he could go. The guard was very disturbed, and hunted about and searched for him for some hours, being afraid to return without him. When he did return he found his escaped prisoner quietly waiting to welcome him.

A few years after my appointment some of his friends made arrangements for Henry to be cared for, and the last two or three years of his life he was quite comfortable, and lived as a respectable citizen. A short account of his life was published, and I believe had a large circulation. Harry Henry and Doc Sheppard were the only two of my regular customers who were distinguished by

having their biographies published in their lifetime.

### MAURICE COSMER

Coming out of my office one day, an Irish labourer named Maurice Cosmer spoke to me and said he was anxious to get a man out of jail.

“What is he in jail for?” I asked

“Well, sir, it was for threatenin’.”

“I suppose he was ordered to find sureties to keep the peace,” said I.

“Yes, sir, he was to find one surety in \$100.00.”

“Well, if you get a man who will go surety, I will arrange it.”

“Would your Worship take me for bail for Rooney?”

I replied, “I would like to know who he was threatening?”

“It was me, sir, he was threatening.”

“And you will go bail for him?”

“Yes,” he replied.

I took him into the Clerk’s office, had a bail bond drawn out, took his bail, gave him a warrant of deliverance, and told him to take it to the jail, and the jailer would let Rooney out, but I said, “Remember if he beats you now, you will get the beating, and may have to pay the \$100.”

“Well, sir, I don’t care if I do. Rooney has a

wife and childer, and they want him, and I would rather take the bating than see them "wanting", and he went off and released his enemy.

Some months after Cosmer was up before me for being drunk, and pleaded guilty. I said to him, "I remember you, Cosmer, you are too good hearted a fellow to send to jail, go home and try and keep sober in future."

#### THE FAIRBANK MURDER

A case that impressed me very much was a charge against Edward Handcock and his wife for the murder of their daughter, which occurred on the 16th of July, 1891, in the village of Fairbank, about three miles north of the then limits of Toronto. Sophia Handcock was found in the little shop which was the front room of the residence, dead with a wound in the head, that looked as if it had been cut open with a lath hammer, the skull being cut open in a break about two or two and a half inches long. The father said he had been working in the garden, and on coming into the house had found his daughter lying dead on the floor. He had seen no one passing along the road, and had heard no noise, but this might be explained by the fact that he was rather deaf.

An inquest was held which did not result in any satisfactory solution of the mystery. Then the

newspaper reporters went on investigating, and the detectives took up the case with the result that the father and mother were arrested for the murder. When Handcock was arrested he said, "Well, I can't help it, God has taken care of me in the past, and will in the future. I am not guilty." When he was brought into the Governor's office in the jail he said: "This is a terrible business but the Lord knows that we are innocent and He will not desert us now."

A number of points of evidence were brought up, and it was shown that there was an insurance on the young woman's life. When all the evidence was in, there was enough for me to commit the man for trial—but I remember how puzzled I was. I asked Deputy Chief Stuart, who had a lifetime's experience in criminal cases, what he thought about it. His reply was that he was quite puzzled. I said, "My feeling is very curious. I can generally feel that after I have heard the evidence I lean a little to one side or the other in criminal cases, but this is almost the only one I remember where I could not say which side I could lean on." The Deputy said, "The same idea has impressed me."

A very careful search had been made to find a lather's hammer, but it could not be found. After the man was committed for trial, Mr. Murdock, who was employed to defend him, obtained an



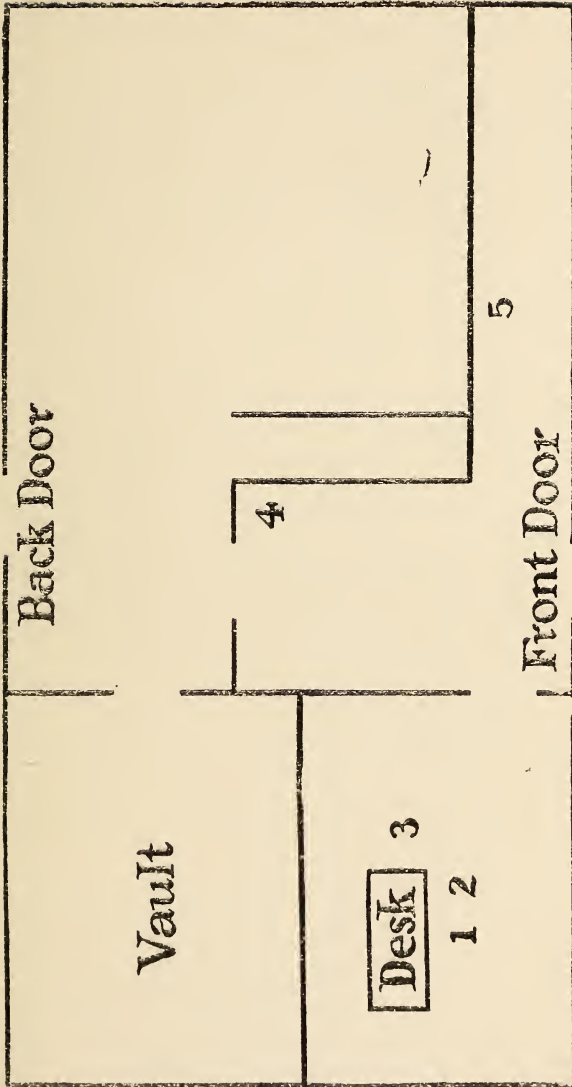
order for the exhumation of the remains, and had a very minute examination made of the skull. The break was found to have on the edges two or three small traces of lead showing that the blow was not done with an iron weapon. Then the question of a pistol shot was considered, and it was found that a glancing shot on the head might have ploughed the break in the skull. A careful examination of the room then resulted in the discovery of a pistol bullet imbedded in the plaster of the ceiling at the back end of the room. This indicated that a pistol was fired at the woman from just inside the doorway—which broke her skull, and glanced upward into the ceiling. The result of the trial was the acquittal of the prisoner. It was the general belief that a tramp who had been seen in the neighborhood had walked into the shop and shot the girl, who was alone in it, and having taken what was in the till, got off without being seen, for it was at that time a lonely locality.

## CHAPTER XXIX.

### THE RECEIVER GENERAL ROBBERY.

ONE of the most clever and successful robberies carried out in Toronto in my time, was the robbery of about \$12,000 in cash from the Assistant Receiver General's office in Toronto, about twenty-five years ago. The late Mr. Fraser was the Assistant Receiver General in charge. To understand the way in which the theft was carried out it will be necessary to study the diagram of the office as presented on the page following this.

Shortly after noon when the messenger had gone to lunch, and one of the clerks was also out, three men came in and inquired for Mr. Fraser. Two of them were shown into his office. They were tall, stout men with overcoats on, which were unbuttoned. They went up to his desk and told him they had been informed that he owned a lot of land at the corner of King and Bathurst Streets, which they wished to buy in order to erect a factory. They stood so as to intercept his view through the glass partition into the main office.



- 1. Mr. Fraser
- 2. First caller
- 3. Second Caller
- 4. Man with newspaper
- 5. Clerk

The third man came up to the counter, and told the clerk he was just waiting for the others. He had a large newspaper which he took out of his pocket to glance over while he was waiting, and held it up in both hands wide open, looking up and down, and making sufficient noise with the paper to prevent the movement of a fourth man from being heard. This last was a small, active fellow, who crept along under the level of the counter, slipped into the safe, seized a couple of bundles of notes, and then under the cover of the rattling of the paper opened the spring lock of the back door, and got away with about \$12,000. The man with the paper, as soon as this was done, folded up his paper and put it in his pocket. This was the signal to the two in Mr. Fraser's room to leave, and they thanked him for some information he had given them as to where they could find another Mr. Fraser who might own this property, and the three men went away. It is supposed they went straight to the Union Station and caught a train for the States.

The loss of the bills was not discovered for some hours, and, of course, no one knew how it could have been done. Suspicion fell on the two men who had talked to Mr. Fraser, more particularly when it was discovered that the lot they had inquired about had never been owned by a

man of the name of Fraser. The Government employed two Pinkerton detectives, and every effort was made to discover the thieves, but without success. The detectives obtained enough information from various sources to satisfy them that the theft had been effected in the way I have described.

## CHAPTER XXX.

### LEGAL QUIBBLES

I HAVE always had a decided objection to the technical quibbles which appeal to so many lawyers. They are often very clever and ingenious; they may be called principles of law, but are certainly not in the interest of real justice.

