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"DOMINION" AMMUNITION DIVISION

Royal Canadian Mounted Police Quarterly

VOLUME 6

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DEPUTY-COMMISSIONER G. L. JENNINGS, O.B.E.

1906 - 1938

Editorial

Upon this my first Christmas as Commissioner of the Royal Canadian Mounted Police, I take much pleasure in sending to all Officers, Non-Commissioned Officers and Constables of the Force, and all members of the Civil Staff, a very hearty wish for a happy Christmas and much prosperity in the New Year.

The Commissioner's Christmas Message

At the same time I thank all ranks for their industry and close attention to duty during the past year which has culminated in most gratifying results, especially in our efforts against what might be termed "organized crime." My best wishes are also sent to the families of those who are married. I hope that all members of the Force, all Civil Servants, and those they hold dear will enjoy good health and success during 1939.

I exhort all ranks and all employees, not only to maintain the Force's present position, but, by honesty, industry and civility to the public, to enhance its usefulness.

* * *

In this issue of the magazine an article is published dealing with the work of the Aviation Section during the past year. It will, therefore, be of interest to know that the Section will, in future, make its Headquarters at "N" Division, Rockcliffe, Ottawa, where a hangar is now in process of erection. When completed the hangar will provide accommodation for approximately six aeroplanes and their necessary stores and equipment.

* * *

In addition to the new aeroplane hangar at "N" Division, plans have also been completed for the building of a Scientific Laboratory at Rockcliffe which will follow closely along the lines of the R.C.M.P. Laboratory at Regina. It is anticipated that when the new Laboratory is completed—besides the usual routine duty of scientific crime detection—training classes will be conducted at which Officers and Constables of the Force will attend.

Crime Laboratory at Rockcliffe

The Laboratory will undoubtedly fill a long felt want and will provide instruction in the latest methods of scientific crime detection for personnel stationed in Eastern Canada.

* * *

"To go West" is to pass from this existence. In laying down my pen as Editor of the Quarterly Magazine at the end of a three-year period, I cannot feel that my steps lead westward insofar as the Magazine is concerned or that I will pass from the existence of a publication that has been my constant companion during many long hours. I feel, rather, that it is towards the east that I must turn so that I may watch the light growing always stronger round the little volume that carries the Voice of the Mounted Police to the distant parts of the world. For in this term

of service many friends whom I would not otherwise have known, have honoured me with their letters and I have had the privilege, in a small way, of adding my whisper to the sound of our progress.

That our voice has been a friendly one, not harsh or strident, and that it has, I hope, been free from offence since the inception of our Magazine is primarily due to the very great help that both the Editorial Committee and myself have received from individuals within and without the Force who have given freely of their spare time and who have gone to great lengths of trouble to compile articles suitable for inclusion in the Magazine. In saying farewell therefore in the capacity of Editor, I feel that the occasion would not be complete without an expression of gratitude on my part to such subscribers as Mr. J. C. Martin, K.C., of Weyburn; Assistant Commissioner C. D. LaNauze of Regina; Superintendent V. A. M. Kemp of Ottawa; Inspector R. Armitage, our Treasurer; Skipper R. A. S. MacNeil of Halifax; Sergeant J. A. Churchman, M.M., of Regina, and many others who have contributed regularly to our success in the past and who I hope most sincerely will continue to do so in the future.

In making this expression of thanks I am also by no means forgetful of those anonymous contributors who, in their turn, have forwarded interesting Notes on Recent Cases, and Division Notes, each Quarterly period, but whose names do not appear in print. Many individuals who are never heard of in fact, work behind the scenes of a magazine such as ours, generously giving of their time and to all these willing helpers I wish to take this opportunity of expressing my thanks and appreciation for the great help that I have received during the past three years.

I make my departure at a fitting time. As the New Year commences and as the sun again rises in the East I must say "*Auf Wiedersehen*" to the members of the Force, ex-members, and one-time strangers whose acquaintance I have made by correspondence since taking up my duties as Editor. Not by any means to turn westward however, but always in an easterly direction with the Magazine so that I may watch the light grow and hear the message carried to the far parts of the Dominion and to the distant corners of the world—a small quiet voice but faintly heard, yet one to make us very proud: not only of past achievements of the Force but of the bright lustre of our present heritage: the silent ever-present message of the years:—

"Maintiens le Droit"



Notes on Recent Cases

ON THE morning of September 6th, 1938, a stenographer employed by the Secretary of Sarnia Municipality, Holdfast, Saskatchewan, arrived at the Municipal Office and found that during the week-end the office vault had been entered and a number of cheques and a small amount of money stolen.

Preliminary investigation by the Constable in charge Craik Detachment and, subsequently, a member of the Regina Sub-Division C.I.B., disclosed that the door of the vault had been blown by explosives, the shot having been set off in the dial, which was forced back. The "inside shot" method had been used by drilling the dial, and traces of common yellow soap were found adhering to the walls and ceiling of the office, and also on the outside steps of the building. It was quite apparent that this was the work of expert criminals, as was further evidenced by the fact that neither doors nor windows had been forced by the offenders, it being assumed that a "cheater" had been used to open a Yale lock to effect entrance.

It was further noted that a young dog, of the long-haired type, which had been locked in the office over the week-end, was also missing, and because of his known friendliness and readiness to accompany strangers it was suspected that the thieves had stolen him.

Early in the investigation it was learned from a youth employed at a local service station, that a Ford V8 auto, strange in the district, had been serviced during the period in question. A most detailed description of the car was secured from this young man, who also described the occupants and had further noted that the driver smoked a popular brand of Canadian cigarettes. The description of the auto was referred by telegraph to "D" Division, where a full "Modus Operandi" system is maintained, including a description of all cars operated by known or suspected criminals. On referring to their system, "D" Division was able to advise, the license number of the car, the name of the owner, James Alfonso, a known associate of safeblowers, and that he was out of the city of Winnipeg at that time. Had it not been for a well operated "Modus Operandi" system, this information could not have been obtained,—at all events, as quickly.

Description of the auto was widely circularized and on the night of September 8th, 1938, the car was observed by the Constable in charge of Craik Detachment, at Davidson, Saskatchewan. The car was stopped and the occupants found to be James Alfonso, of Winnipeg, Nick Grigorchuk, of Winnipeg, and George Petras, all ex-convicts with formidable criminal records. Alfonso was found to be in possession of two 6 oz. bottles containing nitro-glycerine and all three were taken into custody and subsequently charged under Section 114, C.C.C. and also Section 460, C.C.C.

Early the next day a search was made at the point where Alfonso's car had been stopped and two additional bottles of nitro-glycerine and a cigarette package containing detonators and fuse were found, these having apparently been thrown from the Alfonso car when it was stopped.

Examination, by Surgeon M. Powers, of the Scientific Laboratory, Regina, of clothing removed from the three accused, including suits of

overalls found in their suitcases, revealed soap particles in the clothing similar to that found at the scene of the crime.

In the meantime, the lost dog had been found in an exhausted condition, some miles from Holdfast. Samples of his hair were taken and Surgeon Powers was able to prove that they were similar to dog hairs recovered from a blanket found in the car of Alfonso.

During the investigation at the scene of the crime, (where all desk drawers had been emptied) a piece of paper was observed on the floor of the vault, which, while dirty, showed partial impressions of a rubber heel. This was taken and photographed and on the arrest of the suspects compared with impressions of their rubber heels. It was found that one of Alfonso's heel impressions showed thirteen points of comparison, identical with the impression found at the scene of the crime. This definitely established Alfonso's presence in the blown vault.

Following the arrest of these men they were placed in the cells at Regina Town Station Detachment and a member of Regina Sub-Division, familiar with the Ukrainian and other languages, was placed in an adjoining cell.

Investigation disclosed the presence of all three men in Regina, both prior and subsequent to the offence at Holdfast, Saskatchewan, also at Calgary, Alberta.

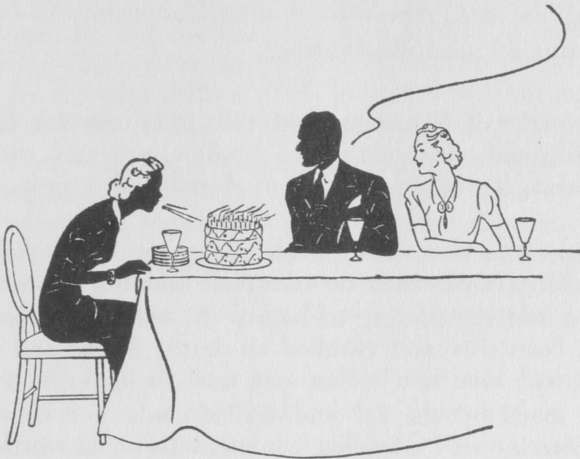
The Preliminary Hearing of this case opened in Regina before a Police Magistrate on October 7th, 1938, and concluded on October 11th, 1938.

Witnesses from Calgary, Alberta, were produced to prove that the three accused were at that point and the evidence of a member of the Laboratory Staff, Regina, was called to prove the several signatures appearing on hotel registers in Regina and Calgary. Surgeon Powers testified, as previously indicated, as to the soap and dog hairs. Evidence was also adduced by a prisoner in Regina gaol as to having been given a note by Alfonso addressed to a trusty prisoner at the R.C.M.P. Barracks Guard Room, suggesting that he secure and destroy the nitro-glycerine which was at that time stored there. At the conclusion of the Preliminary Hearing all three accused were committed for trial and subsequently elected trial by judge and jury.

However, on November 10th, 1938, these men appeared before District Court Judge J. W. Hannon in Regina, changed their election to one of Speedy Trial, and entered pleas of Guilty to all charges. They were sentenced as follows:—

James Alfonso—B.E. and Theft (Safeblowing)	5 years.
Possession of nitro-glycerine	5 years.
George Petras—B.E. and Theft (Safeblowing)	6 years.
Possession of nitro-glycerine	5 years.
Nick Grigorchuk—B.E. and Theft (Safeblowing)	7 years.
Possession of nitro-glycerine	5 years.

All the foregoing terms to be served concurrently in the Saskatchewan Penitentiary at Prince Albert, Saskatchewan.



"So many candles are embarrassing."

"You wouldn't mind if they were Sweet Caps."

SWEET CAPORAL CIGARETTES

"The purest form in which tobacco can be smoked."

The great speed at which expert criminals work is shown by the following summary of the movements of the three accused as disclosed during this investigation.

Vault blown at Holdfast, Sask., at approximately 1.00 A.M. on Tuesday, September 6th, 1938.

Three accused registered in hotel at Calgary, Alberta, at 2.15 A.M. Sept. 7th, 1938. (Distance from Holdfast to Calgary approximately 550 miles).

Three accused registered in hotel at Edmonton, Alberta, on evening of Sept. 7th, 1938. (Distance from Calgary approximately 220 miles).

Arrested at Davidson, Sask., at 9.10 P.M. Sept. 8th, 1938. (Distance from Edmonton approximately 460 miles).

These men travelled by auto and the investigation further showed that the car was serviced regularly during the trip and kept in first class running order.

In conclusion, it is desired to emphasize the four main factors leading to the satisfactory outcome of this case:

(a) The exceptional powers of observation displayed by the youth employed at the service station—he was able to give an accurate and minute description of the car used, despite the fact it was merely one of many calling at the service station.

(b) The efficient operation of the 'Modus Operandi' bureau, Winnipeg, which correctly identified Alfonso's car from the description given and suggested that it would be well to watch for this car in Saskatchewan.

- (c) The smart work of Constable Green in recognizing the Alfonso car and arresting the occupants—three notorious criminals—single-handed.
- (d) The value of scientific evidence.

* * *

During the night of November 3rd/4th, 1938, the fur farm of W. L. Baldwin, near Starbuck, Manitoba, was broken into and the entire stock of 120 foxes stolen, including 111 silver, 4 red and 5 cross foxes, valued at \$6,000.00.

The fur farm was situated in bush about one and a half miles from the owner's dwelling house with no occupied building nearer.

Examination and the finding of empty .22 rifle cartridges showed that the animals had been shot and clubbed to death. A car and trailer owned by Mr. Baldwin had also been stolen and used to haul the carcasses away.

The tracks made by the car and trailer could not be followed after they reached a nearby well travelled road and there was little information to aid the investigators. However, during the afternoon of November 4th, the stolen car and trailer, containing the dead foxes, were found by members of Portage la Prairie Detachment in a twelve foot deep ditch about twenty miles north-west of the fox farm, having been driven into the ditch while making a left hand turn. The only articles found not belonging to Mr. Baldwin were a small piece of two strand white string, such as is used in stores to tie up heavy parcels, and a clean jute sack. The piece of string later proved to be of value as evidence.

