

morning of May 1 the complainant called the police to his home and handed them an anonymous letter he had found on his front door-step shortly before. Addressed "Mr. Charlie McLaught", it directed Clowes to search the suspected neighbour's automobile which was parked outside that neighbour's house. This was done and \$52 in Canadian bank-notes was found under the seat cover.

The investigators suspected that the letter had been written by the guilty person in the hope of insuring himself exemption from police attention by casting suspicion on another, and their interrogation of the car owner served but to strengthen this theory.

Specimens of the handwriting of every possible suspect were procured but none remotely resembled that in the questioned document. However, two peculiarities in the anonymous letter attracted attention. First, the mis-spelling of the name in the address, and, second, a sentence in the message referred to the police as "officers"; locally the terms "police" and "cops" are used, while in the United States "officers" is more common.

It was known that Clowes' step daughter was married to an American from Caribou, Me., who worked south of the international boundary, which is eight miles from Perth, and usually spent week-ends in Perth with his wife. Inquiries revealed that this man, Daniel Holmes by name, had been home the day the offence was committed. Questioned on June 9, he at first stoutly denied any part in the affair. But during the interview whenever he had occasion to mention the complainant's name he referred to it as "McLaught", thus giving his interrogators their first real clue that they were on the right track. After several hours he confessed and stated that the letter had been written at his request by a cousin of his in the States.

The culprit promised to make restitution as soon as possible so his father-in-law refused to prosecute, but the

police laid the following information against Holmes charging him under the common law, per s. 15 Cr. Code*, with Unlawfully Effecting a Public Mischief:

"The information and complaint of Charles W. MacArthur of Perth, a member of the Royal Canadian Mounted Police acting for and on behalf of His Majesty, the King, laid and taken before me the undersigned magistrate this 11th day of June, A.D., 1946, who saith that Daniel Holmes, at the parish of Perth in the said county of Victoria and province of New Brunswick, between the 29th day of April, A.D., 1946, and the 2nd day of May, A.D., 1946, did unlawfully by means of certain deeds, to wit: by placing a certain letter on the door-step of Charles Clowes and by placing certain monies in the Chevrolet automobile of Albert Smith, thereby casting suspicion on the said Albert Smith of Breaking, Entering and Theft from the dwelling-house of Charles Clowes, cause members of the Royal Canadian Mounted Police stationed at Perth in the province aforesaid, maintained at public expense for the public benefit, to devote their time and services to the investigation of such false leads thereby temporarily depriving the public of the services of the said officers and rendering a liege subject of the King, to wit, Albert Smith, liable to suspicion, accusation and arrest, and by so doing did unlawfully effect a public nuisance."

The accused appeared before County Magistrate C. H. Elliott, pleaded guilty and was fined \$50 which his wife paid.

In the evening of June 11, a few hours after the foregoing case was disposed of, Clowes decided to prosecute Holmes because the latter had not attempted to keep his promise and refund the stolen money.

On June 24, the accused again appeared at Andover, N.B., before Magistrate Elliott, charged with Breaking, Entering and Theft, s. 458 (a) Cr. Code. Meantime Holmes' relative in the States had obligingly rewritten the anonymous letter thereby leaving no doubt as to its origin. Holmes pleaded guilty and was sentenced to two years' imprisonment in Dorchester Penitentiary.

*For a similar prosecution in New Brunswick see *R. v. Lutes*, 9 R.C.M.P.Q. 368.