One case will well illustrate the difference between so-called law, and real justice and common sense. A pickpocket robbed a man of about \$50 on a ferry running across the Toronto Bay to Hanlan's Point on the island opposite. The thief was caught, the evidence was conclusive, and the man was tried before me, and committed to the Central Prison for four months. A conviction was made out, and filed away, and the Warrant of Commitment to the prison issued.

The clerk who made out the conviction (and it must be remembered that only about one in every 500 or 1,000 is ever seen again), copying out the charge from the information, put it that the prisoner on a certain day, in the Bay of the City of Toronto, did contrary to law steal from the

person and against the will of complainant \$50. The information read that on a certain day in the City of Toronto, in the Bay of the City of Toronto, the prisoner did, etc. The clerk, who was a new hand, thought it unnecessary to repeat City of Toronto. A lawyer saw the omission a few days later and had the prisoner brought before a Superior Court Judge, and asked to have the conviction quashed, because it did not state that the offence had occurred in the City of Toronto. The line of argument was that if it had not occurred in the City of Toronto, I had no jurisdiction; if I had no jurisdiction the conviction was bad, and the prisoner should be set at large.

This was actually done and the prisoner was discharged. He had not been wrongly convicted; I did have the jurisdiction, but on this technicality the thief was set free. That is called law. The curious point about this case however was that, as I understand, the statute setting out the boundaries of the City of Toronto includes the Bay of the City of Toronto, and the Judge should have taken judicial notice of the statute, so that he was wrong anyway.

The difference between that method of administering so-called law, and the common sense method of doing substantial justice, was well illustrated in another case by the action of Chief

Justice John Armour, one of the greatest Judges who ever sat in the Canadian courts. A lawyer had found some case where no sworn evidence was recorded, that the offence had occurred in the City of Toronto, although it was sworn to in the information. The argument was short and to the point. The Chief Justice said:

“Then file an affidavit that it did not occur in the City of Toronto.”

“I cannot do that,” said the lawyer.

“Why not?”

“Because it did occur in the City of Toronto.”

“Then what are you complaining of? Rule refused,” said the Judge.

Could there be a greater contrast than in these two cases. One was supposed to be law, but was a failure of justice, the other was sound common sense and straight justice.

Another amusing illustration of legal quibbling was in a case in which there was a by-law prohibiting the playing of the drum in the streets of the City of London, Ontario, on Sundays.

The by-law was passed, I understand, to prevent the Salvation Army from playing with drums on the street on Sunday. A man was charged before the Magistrate with the offence, and two or three witnesses swore that they saw the defendant walking along the street vigorously beating a



drum. The magistrate convicted the defendant and put on a small fine. The case was taken up before a High Court judge, who quashed the conviction because while there was plenty of evidence that the man had been "beating" the drum, there was no evidence that he had been "playing" the drum.

This judgment was criticized rather severely in a United States law journal, but the best comment was in an Irish law journal, which said there was only one precedent for such a reading of a regulation, and that was in the case of an Irish station master, who came upon a man quietly smoking his pipe in the waiting-room and censured him.

"Why shudn't I smoke?" said the Irishman.

"Don't you see that notice, "No smoking allowed'?"

"Well, I am not smoking aloud," he said, and calmly went on with his smoking.

In *Poulin vs. City of Quebec*, 13, Canadian Criminal Cases, 391: The Statute provided that in this case upon conviction the prisoner was liable to a penalty of thirty days' imprisonment with hard labour. The magistrate imposed thirty days, but no hard labour. The prisoner complained and had the conviction quashed, on the ground that the magistrate had no discretion and must

impose hard labour with the thirty days. A common sense method of dealing with that case would have been to order the hard labour, but courts are not supposed to have common sense, and very often they have not. This case shows that in the Province of Quebec the same principle prevails as in Ontario.

From September, 1908, until September, 1919, the total of cases dealt with in the Police Court in Toronto amounted to 331,036! Now while in by-law cases and petty offences, which are generally dealt with by the Assistant Magistrates, there has been a small proportion of decisions reversed, I felt that in my special branch, the trying of indictable offences and offences under the Criminal Code, the number of my decisions quashed by the Superior Courts was very small indeed. I asked Mr. Arthur Webb, who has charge of the appeal books, to examine carefully and give me a report on the convictions appealed from my decisions during the last eleven years and received the following report:

20th September, 1919.

Dear Colonel Denison:

In answer to your inquiry I beg to say that I have gone carefully through my appeal books, and find that from 1st September, 1908, to 1st September, 1919, (a period of eleven years) out of a total of some 31,800 indictable offences finally disposed of in the Police Court

(the large majority of which have, of course, been tried by yourself) there has been a total of nine cases in which an appeal has been taken from convictions made by you.

Of these nine convictions only one has been quashed on appeal—six have been sustained after argument in the Superior Court—and the remaining two appeals were not proceeded with by the parties convicted, and these two convictions are also confirmed.

The net result therefore is that in these nine appeals during past eleven years, eight convictions were upheld and one quashed.

Yours sincerely,

Arthur A. Webb,

Deputy Police Court Clerk.

## CHAPTER XXXI.

### CONFIDENCE GAMES

**I**N July, 1891, we heard of a swindle perpetrated in Manchester, England, which interested me as one of the swindlers passed himself off as my son. A man named Mercer had kept a hotel for some years on Queen Street, Toronto, a little over a mile from my residence. He died about 1888. Shortly after, his widow went to England, and in time married a hotelkeeper named Fisher in Manchester. She knew me well by sight, and knew of the late County Court Judge Boyd, who was with me on the Board of Police Commissioners.

Two respectable and gentlemanly young men, as she described them, came to her husband's hotel in Manchester and gave their addresses as Toronto, and their names as W. F. Boyd and F. G. Denison. Mrs. Fisher hearing they were from Toronto and hearing the names, asked who they were, and one claimed to be the son of Judge Boyd, and the other said he was my son. Mrs. Fisher knowing that Judge Boyd and I were

friends, thought it very natural that the young men should be travelling together.

To give an impression that they were all right, the one passing himself off as my son said, that I had instructed him to buy some carpets, and he went to a shop and ordered about £80 worth of carpets, which he directed to be sent to my address in Toronto to be paid for on delivery. The carpet dealer evidently understood his business, and apparently sized up the young man accurately, and of course knew nothing of me, so fortunately he did not fill the order. Mrs. Fisher had confidence in the young men and it ended in the so-called Boyd making a draft for £100 on his father (?) and asking her husband, Mr. Fisher, to endorse the draft, so that the £100 might be got without waiting to send the draft first to Toronto. Fisher endorsed the draft and was swindled out of the money. The men were not captured for this fraud, but the detectives believed they were convicted somewhere in Western Ontario not long afterward for another crime.

On another occasion I received a telegram from a hotelkeeper in London, Ontario, saying that a man claiming to be my son was stranded, and wanted him to advance him money to take him to Toronto. I promptly wired back, "The man is a

fraud; I have no son in London." This hotel-keeper acted wisely.

Another time a confidence man swindled a large business firm in Toronto out of about \$200 by pretending that he was a partner of mine in some mining operations in Cobalt. This was very careless on the part of the firm, for they could have inquired of me in a quarter of an hour, but it is very annoying to me to hear of swindlers using my name to defraud people.

#### JAMES HEAMAN ALIAS CHAS. E. HALL

In August, 1914, a man named James Heaman arrived in Toronto from Vancouver. He claimed to have been in the grain business in the West and to have cleared up a fortune in wheat. Shortly after his arrival in the city he purchased a grocery business on Bathurst Street, in which he installed a young Scotch girl as manager. He also interested himself in a concern for manufacturing shop fixtures and for doing electro-plating. This business was situated near the corner of Church and Queen Streets. He took up his residence with a very respectable family on Madison Avenue. He also opened a bank account with one of the banks near the corner of Queen and Yonge. He showed a typewritten statement of his assets, which included 10,000 acres of fruit land and a

large tract of mining property, both in British Columbia. He seemed to have plenty of money and spent it freely.

On September the 10th of the same year a man called at the head office, here, of one of the largest milling companies in Canada and introduced himself as Chas. E. Hall, of Yorkton, Sask. He said he owned a large farm in that locality, which is well known as one of the best wheat sections of Canada, and that he had come east to dispose of 50,000 bushels of wheat, which was loaded in cars and awaiting his orders as to where it was to be forwarded. He produced bills of lading, signed by the C. P. R. agent of that station, showing that amount of wheat on the cars there, and also giving the numbers of the cars. The manager of the milling company and he could not agree on the price the first day, but on the following day the deal was closed and the price was \$50,000 cash. He asked to have a draft, on a New York bank, for \$20,000, a draft for \$20,000 on a local bank, and a check for \$10,000, to be given him. This was done. He then said that he was unknown to any of the banks in Toronto and asked that someone from the company would go over and identify him. This was done and he cashed the check for the \$10,000.