On the morning of November 6th Mr. Baldwin reported that during the previous night his fur farm had again been broken into and his entire stock of 25 mink stolen. Two of these were later caught running at large, leaving 23 missing. These were valued at \$1,375.00. No car tracks, or any evidence of value, were found on this occasion, except a small stick covered with blood with which the animals had been clubbed to death. This second visit completely cleaned out Mr. Baldwin's fur farm.

Subsequent enquiries disclosed that a man who was later identified as one William Buyer had purchased certain material at the village of Oakville, some twenty-seven miles north-west of Baldwin's fur farm. He was first noticed on October 28th when he cashed a cheque which closed out his account in Winnipeg. On October 31st he endeavoured to buy two acres of land on which there was a vacant barn, two miles south-west of Oakville, but was not successful. The same date he purchased 40 pieces of lumber $\frac{1}{2}$ x 10 inches x 16 feet—35 of them he had cut into four ft. lengths, planed on both sides and edges, the remainder being cut into wedge shaped pieces three inches wide at one end and running to a point at the other. These boards were all bundled together and tied up with new stove pipe wire and on his instructions they were hauled by truck and left on the roadside near the vacant barn on the piece of land he tried to purchase. These boards were later found hidden in the mangers of this vacant barn. The flat pieces of board had been tapered off at one end and made into fox pelt stretchers.

On the same date, Buyer also purchased a .22 cal. single shot rifle, one roll of stove pipe wire, one box of 50 Dominion .22 cartridges, 4 feet of $\frac{1}{4}$ -inch rubber hose, and while in the store making these purchases he noticed

a number of short pieces of string which had been taken off parcels. He asked for and was given a handful of these pieces. The piece of string found where the stolen car and fox carcasses were located in the ditch was similar in size, texture and colour to pieces left in the store, the knots being made in exactly the same manner. This indicated that the man who had made the purchases in Oakville was the man responsible for the theft of the foxes.

On October 31st, Buyer purchased from another store 8 flashlight batteries, one box of .22 cartridges and four yards of brown sateen. He was around Oakville until November 3rd on which date he was seen walking east about 9.30 a.m. at a point about 2 miles from the corner where the car and trailer upset in the ditch. He was next seen at 6.15 a.m. November 4th at the railway station at Oakville when he boarded a train bound for Winnipeg.

It was learned that Buyer had worked for two months during harvest this year on a farm near the Baldwin fur farm and it was then recalled that he had visited the farm on several occasions and asked questions about the foxes and mink and whether or not anyone stayed near the animals at night.

Concentrated efforts were then made to locate Buyer and on November 8th a fur buyer in Winnipeg reported to the Winnipeg City Police that he had just purchased twenty-three mink pelts from a man who said he had brought them from Saskatchewan, but the buyer was suspicious and thought they might possibly be the mink stolen from the Baldwin fur farm. Considerable publicity had been given this case and all fur buyers were requested to report purchases of mink pelts. When these mink pelts were taken to the fur buyer they were wrapped in a piece of brown sateen. This sateen proved to be identical with the bolt in the store from which the four yards purchased by Buyer had been cut. Three of the mink were also identified by deformed tails.

Buyer was arrested in Winnipeg about midnight November 8th and on the 9th was identified in an identification parade by the fur buyer as the man who sold the mink, by clerks from the stores at Oakville as the man who made the purchases of lumber, etc., at that point, and by Mr. Baldwin, his son, and the man who looked after the foxes, as the man who had visited the fur farm on several occasions.

The mink pelts were sold for \$5.00 each, a total of \$115.00, and were paid for by cheque. The cheque was cashed immediately and the cash was found on Buyer when arrested.

Two charges of breaking, entering and theft and one for theft of auto and trailer were laid and on November 10th the accused pleaded guilty to all three charges, being remanded to November 17th for sentence on which date he was sentenced to four years in Manitoba Penitentiary on each charge, sentences to run concurrently.

Public opinion was very much incensed over the nature of these offences and the investigating members received splendid co-operation from everyone who could in any way assist, particularly the Winnipeg City Police.

The .22 rifle used to shoot the foxes was found hidden under the floor of a vacant house near the barn where the pelt stretchers were found. Buyer

was headed for this place when he ran into the ditch and upset the car and trailer.

Buyer has a past criminal record, having been sentenced to serve six years for theft from Post Office and two years for theft of horses.

* * *

A recent investigation by Waskada Detachment concerning two persons who were found dead at the bottom of a cement cistern is of particular interest in that it revealed that the deaths were caused by hydrogen sulphide gas poisoning, a comparatively rare occurrence.

Joseph Doefler, a farmer in the Waskada District, had a cement cistern 15 feet deep by $5\frac{1}{2}$ feet in diameter in the ground on his farm. In the fall this cistern was partially filled with water which was allowed to freeze. This was used as a cooler for milk and cream in the spring and early summer. A layer of straw and ashes was put on top of the ice to retard melting.

On the morning of July 20th Doefler and his stepson William Sokal, age 15 years, commenced to clean out the cistern as it was giving off an offensive odour. A short time after they started Jack Doefler, age 6 years, ran to the house and told his mother that "Daddy had fallen down the well." On going to the scene Mrs. Doefler found both men lying at the bottom of the cistern apparently unconscious or dead.

A pump had been placed in the well to remove the water, then a ladder was put in and Sokal apparently went down the ladder to commence cleaning out what was left—this being a mixture of straw, ashes, dirt and water about one foot in depth.

It would seem that Sokal was immediately overcome on getting near the bottom and Doefler went down to render assistance when he too was overcome.

About an hour elapsed before help summoned by Mrs. Doefler arrived when a neighbour went down and brought both bodies to the surface. A doctor pronounced both dead. The man who recovered the bodies felt no ill effects from going down into the cistern.

The autopsy failed to determine the cause of death and experiments with the cistern failed to show presence of gas. Parts of the viscera of the deceased and a sample of water from the bottom of the cistern were taken to Dr. Robinson, Professor of Chemistry, University of Manitoba, for examination and analysis. His report, in part, is quoted—

"We tested the sample of water from the cistern. It gave a positive test of hydrogen sulphide. We tested the viscera of both William Sokal and Joseph Doefler for hydrogen sulphide, both gave positive responses.

Hydrogen sulphide poisoning is comparatively rare. The gas has such an obnoxious odour that people are warned of its presence and avoid it. The cases reported in the literature concern workers in chemical factories and sewers who have been unable to avoid it at their work. It is the most lethal constituent of sewer gas and one of the most toxic substances known. 0.01% in the air is all most people can stand. If it is present in the air to the extent of 0.1% it will cause dangerous illness. At slightly higher concentration death will ensue shortly. Dr. Autenrieth of the University of Freiburg, states: 'a person inhaling air containing several percent of hydrogen sulphide, drops within a few seconds, becomes unconscious and dies almost immediately.'

The fact that the cistern contained this gas, as evidenced by its presence in the water, suggests to us that it may have caused the death of William Sokal and Joseph Doefler. It is slightly heavier than air, so would tend to accumulate in the closed cistern. It might exceed the "several per cent" limit of Dr. Autenrieth. When the top was removed for cleaning the gas would diffuse out of the cistern, so that when the neighbour went down an hour later he would not be affected by it."

It might be mentioned that this cistern had a close fitting wooden top, which was always kept closed.

There is no doubt young Sokal entered the cistern too soon after the top was removed and was overcome immediately he reached the point where the air contained the fatal percentage of hydrogen sulphide gas. Doefler suffered a similar fate when he, without hesitation or consideration for himself, went down to rescue the boy.

* * *

On July 19th, a member of this Force while conducting an investigation and search under a Provincial Liquor Act was assaulted by the owner of the premises, against whom a charge under Section 168 of the Code was later placed—proceedings being taken under Part XV. A conviction was secured, an appeal taken, and the conviction upheld. Subsequently a further application for leave to appeal was made. The Court, however, ruled that after an appeal has been taken from a summary conviction and the conviction affirmed, there is no further appeal against the sentence or penalty imposed. The County Court is therefore without jurisdiction to stay proceedings pending such further appeal.

In this case there was a conviction of the defendant under Part XV of the Criminal Code, "Summary Convictions" by a Stipendiary Magistrate for resisting a Peace Officer in the execution of his duty, contrary to the provisions of s. 168(a) of the Criminal Code, which on appeal to this Court was affirmed, and wherein the penalty was that the defendant should be detained in the Inter-Provincial Home for Young Women at Coverdale in the Province of New Brunswick for a term of two years.

* * *

An enquiry which commenced during the month of February, 1936, in the Province of Quebec with the seizure of a small quantity of illicit liquor, has just been concluded, having developed into one of the most important conspiracy cases on record. The manner in which this routine seizure eventually disclosed that the Federal Revenue had been defrauded of large sums of money through unpaid Excise duties and taxes, and brought about the uncovering of numerous offences, exemplifies the results which may be obtained by persistent and continued effort on the part of the investigators.

On February 14th, 1936, a telephone call was received by the Quebec City Detachment advising that a shipment of illicit liquor was en route to La Toque, Province of Quebec, by railway express. A Constable was detailed to keep the package under observation, but he was instructed not to effect seizure until the consignee called for it. The train arrived at 1.25 a.m. and the Constable had a long vigil on a bitterly cold night. Finally a taxi arrived at the railway station and the two occupants placed the package

in the car and drove away. Apparently the suspects saw the Constable and concluded they were being trailed. They thereupon drove around a corner out of sight, removed the package, placed it in a vacant house, and drove away. The alcohol was seized and the car, which was easily tracked in the newly fallen snow, placed under seizure. Examination of the package revealed that the shipment was made from St. Stanislas, Province of Quebec, per Canadian National Railway Express.

The investigation was then taken over by a member of the Force who, being thoroughly conversant with the various methods adopted by local bootleggers in the distribution of illicit alcohol, envisioned the possibility of other shipments having been made. The records of the Express Company at St. Stanislas were searched, after proper authority had been obtained, and it was found that a consignor of many similar shipments had used fifteen different aliases in forwarding packages of liquor billed as "paint" or, in some instances, as "tea".

Further enquiries were made at the points to which the various shipments had been consigned, and it was discovered that fictitious names had been used by persons receiving the packages. To obtain identification of these individuals, the co-operation of the Postal authorities was sought and an examination of the stubs of Post Office Money Orders and the records of the Railway Money Orders purchased at these points was made. It should be mentioned that in the outlying districts where banking facilities are not available, practically all transfers of money are conducted by this method. The investigating officer was fully aware of the fact that bootleggers always insisted on receiving the remittances before alcohol was dispatched.

The alcohol shipments, although falsely billed in each instance, were easily identified by the respective weights of the packages and by calculating on the basis that a gallon of alcohol weighs approximately 8 lbs. 4 ounces. It was ascertained that the total alcohol shipped by this method from St. Stanislas, was approximately 6,800 gallons.

Before charges were laid against the person concerned, the investigators found it necessary to examine at least 75,000 Postal Money Orders, plus 50,000 Railway Express delivery receipts and an equal number of Express waybills. Approximately 15,000 Railway Express Money Orders were also examined and when all the facts were placed together, the evidence of the conspiracy was very conclusive. The investigation also disclosed that apart from the shipments made from St. Stanislas, a similar situation existed in Montreal. It was found that alcohol was dispatched to practically every town and village north-west of La Tuque in the Province of Quebec and over the Provincial border as far as Cochrane, Ontario; in fact, 5,000 such shipments were identified.

Charges under Section 573 of the Criminal Code were preferred against forty-eight persons for conspiring to commit indictable offences by violating Section 169 of the Excise Act, and also under Section 444 of the Criminal Code for conspiring to defraud the Federal Government of an amount in excess of \$25,000 through evasion of Excise duties and taxes. The conspirators were arraigned in three separate groups at Montreal, Three Rivers and Quebec City. Forty-three persons were convicted on all counts, which included substantive charges under the Excise Act, in addition to conspiracy,

*Just Published*FIFTH EDITION**SNOW'S CRIMINAL CODE OF CANADA**

By A. E. POPPLE, LL.B.

SNOW'S CODE is a handy pocket size annotated edition of The Criminal Code of Canada. It has been found extremely helpful to justices and police magistrates, as well as the various police forces in Canada.

In the ten years that have passed since the last edition there have been numerous changes in the criminal law in regard to automobile accidents, offensive weapons, sedition, summary trials and other important matters. These changes have all been incorporated in the text.

There has been added a set of "Informations, Complaints and Charges" which are so indispensable to the police, and a series of "Tables

of Criminal Procedure" and "Briefs on Law", together with over fifty pages of notes on "Criminal Appeals".

Smaller, but very clear type has been used for the sections of the Code, than in the last edition, despite which there is an additional number of pages in the text. To offset this a thinner paper has been used so that the new edition is actually less bulky and more of a pocket size (4¾ inches by 6¾ inches by 1 inch).

Guide Tabs. At an additional cost of \$1.00, copies will be available having linen tabs showing where the several sections of the book are located, enabling quick reference.

Price \$7.75, with guide tabs \$8.75

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the sentences imposed ranging from one year's imprisonment, plus a fine of \$500.00, to three months' imprisonment on the conspiracy counts. Substantial fines with alternative imprisonment terms were also imposed under the Excise Act.

* * *

In the late evening of Sunday, October 9th, it was reported to the Constable in charge of our Calais Detachment that a horse had been shot whilst being ridden by a youth named Reginald Perkins in the Simonette River district, about thirty-five miles away.

Accompanied by a half-breed tracker, the Constable interviewed the complainant the next day and, after ascertaining that he had no suspicion as to who might have been responsible, proceeded to the scene of the offence. After an unsuccessful attempt had been made to locate the bullet, an examination was made of the locality for tracks and other evidence. This was extremely difficult as the terrain where the horse had been shot was extremely rough, being composed of wooded hills, ravines, and dead-fall. Furthermore, as no rain had fallen for several weeks, the ground was parched and tracks were not easily discernible. Eventually, however, tracks of another horse were located and it was observed that a piece was broken out of the right rear hoof. These tracks were followed and led to a point on a hill where it appeared some one had been lying down. This was about one hundred and fifty yards from where the horse was shot and apparently the direction from which the bullet had been fired. As it was dark by this time

and rain had commenced to fall, operations had to be suspended until the following day.

The next morning, despite an attempt by the rider of the horse to cover them up, the tracks were again picked up and after leading through heavy brush, from which brown horse hair was recovered, finally led to the farm of Karl Wolchyn.

On being questioned, Wolchyn and his wife admitted ownership of a .30 cal. rifle, but denied any knowledge of the offence. Wolchyn's father-in-law, a Mr. Scott Bower, who lived in the locality, was also questioned but corroborated Wolchyn's statement and together with Mrs. Scott Bower provided him with an alibi.

The Constable continued his investigations and ascertained that a neighbor had seen a bay horse belonging to Wolchyn in Bower's yard on the day of the offence—the animal had been in a heated condition as though it had been working hard. As Wolchyn had stated that the bay had not been in use on this day, the Constable decided to make a cast of the hoof print at the scene of the shooting and another of one of the hooves of the bay horse. He had no material with him to make a cast but noticing some old "B" batteries in his informant's yard, he secured permission to use them. Breaking up the brown wax cover, he melted the substance and, having poured it in the two prints, ascertained that they were identical.

As a result, members of the Wolchyn and Bower families were again questioned and when confronted with the evidence, they finally admitted that on the Sunday when the horse was shot, Wolchyn and Bower were out hunting and the former saw an animal, which he mistook for a moose, standing in the bush. After firing at it, he found it was a horse and, being considerably scared, he had made his way home as quickly as possible.

A charge of "Cattle Killing" was preferred against Wolchyn to which he pleaded guilty and a sentence of three months' imprisonment was imposed, while his companion, Scott Bower, was fined \$10.00 and costs for hunting on a Sunday.

* * *

Two common expressions—"Set a thief to catch a thief"; and "There is honour among thieves"—enter into the following "F" Division case which was concluded recently. The former expression is proven, in part, while the latter is definitely disproven.

About midnight, September 14th, 1938, a local bootlegger of the town of Rosetown, Saskatchewan, was severely beaten and robbed of \$255.00 by three men who came to his house for a drink. From descriptions given by him, one of these men was identified as Alex Delyea, a transient who had been seen hanging around the town for several days prior to the robbery. Enquiries revealed that a few hours after the offence, Delyea had been picked up on the outskirts of Rosetown by a trucker and transported to Regina.

A search of hotels and rooming-houses in Regina resulted in Delyea's arrest on September 16th. When interrogated, he described and named his two associates of the night in question as Don McKay and "Frenchie" Gascon. He denied, however, that he took part in the assault and robbery, stating

it was McKay who had beaten the bootlegger and taken his money, refusing later to split with Gascon and himself when asked to do so. The prisoner stated he had no knowledge of the present whereabouts of the other two as they had left him shortly after the three of them departed from the bootlegger's house.

On September 17th, Frank Prescott, referred to by Delyea as "Frenchie" Gascon, was apprehended in the Bounty district and admitted being present when the assault and robbery was committed, but denied taking any actual part stating that Delyea had beaten and robbed the bootlegger—McKay and he not assisting in any way. However, on leaving the house Delyea had divided the money three ways before they parted company.

Prescott further stated that he left Rosetown the next morning on a freight train with two other transients, one of them being Wagner, and that they all left the train at Bounty, Sask., and obtained work on a farm in that vicinity. He said that on awakening one morning a couple of days later he found the money had been taken from his packsack and Wagner had disappeared. On being questioned, Wagner admitted taking the money and handed it over to the police.

McKay was not apprehended until October 24th, when he gave himself up at North Battleford. He also denied taking any actual part in the offence, claiming, as did Prescott, that it was Delyea who had beaten and robbed the bootlegger.

Upon appearing in Court all three accused elected Summary Trial, being sentenced to varying terms of imprisonment for their part in the offence, two receiving lashes.

* * *

An affirmative precedent of the question—whether or not an Adjudicating Justice can impose a penalty upon himself for an infraction of the law—is established by the action of a Saskatchewan Justice of the Peace in the "F" Division case related hereunder.

In October, 1938, a Radio Branch Inspector of the Department of Transport laid charges before a small town Justice of the Peace against eight residents of the vicinity—one of these being the Justice of the Peace himself—for operating unlicensed radio receiving apparatus. The Justice of the Peace duly issued Summonses for the other seven defendants, and when they appeared before him, imposed a fine of \$2.00 and costs in each case. Having disposed of the others, the Justice of the Peace read the charge against himself, to which he pleaded guilty and imposed a fine of \$3.00.

The procedure in this case was undoubtedly most unusual, but even so it is not thought that any one of the defendants will appeal or has grounds to do so!



Deputy-Commissioner G. L. Jennings, O. B. E.

DEPUTY-COMMISSIONER GEORGE LESLIE JENNINGS, O.B.E., retired to pension from the Royal Canadian Mounted Police on August 1st, 1938, after thirty-two years of service with the Force.

An efficient and popular Officer, Deputy-Commissioner Jennings had a wide and diversified career at many points in both Eastern and Western Canada in the Force and also on the Arctic coast at Herschel Island where he was stationed for a period of two years as an Inspector.

Born at Toronto, Ont., on May 3rd, 1875, the son of Robert Cumming Jennings and grandson of the Rev. John Jennings, D.D., first Pastor of Bay Street Presbyterian Church, Deputy-Commissioner Jennings was educated at Paris, Ont., and later at Woodstock College, (affiliated with McMaster University), subsequent to which he attended the Canadian Business College at Hamilton, Ont.

On completion of his education at Hamilton, Deputy-Commissioner Jennings engaged in banking as a career but later changed his choice of vocations when on August 1st, 1906, he was appointed to commissioned rank in the Royal North West Mounted Police. This, however, was by no means his initial engagement in the service of his country as he had previously been a member of the 48th Highlanders in Toronto and had also held the rank of Lieutenant with the 38th Haldimand Rifles from which he was granted leave of absence to take part in the South African War at the commencement of the present century as a Trooper with the 2nd Canadian Mounted Rifles. On his return to Canada in 1902, he was commissioned to the 90th Regiment, Winnipeg, where he obtained certificates as a Captain and Field Officer.

Soon after his appointment as an Inspector in the R.N.W.M. Police, Deputy-Commissioner Jennings was stationed in the Wood Mountain and Peace River districts and later—as previously stated—proceeded to Herschel Island, returning to Regina at the termination of Northern duty of nearly three years.

He returned from Herschel Island in the fall of 1910 in a whaling ship via Point Barrow and Bering Sea to Nome, Alaska, where some time was spent studying the reindeer situation in that territory. On his return he submitted to the Dominion Government, through the Commissioner, the first report on the subject of the importation of domestic reindeer from Alaska into the Western Arctic region of Canada for the benefit of Canadian natives.

In June, 1911, he went to England in command of a troop in the R.N.W.M.P. Contingent sent to attend the Coronation of His Majesty, King George V. On returning therefrom he was appointed to the command of the Regina district.

Shortly after the outbreak of war, Inspector Jennings was appointed Registrar of Alien Enemies for the Northern portion of the Province of Alberta with Headquarters at Edmonton. Early in 1918, he was appointed, with the rank of Major, to command the Royal North West Mounted Police Overseas Cavalry Draft which was transferred to the C.E.F. at Regina on May 15th, 1918. He proceeded to London with fourteen other Officers of the R.N.W.M.P. and a total complement of seven hundred and fourteen men without horses. In England this draft was broken up and Major Jennings

proceeded to join the C.E.F. in France with a squadron of four troops made up entirely of officers and men of the Royal North West Mounted Police. This squadron served with Corps troops until the end of the war, one troop thereafter proceeding with the Army of Occupation into Germany where its members had the distinction of carrying on their regular duties, in occupied territory.

On returning to Canada with the last contingent of his men in May, 1919, his force of over one hundred men was rushed by special train to Winnipeg where they were transferred back to their former positions within the Force and were retained there to assist local Forces. Major Jennings was in command of mounted troops of the Force during the serious days of the Winnipeg riots under direction of the then Superintendent Starnes, in command of the district, and Commissioner Perry, remaining there until the civic authorities had the situation again under complete control.

For his services Overseas, Major Jennings was made an Officer of the Order of the British Empire.

In February, 1920, Inspector Jennings was promoted to the rank of Superintendent and to the command of old "G" Division with Headquarters at Edmonton and later commanded the old "F" Division at Prince Albert, Sask. Leaving Western Canada in May, 1928, he was in charge of "O" Division, Toronto, until February, 1932, when he was transferred to Headquarters at Ottawa as Director of Criminal Investigation. Owing to the taking over of provincial work in five extra Provinces during that year, this Department was completely reorganised under his direction in the form in which it is today. Superintendent Jennings had always made a special study throughout his term in the Force of criminal law and procedure. On assuming these duties he was promoted to the rank of Assistant Commissioner. Five years later, on April 23rd, 1937, he received a further promotion and was appointed second in command of the Force, the rank which he held until his retirement on August 1st, 1938.

In September, 1911, at Regina, Sask., Deputy-Commissioner Jennings married Miss Jean Gladys Bowen Perry, a daughter of the Commissioner of the Force, Major-General A. Bowen Perry, C.M.G. A son, Bernard Perry, resides in Ottawa and a daughter, Miss Eleanor Marjorie Jennings in Montreal, where she graduated as a Registered Nurse from the Royal Victoria Hospital.

Deputy-Commissioner Jennings and Mrs. Jennings have a very large number of friends in the Royal Canadian Mounted Police who have reason to remember many kindnesses, both of an official and unofficial nature extended by them over the period with which they were associated with the Force. Universally respected both by his contemporaries in rank and by his subordinates for his keen sense of justice and for his impartial administration of discipline, Deputy-Commissioner Jennings will hold a warm place in the thoughts of all ranks who served with him during the course of a long and distinguished career.

Colonel and Mrs. Jennings are continuing to reside in Ottawa and it is pleasant to anticipate that the link which they built with our organisation over an extended period will not entirely be severed. We wish them many years of continued health and good fortune with which to enjoy a well earned term of recreation after a career of very heavy responsibilities.

Suspended Sentence

by J. C. MARTIN, K.C.

THE SUSPENSION of sentence is a very useful and, in the majority of cases in which it is applied, effective method of mitigating the penal provisions of the Criminal Code. Yet in magistrates' courts there has been a wide divergence of practice with regard to it, ranging from the mere statement of the magistrate to the accused that, "You are released on suspended sentence," through the taking of an oral acknowledgment in open court, to the taking of such an acknowledgment along with the signing of a written recognisance. However, it seems clear that a written recognisance is required.

In the case of *Laplante v. Court of Sessions of the Peace*, 69 C.C.C. 291, an accused person had pleaded guilty on December 12, 1936. The court did not pronounce any sentence, but suspended it until June 15, 1937, and released the accused without taking a written recognisance. Later on his behalf an application was made for a writ of prohibition to prevent the court recalling him for sentence. The following are portions of the judgment delivered on that application:

"What is the intent of this section (*i.e.*, sec. 1081 of the Code,)? It is to release any one who has committed a minor criminal offence so that he may avoid going to prison and the dishonour and to give him a salutary lesson and to reform him. It is a section of sound morality and renders great service.