To make sure about the wheat a telegram was

sent to Yorkton and it was then found out that Hall was not known and no wheat was in cars there. It was also found that the signatures to the bills of lading, although having the proper name of the agent, were forgeries. The matter was reported to the Detective Department at 11 o'clock on the 12th and Detective Guthrie was sent out on the case. A private detective had already been on it. It was learned that a draft for \$20,000 had been deposited to the credit of James Heaman in the latter's bank and also that Heaman had purchased a new automobile. Inquiries at the Parliament Buildings disclosed that Heaman had just taken out a new license and the number was obtained. The private address could not be obtained, but it was learned that he had a grocery business on Bathurst Street. Hiring an automobile, the detectives hurried to Bathurst Street, and after a search the shop was located. Guthrie entered the store and asked for Heaman. The young woman in charge said he was not in, but she had just received a telephone message that he was on his way over. Seating themselves in the car, the men waited, and presently Heaman drove up in a new car. He was accompanied by a party of four. When he was asked if he had had any dealings with a milling company in regard to wheat he laughed and said no. He was then told



he had to go to headquarters. Taking a pass out of his pocket he handed it to one of the party and told them to go on down to the Exhibition, which was then on, and he would meet them there as he had to go down town on some business. Arriving at the City Hall Heaman was seated in one of the rooms there and the complainant was sent for. When he arrived he was shown Heaman and asked if he knew him. He said he did not, and that he was not the man who sold the wheat. Then Heaman was asked to remove his hat and even then he was not sure but thought it looked more like him. Guthrie insisted that it was the man and began to search Heaman. In the inside pocket of his vest he found the draft on New York for the \$20,000 and about \$8,000 in cash. Heaman still maintained his innocence but said that if we would give him till the next day he would produce the right man. Four hours after the case was reported to the Police Department Heaman was in custody. A search of his room disclosed a bundle of bills of lading all signed with the name of the agent at Yorkton. What had deceived the milling man in the identification was the fact, that on the day following the deal Heaman had the barber remove his moustache. We also found the rough clothes which Heaman had used to act the part of a farmer. He

was held and appeared before me, and when the evidence was heard he was committed for trial. He still denied having sold wheat to anyone. He finally pleaded guilty and was sentenced to two years in Kingston. All the money except \$200 was recovered.

It was learned that this man had been convicted of bigamy in Vancouver and was wanted in Woodstock, Ont., for the same offence. Later we learned that a man answering the same description had played the same kind of game in the West, and it is supposed that the money he had received there had gone into the grocery business here.

\* \* \* \*

A lady was standing in front of Eaton's shop one day when there was a large crowd on the street and she happened to notice a man who among others was standing beside her. After she left, she found that her chatelaine had been opened and that her purse had been stolen out of it. The purse contained \$25 and a ring mounting three diamonds, the centre one larger than the two outside ones. She advertised her loss in the papers, and offered a liberal reward, and she notified the police.

The detectives a few days before had been watching three men acting very suspiciously at a street car junction, where passengers transferred.

They would crowd in, and as if it were too crowded back out, and they watched them for some twenty minutes. They succeeded in catching one of them in a theft, and he was convicted and sent to prison for a year. The detectives suspected that one of the other two men, who seemed to have been working together, might be the thief who stole the lady's purse. The lady recognized one of them when arrested as the man who had been standing close to her in the crowd just before she missed the purse. When he was searched three unset diamonds wrapped up in a scrap of paper were found on him. The lady said the diamonds were exactly like the three that had been in her ring, but of course unset diamonds cannot be absolutely identified, and I was much puzzled what to do, for I believed they were hers, and that we had the thief. Then the Counsel for the defence began to cross-examine the witness, and asked her if she had not thought she had lost the pocket book, and he produced a small newspaper cutting of her advertisement and read it to her. I broke in at once: "Where did you get that cutting Mr.—?" He suddenly saw his mistake, hesitated and said a man gave it to him.

This was enough to satisfy me that the thief was connected with the affair or he would not be likely to have either the diamonds or the news-

paper cutting, so I convicted him and sent him to prison, and gave the lady the diamonds and five dollars in money found on him.

\* \* \* \*

A man found that his milk which was left on his doorstep in the early morning, was sometimes stolen. He was anxious to catch the thief so one Sunday morning he and his son got up early, and they prepared a bottle of soap and water which looked like a bottle of milk with the cover on. The milkman left the bottle of milk on the doorstep as usual about 5.30 a.m. and went on. The occupant opened the door quietly, and took in the milk bottle, and immediately replaced it with the bottle of soap and water. Around the neck of this he had a white cotton thread attached with the end of the thread through the crack of the door, and stretched on the floor, and then the man and his son waited developments. About 7.30 they heard stealthy footsteps and saw the thread moving. They opened the door quickly and saw the next door neighbour, who was their landlord, with the bottle hurriedly entering his door. The man was brought before me for the theft. I kept him in jail a day and then fined him \$5.00 and costs or thirty days.

## CHAPTER XXXII.

### THE ROW ON LOMBARD STREET.

**A**BOUT thirty-five years ago we had the cases connected with a row on Lombard Street tried before me. I had the sworn evidence given in the several charges, so that I am able to give a detailed account of the whole affair. At that time there were two brothers living on Lombard Street about a hundred yards apart, named Jerry and Jack Sheehan, typical Irishmen of the lower class. Jerry and his wife had no family. Jack Sheehan had married a widow named Cronin, who had a son Billy Cronin, who at this time was about twenty-two years of age. Jack Sheehan had a daughter about ten years of age by his wife, who was Billy Cronin's mother, and the four lived together.

One day at the races Jerry Sheehan and Billy Cronin had some words, and there was a little temporary bad feeling between them. Two or three days after, Billy Cronin having a little stimulant on board, thought it would be his duty to call on Jerry just to talk it over, and about 9.30

p.m. went into Jerry's house, and as soon as Mrs. Sheehan, who was alone, saw him, she said:

“Now Billy what brought you here? Now like a good boy go home. If Jerry comes in there will be trouble.”

“I will not,” said Billy. “I am going to ask Jerry what he meant by what he said at the races.”

Mrs. Sheehan anxious to get rid of him said,

“Now Billy if you will be a good boy and go home, I'll treat you.”

“Oh well,” said Billy quite mollified, “you know Mrs. Sheehan you and me have always been good frinds, and I do not know anyone that I am more willing to take a drink with than yoursilf Mrs. Sheehan.”

So she got out the whiskey, and gave him a drink and he went off. Shortly after Jerry Sheehan came in, went through the front room into the kitchen behind, and sat down by the stove to have a smoke before going to bed. In a few minutes Billy Cronin came back. I did not discover the reason, but it was either to get another drink, or because he had been taunted outside by some of his chums, that he was afraid of Jerry. As soon as Jerry saw him he jumped up and said,

“Get out of my house Billy Cronin!”

“I won’t,” said Billy. “What made you spake to me the way you did at the races?”

“If ye don’t git out at once I’ll put ye out.”

Billy answered, “If ye think you can pit me out this is a good time to try.”

Then the fight began. They struggled for some time, the furniture was tumbled about, and with much difficulty Jerry forced Billy into the front room, and over to the door. The noise of the struggle was heard on the street, and a crowd gathered in front of the house. A constable saw the crowd and walked up to see what was the matter. He arrived there just as Jerry had overmastered Billy, and had opened the door, intending to throw him out.

Billy noticed the constable and said,

“Jerry, there’s a cop; I don’t want to be arrested.”

Jerry stopped, looked out, saw the constable and said,

“I’ll not be the manes of putting any man in the hands of the police, and he pulled Billy in and shut the door.

The position then was peculiar. They were both out of breath, the furniture was all tumbled about, and Billy was still in Jerry’s house. They stood looking at each other for some minutes and then Jerry said,

“Now Billy you will go out the back door.”

“No I won’t.”

“If you do not go out the back door I’ll put you out.”

Billy said, “If you think you can do it, put me out, just try.”

Then the struggle began again, and with great efforts Jerry got him back through the front room and kitchen to the back door. He got the back door open and flung Billy out, sending him sprawling on the ground in the back yard. Then Jerry called out to him.