"However, in order to release any one and have him under control, the Judge must have him sign a recognisance with or without sureties for the period of time of the suspension in order to be able to call him before him according to s.1083 of the *Cr. Code*, if, later, he is informed that the delinquent has not fulfilled any of the conditions of his recognisance. It is reasonable, logical, and the only means of controlling an accused thus released.

"But if as in the present case no recognisance has been signed, what is the position of the accused?

"One of two things, either the Crown appeals from the decision of the trial Judge under ss.1012 *et seq.* of the *Cr. Code* or it does not appeal. If it appeals, it may have the decision of the Magistrate quashed and that is the meaning of the case of *Rex v. Silverstone* (1925), 44 Can. C.C. 335. In that case the Court of Appeal decided that a Judge has no jurisdiction to suspend sentence without requiring a written recognisance."

The judgment proceeds:

"If the Crown is not going to appeal or has not done so and if the recognisance was not given, the accused in my opinion is released. He is no longer under the jurisdiction of the Court. He has promised nothing, he has bound himself to nothing. As a result, in order to bring him before the Court, he must have committed a new offence necessitating a new complaint, a new order etc. The fact of his having been allowed to go without recognisance is equivalent to an acquittal. The Crown has only one remedy: to have the decision of the Court quashed."

Yet in view of the variance in practice, it is not surprising that the method is not understood by the public as well as it deserves to be. Concerning the result of the trial of a criminal case, an interested inquirer is told sometimes that, "so-and-so got off on suspended sentence," which is precisely what did not happen. The offender may have been released, but

he did not "get off." Moreover, the method is not intended for the old offender nor for the transient, but rather for the first offender who has "a local habitation and a name," and, while it is meant to put him under a kind of restraint for a time, it is intended also to give him a chance to redeem himself.

The power to grant suspended sentence is not vested in all courts which have jurisdiction in criminal cases. It may be granted, of course, by any superior court, or by a District or County Court in a Speedy Trial; originally, too, it might be granted by "any magistrate within the meaning of Part XVI."¹ In 1934 these words were amended to read "any magistrate within the meaning of Parts XV and XVI."² When the part relating to Summary Convictions was thus included, and since for some purposes, 'magistrate' means a justice of the peace,³ an impression arose that the right to suspend sentence had been extended to a single justice upon the hearing of a case under the summary conviction procedure. However, that question has been set at rest by a further amendment passed in 1936,⁴ as a result of which the section now refers to "any magistrate within the meaning of Part XVI acting under that Part or Part XV." The effect of this is that a magistrate who has in his own person the right to suspend sentence in the Summary Trial of an indictable offence, continues to have that right when he hears a case under the summary conviction procedure, but a justice of the peace, who may determine a case only upon summary conviction, has no such power. And, while there is no judicial opinion upon the point as yet, it seems to be at least doubtful whether he can acquire it by calling in another justice to act with him in such a case which either of them might determine by himself, notwithstanding that two justices acting together constitute a magistrate for the trial of certain cases under Part XVI.

Nor does the power to grant suspended sentence exist in every prosecution. It has been held that it is not applicable to so-called 'provincial crimes,' although in view of the 1936 amendment just cited, it may now be arguable that it does apply to such offences against provincial statutes as are punishable with imprisonment and without the option of a fine.⁵ By some Dominion statutes, notably the *Excise Act*,⁶ the *Customs Act*, and the *Opium and Narcotic Drug Act*, the exercise of such a power is expressly excluded. The Code itself was amended in 1935⁷ to provide that sentence shall not be suspended when a person is convicted of driving or having control of a motor vehicle while intoxicated or under the influence of a narcotic.

Always provided that "the offender or his surety has a fixed place of abode or regular occupation in the county or place for which the court acts, or in which the offender is likely to live during the period named for the observance of the conditions,"⁸ sentence may be suspended in any of the following combinations of circumstances:⁹

¹Sec. 1026.

²1934, Cap. 47, sec. 20.

³Interpretation Act (Can.), Sec. 37 (15).

⁴1936, Cap. 29, sec. 22.

⁵Quebec Liquor Com'n v. Thibaut, 50 C.C.C. 434; Rex v. Warner, 43 C.C.C., at p. 80.

⁶Rex ex rel. Bretherton v. Campbell et al., 1932, 3 W.W.R. 272.

⁷1935, Cap. 56, sec. 4, amending Code sec. 285 (4).

⁸Sec. 1082.

⁹Sec. 1081.

1. If there is no previous conviction against the accused and,
 - a. the offence is punishable with not more than two years' imprisonment. In such a case the court may act of its own motion;
 - b. the offence is punishable with imprisonment for more than two years. In this instance the concurrence of the Crown is necessary.
2. Without regard to the length of the term of imprisonment to which the prisoner may be sentenced:
 - a. If there is against him one previous conviction made more than five years earlier; or
 - b. If there is one previous conviction against him, but for an offence not related in character to the offence in question. In both these instances the consent of the Crown is required.

When such consent is necessary it must be "the concurrence of the counsel acting for the Crown in the prosecution of the offender." Sometimes in cases prosecuted by the police themselves, the court may think that sentence might properly be suspended, but difficulty arises because the peace officer, although he is 'acting for the Crown in the prosecution,' cannot be regarded as 'counsel.' Should such a contingency arise, it is suggested that the magistrate should remand the prisoner for sentence and have the question referred to the Department of the Attorney-General, so that its proper officer may be instructed in the matter.

Upon a somewhat different footing in this respect is a case in which, although there is no counsel instructed to act for the Crown, there is counsel for the *private prosecutor*. In 1920 a person was charged with stealing goods from a railway company.¹⁰ Counsel for the railway company appeared when he was brought before the magistrate, but there was no other counsel for the prosecution. He pleaded guilty, and the magistrate released him on suspended sentence despite the facts, first, that the offence was punishable with imprisonment for more than two years, and second, that the counsel present refused to consent. Upon a stated case a majority of the Court held that:

"In view of the conclusion at which I have arrived, it will not be necessary to discuss the question as to the power of the Court to suspend sentence when there is no counsel acting for the Crown in the prosecution of the offender. My own opinion is, however, that such concurrence is an essential condition to the exercise of the power. But in this case, I am of opinion that there was counsel acting for the Crown in the prosecution of the offender. It is quite true that the prosecution was conducted by counsel for the railway company which was the private prosecutor, but it was a 'criminal prosecution instituted for the interests of the public in the name of the King and not to gratify the objects of an individual'."

By way of justifying this opinion "on historical grounds," the following, among other authorities, was quoted:

"It has been determined by all the Judges of the Court of King's Bench, and that determination has been publicly expressed on more than one occasion,—that a prosecution by indictment is not, in point of law, the suit of an individual. If any individual seeks redress—personal redress for personal injury—the course that he is to pursue is to bring an action for damages. If, instead of electing to bring his action for the redress of a personal injury, he thinks fit to put the law in motion in the

¹⁰Rex ex rel. McLeod v. Boulding, 32 C.C.C. 227.

name of the King, for the sake of public justice, it is not his suit, but it is the suit of His Majesty."¹¹

A point which should be made quite clear is that suspended sentence "does not mean suspending the operation of a sentence after passing the same, but suspending the passing of the sentence." In the case quoted, sentence of fine and imprisonment had been passed and then 'suspended.'¹²

In another case¹³ the Crown appealed from a sentence which adjudged that, "With the consent of the Agent of the Attorney-General accused is allowed to go on suspended sentence to two years imprisonment in Prince Albert Penitentiary and to fifteen lashes 6 months after the date he is received in the Penitentiary and fifteen lashes 6 months before the termination of term of imprisonment." While remarking that "The sentence actually pronounced in the case does not suggest very strong grounds for suspended sentence," the Court of Appeal explained:

"That (Sec. 1081,) means that no sentence will be passed unless and until the offender is called upon to appear and receive judgment. The expression 'suspended sentence', standing by itself, is somewhat misleading, but the plain words of the section show that it cannot mean passing sentence and then suspending the operation of the sentence."

In deciding whether it is proper to apply this method in a particular case, the Court must have regard "to the age, character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed."¹⁴ In a case in Nova Scotia¹⁴ in which the accused had been convicted of shooting with intent, the Crown appealed upon the ground that "all of these elements" must be present before sentence may be suspended, and that "the non-triviality of the offence is absent here." One of the Judges observed:

"It is called to our attention here that this offence is not ordinarily a trivial offence. I think the second sub-section is meant to provide for such a case and if it is not trivial, under the first sub-section, still the Attorney-General having the power to deal with cases where the term of imprisonment is over two years, can deal with it and give his assent to the suspension of the sentence."

Another member of the Court adopted this reasoning in these terms:

"I adopt the suggestion . . . that it does not matter whether all these things are present; that they must all be taken and considered together and weighed in the scale and in that way the Judge with the Crown prosecutor's concurrence reaches a conclusion."

The following case, although it was unusual in its own circumstances, may yet be taken as being typical in many ways, of those in which the courts are asked to suspend sentence. On an afternoon in early spring, a farm boy, about eighteen years of age, was crossing a neighbour's field when he put up a covey of Hungarian partridges. Being on friendly terms with the neighbour who, he knew, was away from home that day, he went into the other's house, which was not locked, for the purpose of borrowing a shot-gun. To get some cartridges also, he looked into a drawer in which he knew that his neighbour kept them, and saw there a sum of money. He

¹¹Note to Reg. v. Gurney, 11 Cox C.C., at p. 422.

¹²Rex v. Switzki, 54 C.C.C. 332.

¹³Rex v. Hirsch, 42 C.C.C. 153.

¹⁴Rex v. Pettipas (No. 2), 18 C.C.C. 74.

was unable to withstand the sudden temptation, and stole the money. However, he derived no satisfaction from it, but on the contrary, his lapse preyed upon his mind so much that he admitted the offence and gave up the money intact as soon as the police began to make inquiries. Upon a charge of theft in a dwelling-house—the neighbour, incidentally, declined to prosecute when he learned who was the offender—the boy elected summary trial and pleaded guilty. He had never been in trouble before and, up to that time, had borne a good name in the locality. This, it is suggested, was a case which came well within the statutory provisions now under discussion.

When suspended sentence is granted the accused enters into a recognisance, with or without sureties as the court decides, which binds him:

1. To keep the peace and be of good behaviour during a limited period. This period may be increased or decreased by the court from time to time, but does not exceed two years¹⁵;

2. To appear and receive judgment when called upon during the stated period; and

3. To observe such other conditions as the court may impose.

Under the section one of such conditions may be that the offender shall report at intervals to any officer whom the court may designate, but the recognisance frequently includes other conditions. For example, it may require the offender to make reparation to the person injured by the offence, or to pay costs, or—if it is thought that by such means the probable occasion of further offences may be avoided—to abstain from the use of liquor or to keep away from specified premises.

It was held, however, that the magistrate had imposed an improper condition when he adjudged that the defendant undergo "1 yr. in Central Prison with hard labour, to take effect in 30 days unless you dispose of your property and move out of the community, also undertake to deliver the children to John Dodge for care." To this the words "Sentence suspended" were afterwards added. The minute of adjudication was dated 9th October, 1914, and warrant of commitment was issued and executed in September, 1916. In *habeas corpus* proceedings which followed, the Judge said:

"The magistrate had no power to enter into such an arrangement or stipulation with the defendant as was disclosed in the minute of adjudication, and the disposition thus made of the case could not be an effective conviction."¹⁶

If the offender breaks the conditions of the recognisance, it appears that in the superior courts there is available procedure similar to that provided in England, whereby the offender may be called before the court for judgment upon notice to him and his sureties.¹⁷ However, it is immaterial whether or not this be so inasmuch as the Code provides that an information may be laid charging the breach of the recognisance, and that a warrant may then issue to apprehend him and bring him before the court of sentence.¹⁸ In any case, it is abundantly clear that there must be a substantive proceeding *based on the breach of* the condition; the sus-

¹⁵Sec. 1058.

¹⁶Rex v. Knight, 37 C.C.C. 111.

¹⁷Rex v. Young, 4 C.C.C. 580.

¹⁸Sec. 1083.

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pending sentence is not revoked by the fact that another charge is laid while the recognisance is in effect.

A case is reported in which the defendant was convicted by a magistrate and released on suspended sentence upon giving a recognisance. About three months later she was tried upon a similar charge and acquitted, but the magistrate sentenced her upon the first conviction. An application for her release was granted, the Court remarking:

"She was not before him under any information that she had failed to comply with or observe any of the conditions of her recognisance, and, if she had been, the result of the trial showed that she had not broken her recognisance. To justify the imposition of sentence for her original conviction, an information under oath must be laid charging her with a second breach and a warrant issued for her apprehension, and there seems to be authority in the case of *The King v. Young*, 4 C.C.C. 580, for saying that such proceeding should be at the instance of the Crown."¹⁹

Occasionally a practice appears which is sometimes confused with the suspension of sentence—that is, the passing of sentence and the withholding of the warrant of commitment. This cannot be suspended sentence since it is, in reality, the suspension of the *operation* of the sentence. We have already noticed a case¹⁶ in which this was done, although there the court purported, ineffectively as it was afterwards held, also to suspend sentence. Very like it and with a similar result, was a case²⁰ in which one Tonasko

¹⁹Rex v. Siteman, 6 C.C.C. 224. See also Rex v. Weedmark, 50 C.C.C. 443, and Rex v. Glasgow, 67 C.C.C. 392.

²⁰Rex v. Pokitruski, 55 C.C.C. 152. It does not appear that Rex v. Mondschein, 1927, 1 W.W.R. 101, was cited in this case, but it is to the same effect.

Pokitruski was "sentenced to six months' imprisonment with H.L. and warrant of commitment withheld for 14 days to give male defendant opportunity to leave the district." It does not appear that he complied with that condition, but about two months later warrant of commitment was issued, and about nine months later it was executed. He applied to be released from gaol, but his application was refused for the following reason:

"The offence in this case is one punishable on summary conviction, but it is an offence under a federal statute, and in such case I fail to find any sufficient authority for holding that s.3 of the Prisons and Reformatories Act, R.S.C. 1927, c.163, does not apply. This defendant's sentence then began on the date when adjudged and he was in custody when it was pronounced.

"He escaped from that custody by reason of the unlawful act of the Magistrate. The Magistrate in effect tried to banish him, and in effect connived at the escape. But he had no power to do so, he was *functus officio*."

Except on the basis that the condition that the defendant move on was made at his own request, it is difficult to reconcile the foregoing cases with those which follow and in which this practice more typically appears. A person was charged with vagrancy on October 26, 1921, and pleaded guilty. The magistrate sentenced him to six months' imprisonment, but directed that the warrant of commitment be "held for 24 hours," apparently with the understanding that the defendant would leave the city. He did so, but returned about two months later only to leave again when the police informed him that he would be arrested if he remained. Early in February, 1922, he came back again, was arrested, and taken to the common gaol. An application for his release was refused upon the ground that his term of imprisonment had not commenced at the time of his arrest.²¹ In the course of his opinion, the Judge stated:

"The practice of permitting prisoners who have been convicted of minor offences to leave town and stay away, has for a long time prevailed in Canadian Police Courts. It is always done with the consent and at the request of the prisoner. It seldom happens that it is to the interests of anyone to complain of this practice, so much so that there are very few reported cases dealing with it. One case, however, came before me a few years ago."

The case to which the learned Judge made reference was one which illustrates that, however convenient the practice may be, it may lead to complications. A woman was convicted of being an inmate of a disorderly house and sentenced to imprisonment for three months, but was given forty-eight hours to leave the city. She left, but returned later, whereupon she was arrested and taken to gaol. She applied for release, but her application was refused in the following terms:

"The main objection urged for the prisoner is directed against the practice which has now become common with magistrates, whereby the accused in a certain class of cases, after being convicted and sentenced to imprisonment is, as it is commonly expressed, given time to leave the city or country. I find, however, that this is effected by, and involves, no other judicial act by the magistrate than a direction that the execution of the warrant of commitment be withheld for a short space of time specified, the understanding being that the accused will not be interfered with if he chooses to leave within that time.

²¹Rex v. Litman, 37 C.C.C. 26.

"The practice seems to me to be in the interests of the community, as it affords an inexpensive means of ridding it of undesirables. On the other hand, it would appear that convicted parties also consider it to be in their own interest. In fact, it is generally adopted only when the accused signifies his readiness to avail himself of it. In any event, I cannot see that the accused is prejudiced. He is free to take advantage or not of the few days of delay to leave, and if he does not his position is no worse, as he just stands where he stood before. . . .

"I am free to admit that the practice can easily be made an occasion for abuse, inasmuch as the re-arrest is not dependent on any further action by the magistrate as in a case of suspended sentence. But nothing of that nature happened in this case."

The defendant shortly afterwards renewed her application upon new facts and to another Judge. The report does not state the nature of the new facts, but it may be surmised that it was her desire to bring it to the attention of the court that she had not returned within three months from the date of sentence. In any event, the application succeeded upon the following ground:

"It appears to me that at the expiration of the three months the effect of the conviction was spent, and no power existed to re-arrest the applicant on a warrant based on the old conviction.

"It may very well be that the authorities considered that the arrangement made would ensure the absence of this applicant from Winnipeg indefinitely. I enquired of counsel for the Crown whether he had any authority to show that the police court, or any other court in Manitoba, had power to banish an individual for life, and he frankly admitted that no such authority was known to him. In my opinion no such power exists. For these reasons I think the order must be granted, and the prisoner discharged from custody."²²

While it appears that the practice now under discussion is not confined to Canada,²³ it seems that in this country there is no very definite authority either for or against it. By contrast with what has been quoted with regard to its efficacy in ridding the community of undesirables, one Canadian Judge, speaking with obvious hesitation, has said:

"I express no opinion upon it, but it seems to me a grave question whether magistrates possess the power they claim of allowing time to elapse before issuing the commitment unless they have provided for such delay in the conviction. It is the duty of the magistrate when he gives judgment to follow up that judgment with a commitment, and it is to me very doubtful whether he possesses the power to suspend the execution of his sentence until for some reason or for no reason at all he pleases to execute it."²⁴

About the best that can be said of it is that it receives a sort of grudging recognition. The present writer's objection to it is that it has too much the appearance of bargaining with the defendant.

²²Rex. v. Fitzpatrick, 25 C.C.C. 42.

²³Re Leo Hinson, 156 North Carolina Rep. 250, cited in Rex v. Litman, *supra*.

²⁴Re Thomas Lynch, 12 C.C.C. 141.



A Northern Inspection Tour

by SUPERINTENDENT T. B. CAULKIN

ALTHOUGH THE numerical strength of "G" Division is considerably less than that of other Divisions, the territory controlled is exceedingly large and greatly exceeds any other area under the jurisdiction of this Force. Due to the enormous distances to be travelled in the North West Territories and to the inaccessibility of certain of the Detachments, an inspection of the points to be visited presents somewhat dissimilar features to inspections carried out within the boundaries of the different Provinces of Canada—it is thought, therefore, that the following account of an inspection tour made during the summer of 1938 may prove of interest to readers of the *Quarterly* magazine.

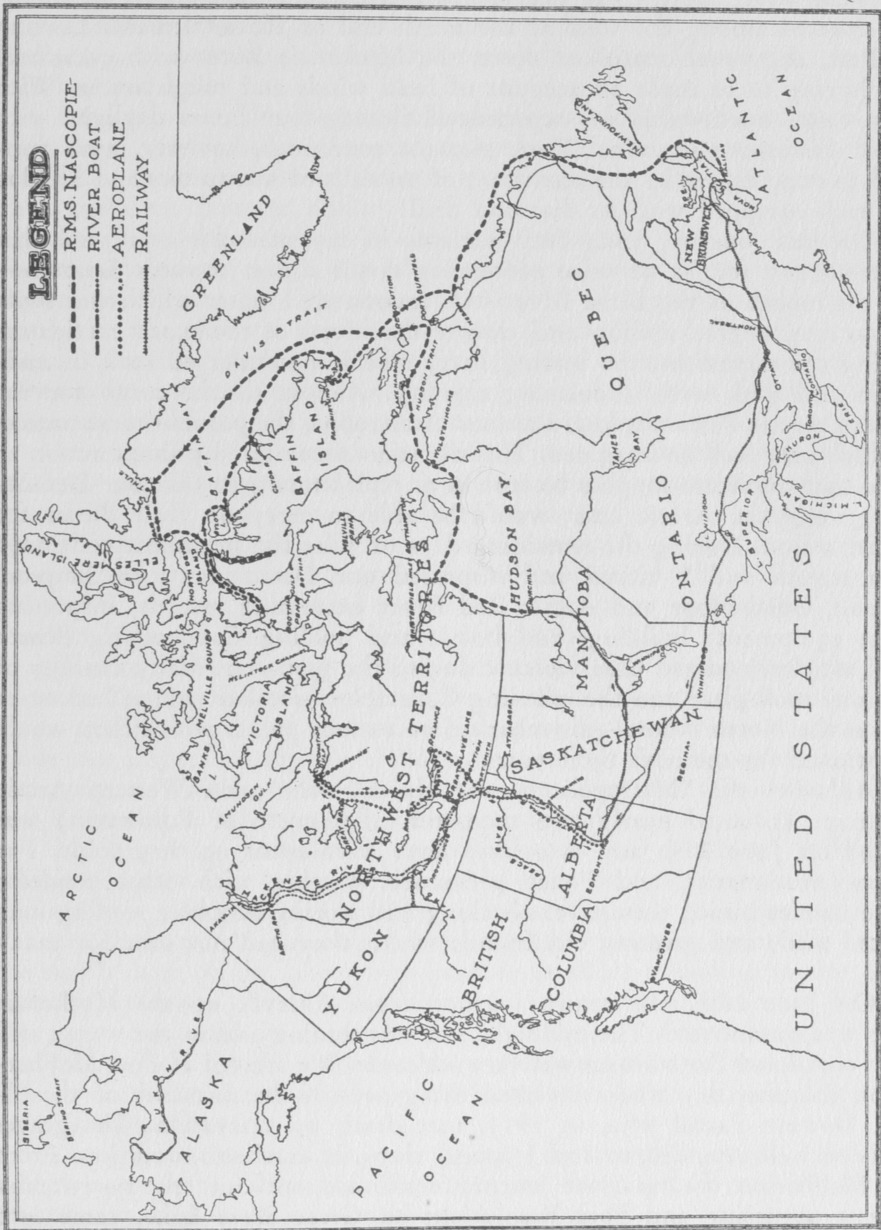
I left Ottawa on May 27th by Canadian National Railway and travelled through the forest, lakes and crags of Western Ontario, over the wide spaces of the Prairie Provinces to Edmonton, Alta. There I boarded the train of the Northern Alberta Railway Company and travelled through a series of bushland settlements to the end of steel, approximately three hundred miles north of Edmonton. At this point I changed my method of conveyance to river steamer, leaving Waterways en route to Fort Smith, N.W.T., via the waters of the Slave River and crossing Lake Athabasca during the course of the journey.

At Fort Smith the Headquarters of the Royal Canadian Mounted Police Sub-Division is located and controls Detachments of this Force situated at Resolution, Reliance, Yellowknife and Rae. These points all skirt the shores of Great Slave Lake, while Providence Detachment, at the west end of the Lake, overlooks the entrance to the Mackenzie River.

Here at Fort Smith we have some excellent Police buildings built in large wooded grounds—which very much resemble a park—and, remarkable to relate, full golfing facilities are available, a nine-hole course being included within the Barrack area. The Police buildings are of frame construction and present a very attractive appearance with their white painted exteriors and red roofs against a background of evergreen trees. There are married quarters for the Officer Commanding the Sub-Division and also for the senior Non-Commissioned Officer stationed at Fort Smith, while the comfortable Detachment building contains offices, mess room, library, kitchen and cell room, with sleeping accommodation for approximately eight individuals. Additional buildings surround the Police property and in these are kept food, tools, gasoline and a variety of stores. Finally, close by are the dog corrals which could compare with any kennels provided for our four-footed friends in more civilized parts. The various buildings are in a truly splendid scenic location with the silence broken by the continual roar of the Pelican Rapids in the nearby Slave River.

Following the spring break-up of the ice on the rivers and the commencement of navigation, our members are kept constantly busy. All white trappers and Indians from the surrounding district arrive at our Barracks to report their winter's activities; pay the export tax on furs; and have their beaver pelts stamped for shipment. The annual consignment of supplies arrives and has to be warehoused; repair parts for marine engines have to be installed; boats and buildings have to be painted, and a hundred and one other duties are performed in addition to the ordinary Police activities

of our members. Court is in session at this period at Fort Smith and disposes of long standing grievances that have trailed over the long northern winter and cases are brought to trial that have caused many arduous patrols by dog team during past months.



A NORTHERN INSPECTION ITINERARY, MAY 27TH—SEPTEMBER 21ST, 1938.
Statistical note of miles travelled: Railway, 4,303; Aeroplane, 2,012; Steamboat, 3,115; R.M.S. "Nascopie", 7,031.