“Billy, if you jump over the fence, and go round by the lane you will miss him.” He then bolted the door, and began to rearrange the furniture.

While all this was going on, the rumour spread down the street, and Billy Cronin’s mother heard that Jerry Sheehan was murdering her son Billy. She ran down and burst into Jerry’s front door, crying out “Who’s murdering my son Billy?” Jerry had just returned to the front room as she came in. “Get out of this,” he shouted, and shoved the door against her, which threw her to the pavement, where she straightened herself out, and was temporarily “kilt intirely”. She was picked up by the neighbours and carried to her house, and put on her bed, and they ran for the



whiskey bottle, and gave her a potion which cured her with marvellous rapidity.

At this time Jack Sheehan, her husband, was over at Dan Dwan's spending the evening talking politics, with a few of the elite of the street. His little girl had seen her mother carried into her house, and ran over to Dan Dwan's, and rushed in and up to her father who was quietly smoking, calling out,

“Oh, Da, Da! Ma's killed.”

Jack says, “Your Ma's killed, who was it killed her?”

“It was Uncle Jerry killed her.”

“Humph, I must see about that,” said Jack, and shaking the ashes out of his pipe, he put it into his pocket, and went over to his wife to find her recovered, under the peculiar system of first aid to the wounded that prevailed in Lombard Street.

The story of Jerry Sheehan having “kilt” Mrs. Jack spread from end to end of the short street, and a considerable crowd gathered in front of Jerry's, thinking that something should be done to express the sentiments of the Lombard Street people, and their strong disapproval of Jerry's conduct. Lombard Street in those days was macadamized, and very soon the crowd began throwing stones through the windows. Jerry

being inside would have been in a bad way, but for one fact, and that was that his wife had a taste for flowers, and she had two little shelves along her two front windows, and on each shelf a row of little flower pots about four inches high with little plants sticking up in each. As the stones flew in Jerry kept up a fusilade with the flower pots as long as they lasted, and by the time they gave out, a posse of police hurried up, dispersed the crowd and arrested a number of them. Every window in the front of the house was broken.

The next morning I had about a dozen of these prisoners to try for various offences. Disorderly conduct, assault, throwing missiles on the street, etc. It took me nearly a week to try them, but I did not grudge the time for I went into it with great formality, inquiring into every minute detail in order to get a complete story of the most typical Irish row I ever had to deal with.

## CHAPTER XXXIII.

### DETECTIVE STORIES.

**O**NE of our detectives gives me the following two incidents:

Some years ago a shop was burglarized in the city. Two detectives were sent down to investigate and on the way back met a coloured man who kept a little shop. He told them that a couple of tough looking customers had been in his place, just a short time before, trying to sell some things which he felt sure they had stolen. He did not buy from them but arranged for them to call back in two or three hours. "Now," said he, "if you will just keep away from around my place I will see that you have them safe in the cage before noon."

He told the officers that these men were in the habit of shooting crap in a certain lane with a number of others, and asked them to arrange to have two men at each end of it at a certain time, the two nearest to where the game was going on were to walk out where they could be seen. There would be a scramble for the other end. Two of

the men would have white marks on the backs of their coats. "Grab the fellows with the marks on, and the job that was done last night will be cleared up."

Shortly afterwards the two men came, as they thought, to dispose of their booty. The darkey had been watching and saw them coming. He rubbed some chalk on the palms of his hands and was ready for action.

His offer was so ridiculously low, that they turned in disgust to go away and just as they did, a big black hand came down on each of their shoulders, with the remark, "Well, boys, it's the best I can do for you." The suggestions were carried out to the letter. The two men were caught with the goods on them. When taken to police headquarters their coats were carefully brushed while the search was in progress.

I do not think that they ever understood how they happened to be caught out of a gang of twenty, when they were the only two that had stolen property in their possession. They thought perhaps, that luck was just against them.

\* \* \* \*

In September, 1913, a shrewd looking gentleman who called himself Robert Vincent and gave his address as the Prince George Hotel, got in touch with a lumber dealer of Toronto named

Daniel Madden and placed before him a very tempting proposition to make some easy money by purchasing a block of stock in the Wheloc Reinforced Cork Boat Company, which he had been fortunate enough to get hold of through a sick farmer he had met, who had no idea of its value. Said stock could be purchased for about \$5.00 a share, and he knew a broker in Philadelphia who was buying all he could get hold of for \$8.50 a share.

Madden got somewhat suspicious and consulted the Police Department, with the result that two men were instructed to follow up the matter and keep in touch with developments. The result was that Vincent and the sick farmer were caught in the act of trying to sell Madden \$20,000 worth of stock in a concern that never existed. Both men were locked up on charges of vagrancy, and subsequently a charge of attempting to obtain money by false pretences was laid. At the time of their arrest they had more than \$4,000 in their possession, which they would have cheerfully parted from in exchange for their freedom if the police had been purchasable. Investigation proved them to be confidence men of international reputation. Vincent's correct name was Charles Gondorf. The sick farmer who gave his name as John Fair, turned out to be Samuel Gerne for whom the

police of the United States had been searching for more than two years, on a charge of getting \$40,000 by a game similar to that which they were trying to carry out here. Gondorf had been arrested in New York City on this same charge, and was out on \$25,000 bonds when arrested here. These men during their criminal career had got hundreds of thousands of dollars, had been arrested several times, but through influence of crooked politicians, bribery, etc., they never had been convicted or spent more than a few hours in jail while the machine was put in motion. The methods which had kept them out of jail in the United States helped to keep them in jail in Canada; for although represented by an Ontario lawyer from Welland, who was also a Member of Parliament, a lawyer from New York City, and also one from Chicago, not to speak of a New York politician, and a gentleman from a prominent bonding company, who were prepared to put up twenty thousand dollars bail for their appearance, they spent six weeks over the "Don" on remand or awaiting trial. At last they were brought before a High Court Judge, and were allowed out on five thousand dollars bail. Gerne was rearrested and taken back to New York for trial. Gondorf got out of the country as soon as he could get a train to take him. Neither of them turned

up for trial and the bond was handed over to the Government. Through their unceremonious treatment in the Toronto Police Court, they must have lost their prestige in their own country, for shortly after their return to New York Gondorf was sent to Sing Sing for five to ten years, and Gerne from one to three years.

In carrying out their bogus stock swindling transactions they had one of their gang conducting a bogus brokerage office in the "Driscoll" Building in Philadelphia, while another member of the outfit was supervising a "phoney" boat factory at Linden, N.J., where the unsinkable cork boat was supposed to be made. With the exception of the New Jersey mosquito swamps, the nearest water was twenty miles away. In selling the stock the intended victim was always requested to call up by 'phone the Philadelphia broker, and find out what he was paying for it, or the manager of the Linden factory for information regarding the number of boats they were turning out. The information was always satisfactory.

\* \* \* \*

One day I was trying a prisoner for stealing a watch from a man's pocket. The evidence was very clear; the watch was traced to the thief and recovered. The counsel for the defence cross-questioned the complainant with great vehemence,

and asked him if he had not mislaid or lost his watch. The witness denied this, and said it had been picked from his pocket. The counsel vehemently argued that this was impossible without it being noticed. The Crown Attorney, Mr. Corley, was sitting close alongside the counsel, who was intently engaged in the cross-examination, and he very deftly slipped the counsel's watch out of his pocket without his knowledge, and took it around to the Chief Inspector in charge of the Court and asked him to hand it up to me on the Bench. I laid it on my calendar till the counsel had concluded his tirade upon the witness, and looking at the clock on the wall of the Court I took out my watch and asked if the clock was right. The counsel looked for his watch and said,

“Someone has taken my watch. I had it a few minutes ago.”

I said, “perhaps this is your watch, it was handed to me by the Inspector just now, when you were insisting that no one could take a watch from a man without his noticing it. See if this is your watch.”

He knew then that Mr. Corley had picked his pocket. He took the joke very good naturedly, although he was sometimes chaffed about it.



## CHAPTER XXXIV.

### MISCELLANEOUS INCIDENTS.

**T**HE following report appeared in *The Toronto News* March 3rd, 1913:

#### SENT A LAWYER TO SAY HE WAS DEAD!

Magistrate Denison called upon to arbitrate the McGrath difficulties.

The comedy in the Police Court this morning was supplied by the well-known headliners Mr. and Mrs. Mike McGrath. Mrs. McGrath said that Mike had refused to pay her the \$3.00 per week that the Court had ordered.

"I gave her \$5.00 a couple of days ago," said Mike.