Leaving this busy Post on June 15th, I boarded the stern wheel vessel "Distributor" and proceeded down stream to Great Slave Lake. In front of and pushed by the steamer were three large barges, one of which contained the whole of the freight for our Western Arctic Detachments; the Hudson's

Bay Company Trading Posts; the missions; and the radio stations from the mouth of the Mackenzie River to the Queen Maud Sea.

The crossing of Great Slave Lake was made without the usual rough water and wind being experienced and in due course we entered the Mackenzie River arriving at Providence Detachment—a trim set of buildings situated among the trees at the north end of the settlement. Leaving this Post, the vessel continued down the Mackenzie River with occasional halts having to be made on account of head winds and rough water. With the advance northwards we experienced twenty-four hours daylight with almost continuous sunshine. These pleasant conditions, however, were tempered to some degree by the attentions of myriads of mosquitoes and bulldog flies, each equipped with its diamond drill!

On this journey, June 20th remains in my memory as a somewhat disastrous day for, as we were proceeding down stream towards Simpson—near the mouth of the Liard River—we encountered water which was swift and, to some degree, shallow and, despite the efforts of the expert navigators piloting the steamboat, the leading barge struck a submerged rock in mid-stream and sank with astonishing rapidity. Almost all the cargo for the Western Arctic Posts was lost, a serious catastrophe, the possible consequences of which may well be imagined. This situation necessitated prompt action to insure that duplicate supplies be sent in as replacements so that our Detachments along the Arctic coast would be able to carry on their duties for another season. During the remaining days of June the steamboat continued down stream and I visited and inspected our Detachments at Simpson, Norman, Good Hope and Arctic Red River examining records; inspecting stores; equipment; buildings and boats; and holding Condemning Boards on all articles rendered unserviceable during the past year. Many changes of personnel took place and the relieving Constables—some of whom had never been in the North before—disembarked at various points where they would be stationed for the next three years.

Aklavik—the “Metropolis of the North”—the main Western Arctic settlement (situated nearly two thousand miles north of Edmonton) was reached on June 27th and two busy days were spent at that point. Fur traders, missionaries, and Police personnel together with other residents of the hamlet busied themselves checking and storing supplies; reading long awaited mail; and greeting old friends whom they had not seen for many years.

On June 28th, the return journey from Aklavik up the Mackenzie River was commenced. The midnight sun was shining and in the warm, still air an occasional faint breeze was very welcome. We arrived at Fort McPherson on the next day where I visited the graves of the members of the ill-fated Dawson Patrol who, in 1911, met death by starvation. The graves had been well attended to and I found them in excellent condition. From Fort McPherson the up river journey continued without any noteworthy incident occurring and Fort Resolution, on Great Slave Lake, came into view in due course on the evening of July 10th.

Changing my method of transportation from river steamer to aeroplane, after completing my inspection of Resolution Detachment I left that point two days later via Canadian Airways and flew northeast across Great Slave Lake to Yellowknife River, an approximate distance of one hundred

miles. Here quite a gold stampede had been in progress for about a year and had brought an influx of prospectors and persons connected with mining companies from all quarters. A town was in process of erection and various commercial ventures such as restaurants, and drug and other stores, vied with each other for the trade of the transient public. With this stampede came the usual questionable element that is always encountered in such cases, necessitating the establishment of a Police Detachment to maintain law and order.

I spent four or five days at Yellowknife and found our members exceedingly busy, particularly in regard to such duties as Agent to the Mining Recorder, their monthly collections in this respect amounting to between three and four thousand dollars.

On July 16th I left Yellowknife by aeroplane and proceeded to Rae Detachment on the north arm of Great Slave Lake. Having completed my inspection I again left by the same method of transport and flew in a northerly direction to Port Radium on Great Bear Lake where another Royal Canadian Mounted Police Detachment is established. Here I was afforded the opportunity of visiting the famous Radium or Eldorado Mining properties which proved to be a most interesting and instructive experience.

Leaving Port Radium by aeroplane, I next proceeded across the barren lands to our Coppermine River Detachment on Coronation Gulf, a point in the Arctic I had previously visited some twenty-one years ago under very different conditions. Flying over the country enroute to Coppermine I was most interested in the appearance of the ground below which, without its mantle of snow, resembled a mass of pot holes, or terrain that had been stricken by a series of minor volcanic eruptions.

The ice had broken up in Coronation Gulf and as fog from the water threatened, a possibility existed of the plane being grounded for an indefinite period should too much time be spent at Coppermine. I, therefore, made my inspection of this Detachment during the course of the night. Strangely at variance with the hands of the clock the sun shone brightly and I was able to take some very clear photographs.

My inspection completed, the plane again flew south to Yellowknife where we arrived at mid-afternoon. The next day we flew to Reliance at the extreme east end of Great Slave Lake. Visibility was not very good due to numerous bush fires which were raging in the vicinity but by skirting the north shore of the lake it was possible to effect a landing in due course at our destination. After completion of my inspection duties at Reliance, we again continued in a southwesterly direction to Fort Smith where I occupied myself for the next few days with clerical work and where I was able to enjoy the luxury of a bath and have some clothes washed after almost two months of travel.

On July 25th, continuing my journey by aeroplane, I left Fort Smith and flew south to Edmonton. En route we descended at a point close to MacMurray to pick up a miner who, with a piece of steel in his eye, required medical attention. Once again in the air, the scenery of the country below took on variations and from the monotonous bushland and barren country which we had encountered in areas further north we came upon farmlands bearing a distinct resemblance to a patchwork quilt from above. Eventually, with a violent electrical storm threatening ahead, we dropped down to the

water at Cooking Lake near Edmonton, finally completing our journey to that city by automobile.

During the evening of August 2nd, I left the capital city of Alberta and travelled in an easterly direction by railroad arriving in due course at Fort Churchill on the Hudson Bay where I made connection with the R.M.S. "Nascopie". At noon on August 8th we sailed for Chesterfield Inlet, the first point on my tour of Eastern Arctic Detachments.

On August 10th the "Nascopie" arrived at the Inlet. Having completed my inspection of the Police Post and having seen to the handing over of the Detachment by the Non-Commissioned Officer in Charge to his relief, arrangements were made for the transfer of stores and personnel two hundred and fifty miles inland for the use of Baker Lake Detachment which was to be re-established. This matter having been dealt with, we left harbour at six a.m. of August 12th and sailed east across the Hudson Bay to our immediate destination—Cape Wolstenholme—at the west entrance to Hudson Strait. From here we proceeded to Lake Harbour on the south shore of Baffin Island where I was greatly impressed by the work that had been carried out by Detachment members in the past—as a result of the labour referred to a once gloomy-looking pile had been transformed into a vertiable show place by improving the appearance of the Detachment and its surroundings.

On August 17th the R.M.S. "Nascopie" left Lake Harbour and proceeded across Hudson Strait to Port Burwell. During this part of the voyage a sailor fell from the mast while at work and, striking his head on some part of the deck engine, was instantly killed. Later the usual maritime funeral was held, the simple but impressive ceremony being attended by all members of the Force on board the vessel.

At four a.m. of August 19th the "Nascopie" left Burwell and voyaged north past Resolution Island into Davis Strait where, for the next four or five days, we were out of sight of land and experienced fog, ice and snow storms which slowed the vessel down from time to time. It will possibly be of interest to persons residing in warmer climates to know that at the juncture referred to, while we were receiving radio news of a heat wave being experienced in New York, the average temperature in the Hudson Bay area varied from the freezing point to thirty-eight degrees above zero!

On August 24th, Cape York and the Conical Rock, on the west cape of Greenland, were sighted—a very uninviting expanse of territory covered with snow and glaciers. Huge icebergs studded the coastline awaiting a favourable breeze or tideshift to carry them out to the Atlantic Ocean.

Arriving at Thule, Greenland, on the same day, we exchanged courtesies with the Danish authorities and took two Eskimaux and their families on board our vessel. These individuals were en route for duty at our Craig Harbour Detachment on Ellesmere Island, the most northerly Police Post in Canada.

Making our departure from Thule on August 25th, we passed through Glacier Strait where heavy ice was encountered and reached Craig Harbour on the following day. Here again we were, of course, experiencing the benefits of the midnight sun in this far northern area.

Craig Harbour looks a most forbidding place; the lone Detachment buildings are erected in what appears to be the only small piece of land not covered by ice or snow. Huge glaciers in the valleys behind and snow-capped mountains form a background quite in keeping with the general

theme of the locality. After having carried out the usual inspectional duties and having arranged the necessary changes of personnel, etc., we said farewell to the members who were to remain at Craig Harbour during the following year and steamed south around Devon Island into Lancaster Sound where heavy fog impeded the ship's progress.

On August 28th the "Nascopie" entered Admiralty Inlet and called at Arctic Bay to discharge cargo for the Hudson's Bay Fur Trading Post at that point. There also we witnessed a marriage ceremony between a young bride who had travelled all the way from Peterhead, Scotland, to become the wife of the Hudson's Bay Company's Post Manager, a somewhat remote and difficult spot for the performance of household duties!

Leaving Arctic Bay the following day, we proceeded north and circled into Prince Regent Inlet where, for the ensuing two days the vessel bucked heavy ice until Fort Ross at the east entrance to the historical Bellot Strait—known as "The Northwest Passage"—was reached.

The Hudson's Bay Company had established a Fur Trading Post at Fort Ross the year previously and some stores were sent ashore. While there, we erected a rock cairn on a high peak on Somerset Island placing in it a record of our visit. At this point it might be of interest to relate that I met Patsy Klengenberg at Fort Ross, who with his wife and daughter, had for the second year in succession negotiated the Northwest Passage from Peel Sound with the schooner "Akklavik" to connect with the R.M.S. "Nascopie".

We left Fort Ross on September 1st, proceeding north over Prince Regent Inlet where new ice was beginning to form. We saw shoals of Narwhal playing in the water and amid fog, head winds, and ice, rounded Bylot Island, finally reaching Pond Inlet Detachment after a two day voyage.

After having completed the inspection of our Post at the point referred to, I again departed on the "Nascopie" in the early morning of September 4th, the vessel proceeding south along the coast of Baffin Island to Clyde River. Later we again voyaged in a southerly direction crossing the Arctic Circle on September 7th en route to Pangnirtung. This was the sixth time I had crossed the Circle since the commencement of my inspection tour.

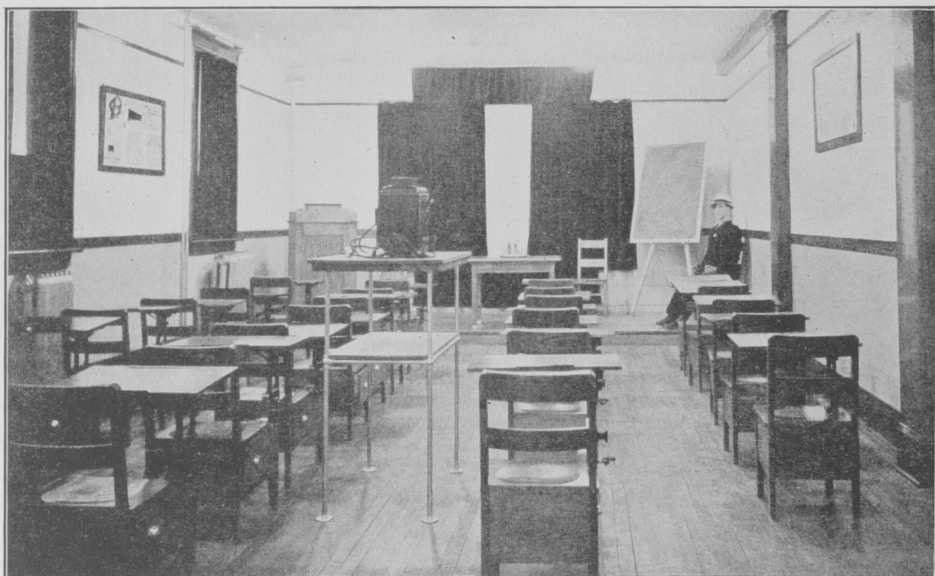
We reached Pangnirtung on September 9th, heavy fog having been encountered off Cape Mercy. The usual duties in relation to inspection of the Detachment and arranging the change of personnel were attended to and, in due course, the "Nascopie" left Pangnirtung on September 12th travelling south to Hebron, Labrador, where supplies were sent ashore for the Hudson's Bay Company's Post. Steaming southward from Hebron we noticed a progressive rise in the temperature as, day by day, the Arctic regions were left further behind us. On September 17th we entered the Strait of Belle Isle; crossed the mouth of the Gulf of St. Lawrence on the next day; and skirting the shores of Nova Scotia, eventually reached Halifax, N.S., on September 19th.