"Go on, you villain, you never did," said his wife.

"She stole \$300 off me, your Honour," accused Mike.

"Oh! you low, low thing! I never did. How did you make your money anyway? By selling 'booze'?" continued his better half.

"I didn't sell 'booze. It was you that wanted to sell it, and I stopped you," defended Mike.

"Gaze on him, your Honour," continued Mrs. Mike, striking a dramatic pose. "The grandfather of twenty-five. Isn't he a nice-looking bum? He sent a lawyer here to report that he was dead."

"Well, he isn't is he?" commented Magistrate Denison.

## MIKE PAYS UP

“No, I’m not, your Honour,” verified Mike, “and I never sent a lawyer to say I was.”

“Well, will you pay her the \$3.00?” asked the Magistrate.

“Yes, I will. It’s worth it to get rid of her. I’ve been keeping her whole family for years,” said Mike, as he handed over the cash.

The case was then adjourned until called on.

An elderly Scotch woman was arrested one day for stealing some articles in a department shop, and came up in court the next morning for trial. The Police Court Matron, the late Mrs. Whiddon, was looking after her, and the woman was in great distress, asking her what she ought to do. Mrs. Whiddon said she might get a lawyer if she could pay for one. The woman told her that her husband had \$200.00 in the bank which they had saved up, and she asked her to see her husband about getting a lawyer. Mrs. Whiddon found the husband waiting for the court to open, and she advised him to secure a lawyer for his wife.

“I canna dae that,” he replied, “I canna afford it.”

“Your wife told me you had over \$200 in the bank.”

“Ou aye, I ken that, but that was saved up for an emairgency.”

\* \* \* \*

A man was up before me once for stealing a sovereign from a neighbour. There was a strong case of suspicion but the man insisted the sovereign which was found in his possession was a keepsake which had been given to his wife at their wedding. The wife was called to corroborate this, and she swore that the sovereign had been in their possession since her marriage. I asked in what year they were married, and when she told me, I said, "Then this cannot be the same one for it was not coined for several years after".

I convicted the thief and gave the sovereign back to the owner.

\* \* \* \*

I have often received peculiar letters. The following is from a poor woman whose son was up for some small theft:

Toronto, Oct. 12th,

Colinel Denison

Ser

Mrs. Goadstone is appealing to you for leanisy for my son that as erred and strayed like a lost sheep, wich he is trully sorry. He is a kind good boy to me, never toches drink I am a widdow and getting old it is a sad blow to me I am a respectable woman and worked nearly 20 years for the late Mrs. . . . and assist in the pantry meny times when you was at her diner partyes. I lost a kind good friend to me, as you are a parent be lenient to your humble servant.

A man stole a good suit of clothes from another man's house, and left his own old suit in place of it. He escaped and was not arrested for some months, and was then brought before me for the theft. After hearing the evidence, which was strong against him, I asked him if he had anything to say. He claimed that the complainant had stolen his suit first. I asked him if he had another suit of clothes. He said, "No."

I said, "Then you must have been naked when you stole the complainant's," and I promptly sentenced him.

\* \* \* \*

A little, old-fashioned woman unaccustomed to the ways of Court was in the witness-box giving evidence evidently for the first time.

As she was telling her story to the Crown Attorney, I suddenly asked her a question. She was a little affrighted by this unexpected attention, and making an old style curtesy she replied with some awe, "Yes, Oh, Lord".

I have been called "Your Worship," Your Honour," "Your Reverence" and "Your Majesty", but seldom has anyone shown such respect for the Court as this old body did.

#### A HORSE THEFT CASE

On one occasion some years ago I had a most

peculiar case in connection with the straying of a young horse belonging to a widow which escaped from its pasture, and found its way to a farm some miles away, where it joined the farmer's horses. The farmer thought he recognized it as the property of a neighbour who lived not many miles away. He allowed it to pasture with his own horses, until the neighbour would come for it, through carelessness the matter lapsed for some weeks and when he told his friend that his horse was with his horses, the friend denied knowing anything about it, and said his horse was at home. The horses were very much alike.

The farmer after further delay and further efforts to discover the owner, sold the horse to a man for fifteen dollars, who not long after sold it to a pedlar for forty-five dollars. The pedlar used it in his business for a considerable time. One day the railway man at a railway crossing on Bloor Street, saw the pedlar driving the horse, and was satisfied that it was the widow's horse that had been stolen or had strayed away months before. He told the widow of it, and she asked him to tell the pedlar if he saw him again, to call and see her as she had some things she wanted to sell.

When the pedlar came to her place she recognized the horse at once as the one she thought had

been stolen from her field. The pedlar was charged before me with stealing the horse. He said in defence that he had bought the horse from a man he knew (some time before) and that he could procure him. When this man was brought before me, he admitted that he had sold the horse but said he had bought it from a farmer named Moffatt for fifteen dollars. Moffatt was summoned to appear in Court, and told of the horse having strayed into his place, and that not being able to find the owner, he had sold it for fifteen dollars.

After hearing all the evidence I said, "This horse belongs to the widow and always has," and I told Moffatt to pay back the fifteen dollars to the man to whom he had sold the horse. I told the purchaser to pay back the forty-five dollars to the pedlar from whom he had received it, and said: "The horse will go to the owner." This was settled in a few minutes, and I think on equitable principles and without costs.

## CHAPTER XXXV.

### MRS. SWEENEY'S CASE AND THE HANDWRITING ON THE WALL.

**T**HERE was an old Irishman named Sweeney who lived in a street principally occupied by working-class Irish people. He had only one eye, and his wife, like many others on the street, had a fluent tongue, and a vocabulary liable to excite interest. On one occasion she got into an altercation with one of the other women on the street, and very soon a fight began. Almost immediately each woman had a firm grasp of the other's hair. They were pulling each other about, when the other woman's little boy, about seven or eight years of age, picked up a stick and poked it at Mrs. Sweeney, saying, "Leave my mammy alone! Leave Mammy alone!" In his attempts to push Mrs. Sweeney away, the end of the stick put her eye out.

This ended the fight. Mrs. Sweeney was taken to a hospital. The boy was arrested on a charge of doing grievous bodily harm, and was bailed to come up in court. Feeling ran pretty high in the

street. I knew from the beginning that I would not send so young a child to jail, but the woman was in the hospital, and she had lost her eye, and I felt the matter deserved a formal trial.

I tried the case with great deliberation, adjourning it several times, waiting for Mrs. Sweeney to get well, and for feeling to become quiet. I heard of several witnesses being present, called them and heard their evidence, and when I thought I had exhausted the witnesses, someone said that a Mrs. Lever was present at the time. I said, "I must hear her evidence", and I adjourned the case for that purpose.

When she appeared I thought she was worth waiting to see. She was a little thin pasty-faced looking woman, with the remains of a black eye, and a bright little pink end to her nose. She wore a little shabby brown circular cape or short cloak, and a pointed conical gray felt hat with a narrow rim around it, curled upwards and from the top point of the hat stood a wilted cock's feather in anything but a jaunty style. The *tout ensemble* was perfect.

I asked her what she knew about the affair. She told me the whole story very clearly, with an evident bias in favour of the Sweeneys. When she had finished her evidence, standing in the



witness box close to me, she said in a low tone in her rich Irish brogue,

“This is a sad case, your Worship.”

“Yes, it is,” I said.

“Oh, yes,” she repeated, “a very sad case. Those poor people, the Sweeneys—do you know, your Worship, they have three little orphans.”

“How do you make that out,” I said; “the parents are both alive.”

“Och! sure I know that, yer Worship, but what are they but orphans, with the parents with only one pair of eyes betwixt the two of them.”

That finished the case, but the boy was remanded for sentence.

### THE HANDWRITING ON THE WALL

On the night of Monday, May 18th, 1908, the Grand Trunk Railway station and the Canadian Express Company's office at Hawkstone, Ontario, were burglarized, and some money and a number of railway tickets and express orders stolen. On the following Thursday Mr. Wilson and Mr. Mitchell of the Canadian Express Company's Yonge Street office, reported the matter to the Toronto police, stating that one of the money orders had been cashed by their paying teller on the previous evening by a woman who signed her name as “Warren”. The numbers of the stolen orders

had not been supplied to them until some hours afterwards. Consequently they were without suspicion, and, remembering so little about it, they could not even give a description of the woman. The teller did, however, remember that while he was in the act of paying over the money, a young woman employed as a stenographer with *Collier's Weekly* stepped up to the wicket, and gave a little smile of recognition to the woman who was getting the money. It was quite easy to find out from *Collier's* who the employee was that had been at the express office the evening before, but when interviewed she had no recollection of the person wanted, more than that she had attended a business college with her for a short time two years previously, but she had never seen her since until the evening before. She promised, however, to try to recall her name, and when seen a few hours afterwards, said that she was still unable to think of the name, but did remember having seen her write her name on the wall of the girls' cloak room of the college. The spot was very minutely described. In a short time the name was found on the wall. The principal of the college remembered something of the girl and thought her home was in the country, and that she had been staying in Toronto with friends. No entry of her name could be found in his books.

The city directory was next consulted, and showed that there were five families of the name in the city, but none of them called Margaret, and Margaret was the one wanted. A note of the addresses of the five families was made. It was decided first to visit a family on St. Vincent Street because it was the nearest. When this house was approached it showed such signs of wealth and responsibility, that it was almost planned to leave it until the other four were tried. It was finally decided, however, to inquire. So the door bell was touched very gently, and almost immediately a refined looking young woman answered. Miss Margaret—— was very politely inquired for. She said, “That is my name.” After recovering from the shock, an interview on a very important business matter was requested and granted. The object of the visit was explained without ceremony. Indignant denial was the first attitude. Then a compromise by admitting that she had passed the order. Had just met a young man at “King and Yonge” that she had never seen before, who requested her to cash the order and return the money. It was explained how very unusual and dangerous a thing it was for a young woman to assume a false name, and commit forgery for a person she had no interest in. She finally decided that it was unsafe to lie any more, and said

she could show where the man lived. She put on her hat and went direct to a house on Elm Street and walked in. She was closely followed, and two men were found in an upstairs room, partly dressed, with a loaded revolver near them. The railway tickets and money orders were all found in the room, excepting the one which had been passed. Most of the money had been spent. They subsequently admitted everything. One of the two had been an operator and station master at the place a year or so before the robbery. Both were brought before me in the police court and ordered to be taken to Barrie, Ontario, for trial. They both pleaded guilty.

The young woman had been a friend of one of the men years before when they were both attending a country school. When she wrote her name on the wall, she little thought that she was laying a trap to land her friend and one of his chums, in prison.

## CHAPTER XXXVI.

### MISTAKEN IDENTITY AND INEXPENSIVE EXTRADITION.

**I**N October, 1898, a man named Mackenzie was brought up before me charged with stealing goods from the Grand Trunk Railway sheds near John Street, Toronto. The Grand Trunk constable swore that he saw Mackenzie with another man close to the sheds, on the day the theft took place, and a second-hand dealer swore that Mackenzie had sold to him the stolen property. The second-hand dealer was positive, but Mackenzie vigorously protested that he was innocent. I recalled the constable, and he repeated that he had seen the prisoner that afternoon on the top of the hill near the freight shed.

Mackenzie said, "No, you did not, you saw me at the foot of the hill."

Some other evidence was taken and I was still hesitating, and told the Crown Attorney, Mr. Curry, that I was not quite sure about it, and referred to some weak point in the evidence, as to the identification. Mr. Curry at once said,

“The man himself says that the constable saw him at the foot of the hill.”

This seemed conclusive, so I convicted him and sent him to the Central Prison for eighteen months, for he was an old offender.

He was sent to the jail, and the next morning I received a message from the Governor of the jail, saying that there must have been a mistake, as Mackenzie had only been released from the jail the day after the theft had been committed. This was investigated and found to be correct. I telegraphed at once to the Minister of Justice to order his release. The man's lie about the foot of the hill was the only cause of the mistake. The real criminal, as we discovered later, was remarkably like Mackenzie.

#### INEXPENSIVE EXTRADITION SYSTEM

A few years ago a jewelry shop in Toronto was robbed and about five hundred dollars' worth of jewelry stolen. No trace of thieves or property was found for about a week afterwards, and the Jew that had been robbed was getting very fidgety. About this time the Chief of Police got a telegram from a town in the United States, advising him that three men had been arrested there after a running gun fight, and that during the chase they had thrown a package of jewelry in the river

but had still some on them when searched. Names and addresses were given but were not familiar to any one in the detective department. It was thought wise, however, to send a man to have a look at the men and their plunder.

All three men were identified as Toronto thieves with police records. Some pieces of jewelry were also identified by initials, etc. The officer in charge of the station was present at the identification and asked the prisoners whether they were willing to return to Canada without extradition papers, advising them at the same time that the only way they could be taken out of the United States was by their consenting to return voluntarily, or by proper extradition process, which was very costly. He was informed that they all liked the United States and didn't much care for Canada. The Toronto officer was then asked whether these men had ever been convicted of crime and said he was informed that they had been. After thinking for a few seconds, the Chief remarked that the town had always borne the reputation of being able to produce thieves enough of its own, without harbouring outsiders. He then called one of his desk Sergeants and inquired how many meals they had had that day. (It was then 5.30). He was informed that they had had two. The Sergeant was then instructed that in future they were to

have but one, and it was to be made smaller every day they remained. The prisoners were then ordered back to their cells, and the Toronto man had to go home empty-handed. A few hours after his return a telegram was received by the Chief requesting him to send officers by first train to bring back three men who were wanted for burglary—no papers required. Two men were sent after them at once, and it was doubtful if any three men were ever more delighted to get out of the United States. They talked about nothing but roast beef all the way home.

All three were convicted in Police Court and got stiff sentences.



## CHAPTER XXXVII.

### THE VARCOE MURDER AND MISCELLANEOUS ITEMS.

ON the morning of the 9th November, 1899, two burglars entered the home of one John E. Varcoe, who kept a grocery shop on Queen Street, Toronto, and armed with revolvers intimidated the inmates and stole what money they could find. Varcoe attempted to resist them, and both burglars fired at him, giving him wounds of which he died in a few hours. Varcoe had lost his wife a year before, and his little four-year-old girl was sleeping with him, and was so close to the pistol that her face was burned by the powder of the discharged weapon. Some of the inmates had raised an alarm, and the burglars got out of the first floor windows, and Constable Dickson, running up, called on them to surrender. One of the burglars, named McIntosh, succeeded in getting to the pavement without injury, and attempted to run away. Dickson followed him and fired several shots at him, one taking effect, from which he died a few days after. The other man, Williams, as he was getting out,

was struck with a chair by Varcoe's brother, which sent him to the pavement heavily, and stunned and injured him so that he was easily captured by Police Sergeant Willis, who ran up at the time.

McIntosh died in hospital, and the hospital superintendent said he was the worst man he had ever met. He died a horrible death, raging against everything and everybody. Williams was tried, convicted and hanged. Police Constable Dickson was promoted at once, and is now Acting Chief Constable.

\* \* \* \*

When the late Mr. Dexter was License Inspector he had a young Englishman employed to go around the liquor dives of the city and obtain all possible information regarding their business methods and transactions. The result was that several persons were brought into court charged with violation of the liquor law.

The young man referred to was the principal witness in most of the cases. Consequently the lawyer for the defence at once centered his energies in discrediting his evidence.

After the Crown Attorney got through, this witness was put through a very severe cross-examination, but without shaking his evidence on any essential point. An attempt was then made to try and discredit him by getting a history of his past.

“How long have you been in Canada?” asked the lawyer.

“A little over a year,” he was told.

“How long in Toronto?”

“Ever since I came to the country.”

“Ever in jail?”

“No.”

“Ever arrested?”

“No.”

“How did you earn your living in England?”

“Working.”

“At what?”

“Book-keeping.”

“Don’t you think that it’s a rather a long step downward from a respectable book-keeper to a whiskey informer?”

“There is still hope so long as I don’t take another long step downwards and become a lawyer,” was the unruffled answer.

\* \* \* \*

About two o’clock one morning two inquisitive policemen noticed a man walking along Queen Street West, who seemed to have something concealed under his overcoat. The policemen quickened their walk in order to catch up. The man noticed it and took to his heels down a side street, but was soon overtaken and searched. Several

bottles of liquor of various kinds, as well as a quantity of cigars, were found in his possession. A little investigation proved that he had just robbed a hotel a few minutes before he was caught.

When one of the policemen was giving his evidence in the case he told the Court, that while running down the side street, the prisoner had pulled a bottle of brandy out of his pocket and thrown it at his head. The Magistrate inquired what part of the head he had aimed at. The constable yawned—perhaps he was sleepy—he had been out all night, and replied in a sort of sorrowful tone, “If it was at me mouth he missed it.”