Exchanging the moving deck of the R.M.S. "Nascopie" for the more rapid and comparatively stable comforts of the railway train, I travelled to Ottawa. Arriving at my starting point on September 21st—a period of nearly four months having passed since my departure—I had completed a journey which covered approximately 16,461 miles through the North West Territories and the Northern Canada archipelago.

The Crime Laboratory

by SERGEANT J. A. CHURCHMAN, M.M.

WHILE RECRUIT training, refresher courses and instructional classes continue at "Depot," Regina, a further advance in the education of members of the Force has been made in the establishment of an up-to-date Police College at that point. The course, with a curriculum adapted to the minds of seasoned policemen, provides advanced instruction in the many and varied subjects encountered in law enforcement today. Lectures on Forensic Medicine are delivered by the College and Laboratory Director, Surgeon Maurice Powers, M.D., C.M. Lectures on examination of Questioned Documents and Counterfeiting are given by our Document Examiner, Corporal S. H. Lett; while A/Corporal Mallow covers such



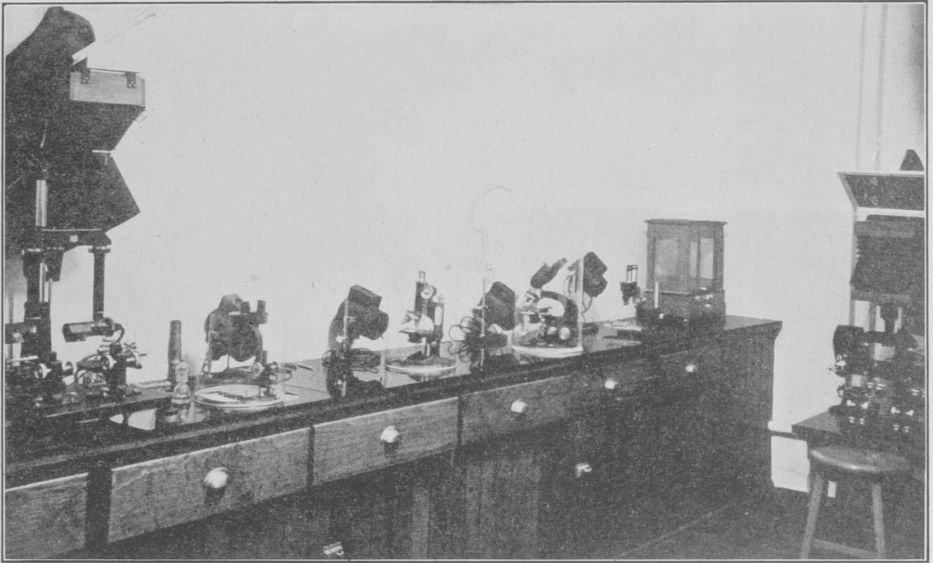
THE LECTURE HALL

Where the major portion of the class work is done. Our open forums are held here also when classes are in session. On these occasions lecturers take the stage jointly and are subject to questions dealing with the work they have covered. "Oswald" the dummy is in the corner.

subjects as Finger-Prints, Photography, and Map and Plan drawing. The writer covers Forensic Ballistics and a subject of more or less questioned merit—Lock-picking. Inspector Jones brings to his interesting lectures on the Criminal Code a profound knowledge of this subject and Inspector Nicholson probes and clarifies the mysteries of conspiracies. Sub/Inspector R. M. Wood instructs in a variety of subjects such as Glass Fractures, Portrait Parle, Modus Operandi, and Etching. Many subjects are dealt with by Honorary Lecturers: W. C. Lackey, Esq., the Western Representative of the Fire Underwriters Investigation Bureau, delivers a series of lectures on the intriguing subject of Arson; Dr. McNeil, Superintendent of the North Battleford Mental Hospital and Commissioner for Mental Diseases for the Province of Saskatchewan, talks on Psychiatry; Chief George Smith of the

Winnipeg Police Department or his Deputy, lectures on such matters as "Policing of Larger Centres." Co-operating in this same manner, Chief David Ritchie of Calgary, Colonel W. W. Foster, Chief of the Vancouver City Police, the Rev. Harry Atkinson, who lectures on Juvenile Delinquents, and many other public officials give the invaluable benefit of their knowledge and experience.

In addition to their duties in connection with the advanced courses, the Laboratory Staff finds time to instruct recruit classes and the various squads from Western Divisions attending seasonal refresher courses; also, it must not be forgotten that over and above all this, the Laboratory Staff must attend to their regular duties, that is, the examination of material submitted in cases under investigation and attending Court at near and distant points as expert witnesses.



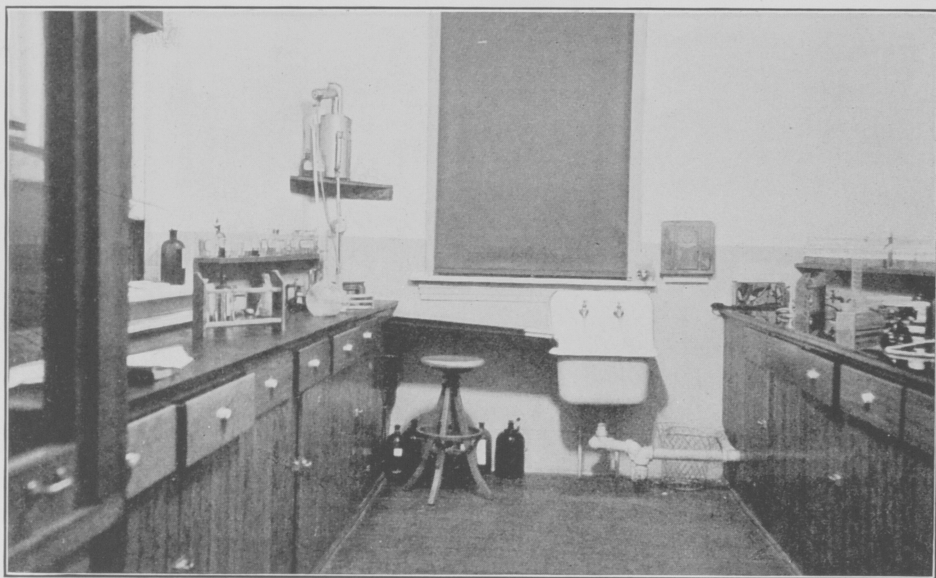
A CORNER OF THE MICROSCOPE ROOM

To the right stands the Bausch and Lomb large Comparison Microscope. In the far corner our Becker Chainomatic balance, to the left of that is the Twist Microscope then the Research Microscope, a three power Bausch and Lomb Microscope and the Ortho-Stereo Microscope. At the left is a Spencer large Comparison Microscope.

The Laboratory and Lecture Hall are located in the old Divisional Mess in "C" Block and a Work Room for the Class taking Moulage, Plaster Casts and Etching (the raising of filed-off gun or automobile numbers), is located in the room immediately over the Lecture Hall. Offices of the Director and Sub/Inspector Wood are in the annex facing the entrance; there, also, is the Laboratory Library, which comprises a complete collection of books dealing with the subjects in which the members of the staff specialize. The Lecture Hall, located in the south-east portion of the old Mess, is furnished with the most modern desks, a platform, lectern, black-board and screen. A slide lantern and the latest film projecting and sound equipment are used by lecturers. "Oswald," a dummy, the victim of many murders and the principal at many "scene of the crime" tableaux enacted

at our Model Instructional Farm, is always in silent attendance. In the Display Room we find a variety of interesting exhibits, the Fluoroscope, an Ortho-Stereo Camera and Ortho-stereoscope and other equipment, including one of the largest identiscopes in operation.

The Finger Print and Document Examination Office is complete with filing cabinets and reference data, while in the fully equipped Microscope Room the Director and the writer have at their disposal one of the most complete arrays of microscopical instruments on this continent. The visitor will note that two large comparison microscopes predominate, one by Bausch and Lomb, the other by Spencer. In this room stands the slide cabinet which contains an ever-increasing collection of hair and other microscopical specimens—one of the Director's joys. In the well-equipped Chemistry Room, Surgeon Powers operates with his retorts and test tubes. Behind the



THE NORTH END OF THE CHEMISTRY ROOM

To the left we have the gas and evaporation chamber, then the fume cabinet. The Barnstead still stands on the shelf in the far corner. This room is equipped with gas and electric outlets and a sterilizer, also shelves for drug and chemical bottles.

Lecture Room is the Camera and Dark Room with a complete developing tank system and printing outfit. Here also is to be found a five diameter enlarger, and other up-to-the-minute equipment. Immediately below is the Exhibit Room, Store Room and Cold Storage Room where specimens brought in for examination are kept. Here, the Director has accommodation for certain phases of his work, and there is a range for the testing of arms and the firing and recovery of test bullets. Also in the basement is the comfortable home of "Peter the Rabbit" and his furry companions; the donors of anti-human and other sera.

During the last five months, Surgeon Powers made fifty-three blood examinations, twenty-four hair and fibre examinations, eighteen seminal stain examinations, twenty-two finger nail scraping examinations, and many other examinations of a kindred nature. Corporal Lett examined a total of

seven hundred and seventy-eight documents. A/Corporal Mallow scrutinized one hundred finger print exhibits. He made five hundred and forty-two prints, and three hundred and forty-one enlargements and also submitted three plans of crime scenes. Two hundred and forty-six forensic ballistic examinations were made in this same period.

The Laboratory staff gave lectures totalling four hundred and sixty-seven hours, and during the same period members were absent on investigations or attending Court for a total of sixty-two days.

We are receiving work from all the Divisions of the Force. It was only the other day that a rifle and evidence bullet came in for the attention of the writer from a detachment on the Atlantic Seaboard.

The business of the Laboratory is conducted in a manner designed to meet with the approval of any Court in the land, and our staff is steadily acquiring a most enviable reputation. Surgeon Powers' qualifications are well known; he is a graduate of McGill University and did post-graduate work in New York. Some fifteen months further work was done by him, in preparation for his present position, under the Chief Medical Examiner of New York City.

Corporal Lett has studied under some of the most able and renowned authorities on his subject, as did also the writer, in addition to many years of part-time study in our own fields of endeavour.

A/Corporal Mallow is a graduate of the University of Saskatchewan, having taken his degree of Bachelor of Science in Civil Engineering in 1932. Accepted in Courts in each of the Prairie Provinces, he has merited on more than one occasion the commendation of Bench and Bar in regard to the manner in which he has given evidence.

To those who will in the future leave home and detachment to attend an advanced course in Regina, I can say that you are bound for a totally different school from that which you experienced at "Depot" in the past, even as recently as two years ago. You will receive instruction in the very latest and most modern methods of Crime Detection, which are bound to prove of help to you as a policeman, and will enable you more efficiently to serve the public.

Prize Winning Articles — October Issue

THE FOLLOWING prizes have been awarded for the best two articles in the October issue of the Magazine.

Corporal D. A. Fleming—"The Cradle of the Force"—\$12.50.

A/Lance-Corporal J. Robinson—"Indians and Cariboo—Great Slave Lake District, N.W.T."—\$12.50.

In the opinion of the Editorial Committee the two articles referred to above were considered to be of equal merit and prizes were therefore awarded on the same basis to the respective contributors.

The Chinook

by INSPECTOR A. F. C. WATTS

*"The wind-filled West seemed terror-filled—and I?—
I fear its bringing,
Next moment, 'neath that very self-same sky,
A lark came—singing!"*

—EGBERT SANDFORD.

THE COLD snap had held the country in its grip for nearly three weeks. Day after day the sun had shone with a cold glare, dulled by the frost particles that drifted through the still air like sparkling coruscations of glass; at night the Aurora Borealis marshalled its myriad flickering lights along the northern sky, advancing and retreating, now blazing, then dying, till the sky lightened for the dawn.

The thermometer that hung outside the door of the ranch-house had registered ten, twenty and thirty below zero, and was still dropping, the mercury threatening to retreat into the bulb altogether. At night, after with numbed hands, we had scattered hay to the lowing cattle round the corrals and fed and blanketed our stabled horses, we would heap high the woodbox behind the big heater in the living-room, load it to the lid with dry poplar, open the dampers, and sit down before the blaze to take off our steaming mocassins, thanking our lucky stars that there was plenty of wood anyway, and a quarter of beef hanging in the meat house.