#### QUAINT EXPRESSIONS

I once received a letter addressed to me at the “Sitty All”, Toronto, evidently from an Englishman who dropped his h’s.

A witness in an assault case said the defendant had punched him in the face, causing a large “ulster” on his eye, the biggest the doctor had ever seen.

A woman once called at the clerk’s office to complain that another woman had used “very “unseen” language to her (obscene). Another witness told of a defendant travelling under a “consumed name”.

The well-known "Ned" Clark showed his Irish origin by informing the court that "Victoria was a more remarkable Queen than George III ever was".

A constable was sent to make inquiry from a prisoner's employer as to how he had worked lately. He brought back the report that the man had worked ten years for this employer. The first eight years were satisfactory, the last two years were unsatisfactory, the last six months he was a nuisance, and the last two months he was an intolerable nuisance.

## CHAPTER XXXVIII

### EDWARD LEVI BAUGH

**I**N the year 1915 Col. Stimson, a well-known stock-broker, of Toronto, entered action against Edward Levi Baugh, a mining and real estate broker of Montreal, to recover \$28,000, the balance due on the purchase price of mining stock. The total amount of the purchase price was \$30,000. In this action it was proved that Baugh had purchased these stocks, although he claimed that he had only taken an option and had never undertaken to purchase them. However, on the document produced the Court held that it was a straight sale and gave judgment for \$28,000 with costs. Baugh appealed and the judgment was sustained. This brought the total amount of the judgment to \$30,000. In order to realize on his judgment it was necessary for Stimson to appear in the Courts of the Province of Quebec, as Baugh's assets were in Montreal. About the time the case was to come up in Montreal Baugh appeared in Toronto, in company with an officer from the High Constable's office, Montreal, and the lat-

ter held a warrant for Stimson's arrest and also a search warrant for the offices. The officer applied to the Detective Department here for an officer to accompany him which was granted. A number of letter books were seized and taken to Montreal. When Stimson appeared in Court in Montreal to answer to a charge of obtaining money by false pretences he was confronted by his own letter book and asked to look at some of the letters there. Although he admitted that the signatures were his, he asserted that he had never seen the letters before. These letters showed that Baugh had only taken an option on the mining stocks and had not purchased them as claimed by Stimson in the civil action. Stimson was found guilty and in order to escape the penalty he agreed to forego his judgment and this was accepted.

Stimson returned to Toronto and although he knew that he had never written the letters that appeared in his books, yet he was unable to explain their presence in his books.

About six months afterwards a man named Gariepy arrived in Toronto and asked for an interview with Col. Stimson. The interview was granted, and he explained that he had been engaged in the employ of Baugh at Montreal as stenographer during the years 1914 and 1915, and was still in his employ and had just come to Toronto on a holiday.

He said the reason he had come up was that he wanted to make a clean breast of what had taken place in connection with the arrest of Stimson. He told how Baugh had approached him some months in advance of the arrest and explained how he had been fleeced by Stimson. He said that if he could get possession of the letter books of the Colonel, he could show letters that would prove the original transaction was an option and not a straight sale. He then asked Gariepy to go with him to Toronto and if possible get possession of the books. The latter agreed, as he thought Baugh had been wronged.

Arriving in Toronto, Baugh registered at the King Edward Hotel in his own name, and Gariepy registered at the Hotel Mossop as J. B. Henderson, Ottawa. Baugh got in touch with one Pett, a young man who he thought was still in the employ of Stimson. The three met in Baugh's room at the King Edward Hotel and Baugh asked Pett if he had a key to the offices. The latter informed him that he was no longer in the employ of the Colonel, as he had been discharged, and was not on friendly terms with Stimson. Baugh then asked where the books were kept and the locality of the vault. This Pett gave to him but when asked if there was any way of forcing the premises he refused to have anything to do with the matter, telling Baugh that



he would be committing a criminal offence by breaking into a man's office. Blocked in that direction, Baugh then wanted Pett to get in touch with the caretaker, and if possible get him drunk and get the keys of the office from him. Pett, instead, warned the caretaker to have nothing to do with them. Baugh impressed Pett with the idea that the letters were in the books which would clear him. Pett did not warn Stimson of what was planned.

Next day Gariepy, who was unknown at the Stimson office, strolled through the building and learned that the vaults were in the hallway leading to the offices and next to the lavatory. He also saw that they were open, and stepping quickly into the vault he sized up the position of the books and also learned that each book was indexed on the back with the dates between which the letters were written. He then returned to the hotel and gave this important information to Baugh. He was instructed as to the dates that the letters were supposed to have been written on and asked to get the books with those dates on them. Gariepy returned to the offices and going into the vault grabbed one of the books and ran into the lavatory. Here he placed it under his overcoat and went back to the King Edward. After looking this one over Baugh expressed it to Montreal. He addressed it to an

office next door to where he had his office and used a fictitious name. He then returned to Montreal but instructed Gariepy to remain in Toronto, and if possible get two other books which he required to carry out his scheme. This Gariepy did and on the next day he stole the other two books. He then returned to Montreal. On the last day he was here he received a letter from Baugh, evidently written on the train, warning him to be careful and not to trust Pett, as he might post Stimson.

After he arrived in Montreal he and Baugh went over the books and in the place where the letters were, which Stimson had written to him, showing the sale of these stocks, he and Gariepy planned to put other ones showing that it was an option. In order that they might have sheets with the page numbers on, the same as the ones in the book, it was necessary to buy a new book. They then found that they could not purchase such a one in Montreal and it was necessary for Baugh to come to Toronto, which he did. He finally located a place on Adelaide Street where this style of book was sold and he purchased one. Again he returned to Montreal. Gariepy claims that it was about this time that he really became aware of what Baugh was planning to do, but he made up his mind he would go through with it. When they came to make copies of letters similar to the ones in the

book, they found it would be necessary for them to have an Underwood typewriter and as the one they had was of a different make they rented a typewriter from the Underwood Company, but had the lease made out in the name of the Hygienic Ice Company, of which Baugh was the President. The tape being new on the machine, it was necessary to use it some time before it would copy letters dim enough to match the ones in the books. This took some time. It was then necessary to have the wording of the letters as near perfect, as regards the language used by the Colonel, as possible. Gariepy says they made a dozen copies before they got one that they regarded as satisfactory.

After the letters were all prepared the books were taken apart and the new letters inserted instead of the originals. They then took the books to a bookbinder named Murray and had them rebound. Now everything was in shape except the signature of Stimson to the letters. Finally Baugh found an old cheque with the Colonel's endorsement on the back. Gariepy traced this over with copying ink and after dampening this he transferred it to the letters.

Everything was now complete and again Gariepy came to Toronto and after registering at the Prince George Hotel as Henderson of Ottawa, he

proceeded to secretly place the letter books back into the vault. This he succeeded in doing without being detected. He then returned to Montreal and Baugh swore out a warrant for Stimson with the result as stated in the beginning.

When Gariepy was asked where his evidence was to back this up he showed that all the time he was helping Baugh he was double-crossing him. He produced the telegram from Baugh, and also all the different copies they had made when they were attempting to duplicate the letters of Colonel Stimson. He also had the dates they were in Toronto, and the name of the bookbinder who put the books together.

When this state of affairs was brought to the attention of the City Crown Attorney the latter ordered warrants to be issued for Baugh on the three charges. Detective Guthrie was given the warrants and instructed to go to Montreal and as quietly and promptly as possible get Baugh, and have him returned here as it was thought that Baugh would make a big fight before leaving Montreal. This was attempted, but it was found that he would have to come anyway, so his solicitor, Mr. Laflamme, who had been called in, advised him to come. He appeared before me and, after hearing the evidence, he was committed for trial.

Baugh claimed then that it was a conspiracy to get him, but when confronted with all the documents he could not convince the jury who tried him, and he was found guilty. He appealed and was granted a new trial but again he was found guilty. He again appealed but the conviction was sustained and on February 14th, 1917, he was sentenced by his Honour, Judge Winchester, to five years in Kingston Penitentiary. This case dragged on for fourteen months from the time of his arrest.

The most extraordinary thing about the case was that this criminal, one of the most daring and cunning offenders in my experience, was released by the Minister of Justice in three or four months on the pretence of ill-health.

## CHAPTER XXXIX.

### THE CHILDREN'S COURT

**I**N 1892 we instituted the Children's Court. It was not really a separate court, but we set apart a small room in the lower part of the City Hall, with a table and a few chairs, and I was accustomed to go down to that room to try all charges against children, in order to keep them out of the public court. I allowed no one in except the parties immediately interested in the case being tried. The child or children stood in front of the table opposite to me, the clerk sat at the end of the table, the Crown Attorney at my elbow. The representatives of the Children's Aid Society, and the St. Vincent de Paul Society, were both present. I would hear the evidence, and the parents were generally present. If I felt that punishment was necessary, I would send the child to the Children's Aid Society, or the Roman Catholic School for children, for a few days, and give the culprits a scolding, and warn them to behave themselves in the future. Sometimes I put a fine on for the par-

ents to pay, if I thought they were negligent and required a lesson.

When the Victoria School was established at Mimico the incorrigible boys were sent there. Reporters were not admitted to the Children's Court, and everything was done in a quiet and unassuming manner, so much so, that after we had been doing good work for years on the lines still used, it was not generally known that we had such a court in Toronto.

I understand that the Court was carried on for eight years before any court of the kind was started in any part of the world. In 1904 Sir Howard Vincent was passing through Toronto, and came to sit with me on the Bench. I took him with me into our Children's Court. He was intensely interested in the idea, and asked many questions, and gathered all the information he could obtain about it. After his return to England, he, as a Member of the House of Commons, brought up the matter in the House, and succeeded in securing legislative action and establishing the system in England.

After this a certain Judge Lindsay of Denver, Colorado, went about lecturing in favour of establishing juvenile courts. I imagine he was surprised when he found one had been established in Toronto some fifteen years before he came here.

In 1912, a Juvenile Court was established formally by law, and a Commissioner placed at the head of it, with a large staff. Rev. Mr. Starr was the first Commissioner, an excellent and kindly gentleman. He died not long after his appointment, and the late Commissioner, Mr. Boyd, was appointed as his successor.

Before leaving this question I wish to pay tribute especially to Mr. Duncan of the Children's Aid Society, and the late Mr. Patrick Hynes of the St. Vincent de Paul Society, for the excellent service and assistance they rendered me during the eighteen years that I held the Court.

I am under the impression that the first Special Women's Court was also started in Toronto. Several organizations of women had been agitating for a separate court for women. Some years ago at a meeting of the Police Commissioners the Mayor mentioned that he had been spoken to about it. I said to him, "Let the Council place the room next to the Police Court at my disposal and I will establish a court for women at once."

Very soon I had the room, and at once established the court, where the women are tried separately, away from the mob, and we are fortunate in having the assistance of a few ladies of the charitable organizations. We also appointed two women to act as constables and only lawyers and wit-



nesses engaged in the court are admitted, and no reporters are allowed in. This has been an excellent regulation, and a great advantage to many girls up for minor causes, and for the first time, and to many who may possibly be retrieved. Lady representatives of the charitable organizations, are always present, and I often appeal to them to assist in cases where a kindly helping hand will prevent a young girl from going astray. The comfort to a judge of having aid of this kind cannot be overestimated, and I gladly testify my gratitude to these kind ladies.

After this Court had been working for some time and had attracted a good deal of attention, the Attorney-General, Mr. Foy, meeting me casually said: "What is this I hear about a Women's Court being established? How could that happen without my knowing anything about it?"

I replied, "You were busy, and I did not want to bother you, as it was no trouble to me to establish it, when the Mayor and Corporation gave me the room, and I was not bound to hold my court in any particular room." This private court for women, especially for young women, is one of the most satisfactory institutions in the city, especially when aided as we are by the Salvation Army, the representatives of the Good Shepherd, the Deaconesses of the Church of England, and the Presbyterian Home.

## CHAPTER XL.

### SOME POLICE COURT REPORTERS

FOR some ten years back one of the ablest, if not the ablest, Police Court reporter we ever had, has been reporting for *The Evening Telegram*. Mr. H. M. Wodson is still engaged by that paper, and writes daily, very humorous and interesting accounts of the varied stories of human life, which are unravelled day by day. He has a high reputation all over the Province, and his reports of the court proceedings are read from one end of the country to the other. Often when I am away from home and meet strangers, they refer to my court, and tell me they are constantly reading about my work in the Police Court in *The Toronto Telegram*.

In 1917 Mr. Wodson published a book called "The Whirlpool" or "Scenes from Toronto Police Court." It is a remarkably clever, bright book, and most interesting to the general reader, and conveys a good moral lesson to all who read it.

While these Recollections have been passing through *The Canadian Magazine* I reached the age

of eighty years and the day before my birthday six of the reporters, who regularly attend the Police Court, came to my private room and presented me with a copy of Viscount Jellicoe's book, "The Grand Fleet", with kind wishes on my birthday. Mr. Wodson was the spokesman, and at the front of the book was inserted a neatly printed page with the following inscription:

## A TRIBUTE

To Colonel G. T. Denison on the occasion of  
his 80th birthday, August 31st, 1919.

Well, Colonel, you have had a day,  
Much longer than most men, Sir,  
But n'er-the-less, we do not pray  
That you should say "Amen, Sir."

Such men as you are hard to find,  
Astute, and just, and bluff, Sir,  
The world is richer for your kind,  
You're made of first-rate stuff, Sir.

We've watched your work upon the Bench  
And oft extolled your sense, Sir;  
And felt your jokes with painful wrench—  
Now please don't take offence, Sir.

If asked to guess why you've held out  
Against attack and slam, Sir,  
We'd say at once beyond a doubt  
You do not care a damn, Sir.

Signed,

Athol Gow,  
"Star."

Harry M. Wodson,  
"Telegram."

H. R. Drew,  
"Telegram."

Tom Levine,  
"Telegram."

S. C. Cain,  
"Star."

P. D. Daniels,  
"Times."

The verses were written by Mr. Wodson. I was very much gratified at the kindly and friendly feeling evinced in the whole affair, a feeling, which I thoroughly reciprocated.

## CHAPTER XLI.

### ASSISTANT MAGISTRATES

**F**OR many years I was the only Police Magistrate in Toronto, and when occasionally absent it was necessary to have one or two Justices of the Peace to attend to the Court. I have had the assistance in this way of a number of gentlemen who placed me under great obligations to them for their help.

One of the ablest of these men was the late Alderman John Baxter, J.P., who for many years attended the Court when I happened to be absent. He was a man of great natural ability, with plenty of common sense, although not a man of much education. His decisions were rarely upset. On one occasion the late Hon. John Hillyard Cameron, the leader of the Bar and Treasurer of the Law Society, was acting before Mr. Baxter in a case where the construction of a statute was involved. Mr. Cameron argued with much ability and earnestness in favour of a certain construction of the clause. When he had finished Mr. Baxter said very coolly, "I do not agree with your view in this,

Mr. Cameron. I construe that statute in this way". And he gave the decision against Mr. Cameron. His decision was carried to the Court of Appeal and Mr. Baxter's ruling was upheld. He was much pleased, and when he met Mr. Cameron he said to him, "Well, you see, Mr. Cameron, I was right on that point". "Yes", replied Cameron, "I thought you were all the time."

There were a number of other Justices of the Peace who were very helpful to me, and I wish to testify my gratitude to them. Neil C. Love, J.P., J. B. Boustead, J.P., Hugh Miller, J.P., Jacob Cohen, J.P., were the foremost among them. Afterwards Rupert E. Kingsford was appointed Deputy Police Magistrate, and for years has been working with me, taking a share of the work dealing with all the by-law cases, and taking my court in case of my illness or absence. Mr. Ellis has since the annexation of West Toronto Junction, of which he was Police Magistrate, been also of great assistance in the Court. Mr. Jacob Cohen was appointed to act as a Justice of the Peace some years ago, but both Mr. Ellis and he have been recently appointed Police Magistrates, so that now there are four of us.

I must express the satisfaction with which I look back upon my association with all these men, for

all of whom I hold the highest esteem and confidence.

I must also refer to the Clerk of the Police Court and the Assistant Clerks, who have always given me the most loyal support and service. Mr. Morrison the clerk, and Mr. Webb, the assistant clerk, have been invaluable to me. And the various underclerks who have been employed from time to time, have been most reliable and industrious in fulfilling their duties.

In concluding these Recollections, I wish to draw a comparison between the conditions which existed in the police court administration at the time I took my seat on the Bench, on the 2nd June, 1877, (forty-three years ago), and the present state of affairs. In 1877 Toronto had a population of about 75,000. The number of cases in the Police Court in that year was about 5,000. I was the only Magistrate, with one clerk. Now the population is more than half a million. We have four magistrates and seven clerks and the cases in the Police Court in 1919 were 30,170.