The frost was thick on the window-panes and lined the wall just inside the door where the cold air had penetrated. The cattle in the yards, their coats white with frost, would bed down close together under the sheds at night, while those out among the hills, that had been left out on the range for the winter to 'rustle' their own sustenance, sought the pine bluffs on the slopes,—not the valleys, for there the frost strikes the hardest. Even those hardy little vagabonds of the hills, the coyotes, kept to their dens at night, and their weird outbursts of nocturnal serenading were seldom heard.

Then one day the change came; when the day dawned, the tense cold was still apparent, but the sky was a shade more blue, and the frost particles were no longer falling. We had a busy half hour on the creek ice cutting a slope down to the water-hole for the cattle, for the water had sunk over a foot and they could not drink without kneeling.

The yearling colts in the feed-lot were playfully biting and kicking at each other as they lined up at the freshly filled hayrack. And even the more tactiturn cows, after raising their noses and scenting the air, wended their way along the trail to the pasture, their first move from the vicinity of the corrals for weeks.

We were riding that afternoon on the slope of a long range of hills to the west, looking up the cattle that were failing in flesh owing to the protracted cold, and that would have to be taken in to feed. We pulled up our horses in an open space in the poplars, where we could view the masses of white hills rolling up to the base of the frowning mountain range in the background. And then we heard it,—just a faint far-off murmur at first, like the distant sighing of the sea. Over the mountains to the

south-west some white fleecy clouds were rising, and masses of them completely hid the higher peaks and tumbled down their slopes towards the lesser hills.

We rode on, and the sound that was before distant and vague, grew clearer. It was a wind that was coming over the ranges and down the valleys from the south-west. Across on the next hill it reached a bluff of snow-laden pines, and scattered the snow from their branches in a white haze. A puff of wind fanned my cheek; it was not the stinging frost-laden breath of the Arctic, but a deliciously warm breeze that had its origin in the far Pacific Ocean itself, had swept clear through the grim fastnesses of the Rockies, and, gathering strength and swiftness as it came, would not expend itself until the welcome warmth had been felt for two hundred miles out on the Alberta plains.

This was the 'Chinook', that comes unheralded across the mountains, often in the depths of winter, and usually after the longest cold snap of the season. Many theories have been advanced as to its origin and power, some of them sensible and some fantastic; but that afternoon scientific theories did not trouble us. We turned our horses' heads towards the home-ward trail, knowing that now our range cattle would continue to 'find their meat in due season' in perfect safety.

Next morning the transformation was complete. Our thermometer had amply justified its existence and had risen nobly to the occasion,—over the freezing mark. The mountain ranges stood out clear against the sky, but above them was a sweeping crescent of white cloud, its edges dropping to the tips of the hills to the north and south. It appeared as if a vast curtain was being slowly raised by the hand of the Creator, to disclose one of the sublimest spectacles of Nature,—a mountain range, snow-clad, shining in the sun. This was the wonderful 'Chinook Arch', which, although not of the variegated colour of its twin brother, the Rainbow, is a more substantial and potent symbol of the 'Hope that springs eternal'.

On the open slopes of the foothills the snow had almost gone, and the cattle wandered there and fed in content, their backs to the wind. Nearby, the snow, instead of rustling underfoot like powdered sugar, was soft and slushy, and little pools of water appeared in the yards and on the three foot thick ice of the creek. That afternoon we discarded our mitts, fur caps and mackinaw coats, and worked in our shirtsleeves, while ever the snow faded like magic from the hills, and the eternal harmony of the wind sighing in the trees filled our hearts with gladness.

Usually in a few days, the Chinook will blow itself out, or be beaten back by a stronger snow-laden wind from the north. It cannot be Spring that has come, two months before its time. But we have no cares for the future; we drink our fill of the balmy air, with gay abandon get our boots wet through in the slushy pools, and sing as we go bareheaded about our work.

Then, if for a space, the silence of winter again enwraps the white hills; if once again the cattle seek shelter from the cold, while the Aurora Borealis stabs the northern sky, we will still go forth to our labour with a song. For have we not seen the little hills clap their hands and sing and the mountains bow themselves before one of God's sublimest gifts, the Chinook Wind!

The Morbid Obsession

by CONSTABLE A. E. THOMAS

THE PROBLEM of the determination of the degree of culpability of an individual who has committed a criminal act is sometimes associated with great difficulties. A variety of factors may enter into the solution of this problem. An illegal act may be committed accidentally or unexpectedly and independently of the individual's will. It may be committed under an unavoidable necessity, such as in cases of protection of one's self or one's family. It may be committed under extreme passion or anger, when consciousness becomes blurred and cerebral inhibition is obliterated. It may be committed by insane individuals whose delusional ideas, whether accompanied or not by hallucinatory images, develop morbid impulses or deliberate and well planned criminal tendencies. Finally, illegal acts may be committed by individuals who, though not insane in the strict sense of the word, are nevertheless different from normal individuals by their power of reasoning, by their sentiments, tastes, sympathies, etc. To this class belongs the large category of psychopathic individuals, also the mental defectives.

Morbid impulses in psychopathic individuals and in mental defectives with the object of determining the degree of their responsibility or irresponsibility is a matter of some concern. Policemen today are constantly investigating crimes in which the above factors are existent.

The study of morbid impulses is very important and presents numerous interesting features. They constitute episodic manifestations in the life of psychopathic individuals.

Psychopathy is a condition which is a deviation from the normal type of humanity. The most important items in psychopathic individuals are found in their psychical sphere. The development of their intellectual faculties is irregular and there is a lack of equilibrium in their faculties. Their mental instability is sometimes extreme. They are emotional, afraid, extremely sensitive, suspicious, egotistic, and may be affected with moral perversity of the gravest nature.

When a morbid obsession occurs, the cerebral centres are invaded by a certain idea which remains fixed and which, unless eradicated, eventually suppresses all antagonistic ideas. This is accomplished not without a struggle, but the tenacious idea is accompanied by a moral pain, so intense, that it dominates the will, and the individual, perfectly conscious of what is going on, yet helpless, finds himself irresistibly forced towards acts of which he himself disapproves. The obsession leads to an impulse and these two phenomena are in the same relationship as a thought to the act.

The elements of morbid impulses are: (1) Sudden function of a centre or of a group of isolated centres without participation of reason or of the conscious ego; (2) Momentary impotence of the will controlling the act.

Both the state of consciousness and the apparent lucidity, are misleading for those who are not familiar with these disturbances, and judicial controversies are therefore to be expected.

A psychopath who becomes fatigued, whose nervous system becomes exhausted, may develop obsessions and morbid impulses. Depressive emotion, prolonged intellectual effort, prolonged waking states, excesses, infectious

diseases, intoxications, are all provoking causes of morbid impulses in a psychopathic individual.

Obsessions and irresistible impulses may effect crimes of all categories. Arson, rape, all varieties of sexual perversion, may be committed by a psychopathic individual under the influence of obsession.

The evolution of the symptoms of obsessions with irresistible impulses presents nothing typical—it may be periodical and intermittent. Sometimes it appears for a short period and disappears completely. In other cases it is slow, remains stationary for years. In still another series of cases, the symptom disappears, but recurs from the slightest cause.

Usually, morbid impulses for minor offences are frequent in psychopathic individuals in general. Irresistible impulses for acts of more serious offences, such as homicide and suicide, are not frequent. They are encountered often in insanities, in which the individual kills, or suicides, because he is under the influence of a delusion, or hallucinations of a terrifying nature.

A woman suffering from melancholia is mentally tortured by her delusions of physical worthlessness, or of deserving punishment for imaginary misdeeds. She hears voices berating her for her wrongdoings. Such a woman will seek relief from her torture and finally commit suicide. Sometimes her ideas differ and she imagines that her husband and children will suffer; in order to save them, she prefers killing them herself and acts accordingly.

A *Paranoiac* may develop in his diseased mind a grudge against persons whom he believes are persecuting him—he hears their voices. Another *Paranoiac* will receive messages from God, through spirits, who order him to accomplish his task and destroy all obstacles in his path. Such individuals will exhibit irresistible impulses, ordered by their delusions, and commit homicide.

In *Dementia Praecox*, when youth commences to show signs of dementia, he develops hallucinations and delusions, commits excesses and assaults of the gravest character, kills, or commits suicide.

A *Senile Dement* forms delusions of being defrauded, robbed, believes himself being persecuted. Frequently delusions make him plan ridiculous affairs and, if frustrated, he assaults or kills. Assaults of senile demented on very young girls or children are common.

In *Toxic Insanities* the delirious and confusional states are frequently accompanied by delusions and hallucinations; morbid impulses are then easily formed.

In *Epilepsy*, after the motor manifestations are over, the patient remains in a confusional, delirious, or stuporous state, during which irresistible impulses may develop and a crime may be committed. Sometimes the epileptic attack itself may consist of a sudden, irresistible impulse for attacking, assaulting and injuring.

When a morbid impulse is the result of an obsession in a psychopathic individual, the characteristic features of the act are: the lucidity of consciousness and conscience, with the tormenting mental struggle before the act is accomplished; thus, that *Morbid, Irresistible Impulse* with all its finality, with its complete disregard of anything save its own accomplishment; where friendship, and affection are cast out to the extremes; where danger and pain are disregarded; then the act, vicious, cunning and cruel, or with lightning speed to create the maximum of mischief, or with smooth

words or unspoken gestures to inject the jealous barb; subsequently the reaction, with realization of the act committed and its irrevocable results.

With reference to *Mental Deficiency* there is a long scale of varieties beginning with mental monstrosities and ending with slight mental reserve. When the intellectual powers are involved in their entirety, idiocy is existent. When mental development is only incomplete and is, therefore, compatible with the existence of some intellectual manifestations, imbecility is existent, in varying degrees.

From the standpoint of mental responsibility before the law, it is not necessary to dwell at length on idiots. The complete absence of intelligence, of moral conceptions, of sensibility, places a barrier between idiots and the exterior world. Education has no hold on them and impressions leave no trace in them. Instinct alone guides their actions. Their life is reduced to an automatic indolence.

In *Imbecility* there are rudiments of intellectual and moral development. With a great deal of patience and perseverance one may succeed in training and teaching imbeciles in certain moral principles. In the world of morality, however, he exhibits instinctive tendencies of a low order. Cruelty, sexual perversion, masturbation, excesses of all kinds, and other characteristics lead frequently to abnormal acts. Theft, arson, and homicide are common in imbeciles.

Following up one step higher than the imbecile is the group of mental feebleness. The number of individuals under this category is great and many varieties are met with. This group presents, generally, a mentality inferior to the normal and their intellectual development is delayed and reduced. It is a common observation that one of the chief characteristics of feeble-minded individuals is an obtuseness of conscience. It may be that the mentally deficient person has some conception of right or wrong; he may feel that he does wrong, but does not possess the aversion which would be characteristic of a normal individual. Egotism is one of the most outstanding symptoms of the feeble-minded—such a psychic orientation leads either to a dominating attitude and intolerance or to a pronounced inferiority complex. Envy or jealousy is another derivative of egotism.

Another typical feature of mentally deficient individuals may be mentioned,—*impulsive* phenomena. They are spontaneous and involuntary psychic manifestations. Normally our acts are controlled by two factors—desire or an impulse for action on one hand and reasoning on the other. The latter controls and inhibits the former. When the intellect is defective, the impulse predominates and the desired act is executed no matter how deleterious it may be. In some cases the mentally deficient will attempt to reflect upon his premeditated act; he may appreciate the immorality and criminality of an illegal act, but the appreciation and meditation are not profound enough to overcome the instinctive tendency and the individual succumbs to the latter. Morbid impulses may be manifest not only in criminal acts of a serious nature, but also in minor acts. The tendency to excesses, however, is common in these cases. The question of responsibility of individuals presenting morbid impulses is important and a difficult one.

Early society saw crime as a punishable act. The criminal was always punished, no matter what his mental state was. The Romans were appar-

ently the first to distinguish between the sane and the insane. Eventually humanity was convinced that insanity was a disease and that there was no crime if the person committing it was insane. Gradually the realm of responsibility became larger. Criminologists, psychiatrists and students of normal and abnormal psychology, etc., admitted that a psychopath, presenting pathological impulses, could not be considered fully responsible for his criminal tendencies and acts, and that, instead of sending him to prison, he should be taken from society and placed in an institution to receive medical treatment.

Regarding mental deficiency, besides a degree of intellectual inferiority, there is an inherent deficiency of inhibitory power. The whole life of mental defectives is composed of incidents of an instinctive nature, as the instinct predominates in them; therefore, their actions are the result of impulses. These individuals may be aware of the illegality of a certain act, they may realize that murder, assault and arson, which they commit, are morally wrong and punishable by law, and yet they cannot by reason of the very nature of their mental inferiority be held totally accountable for their actions.

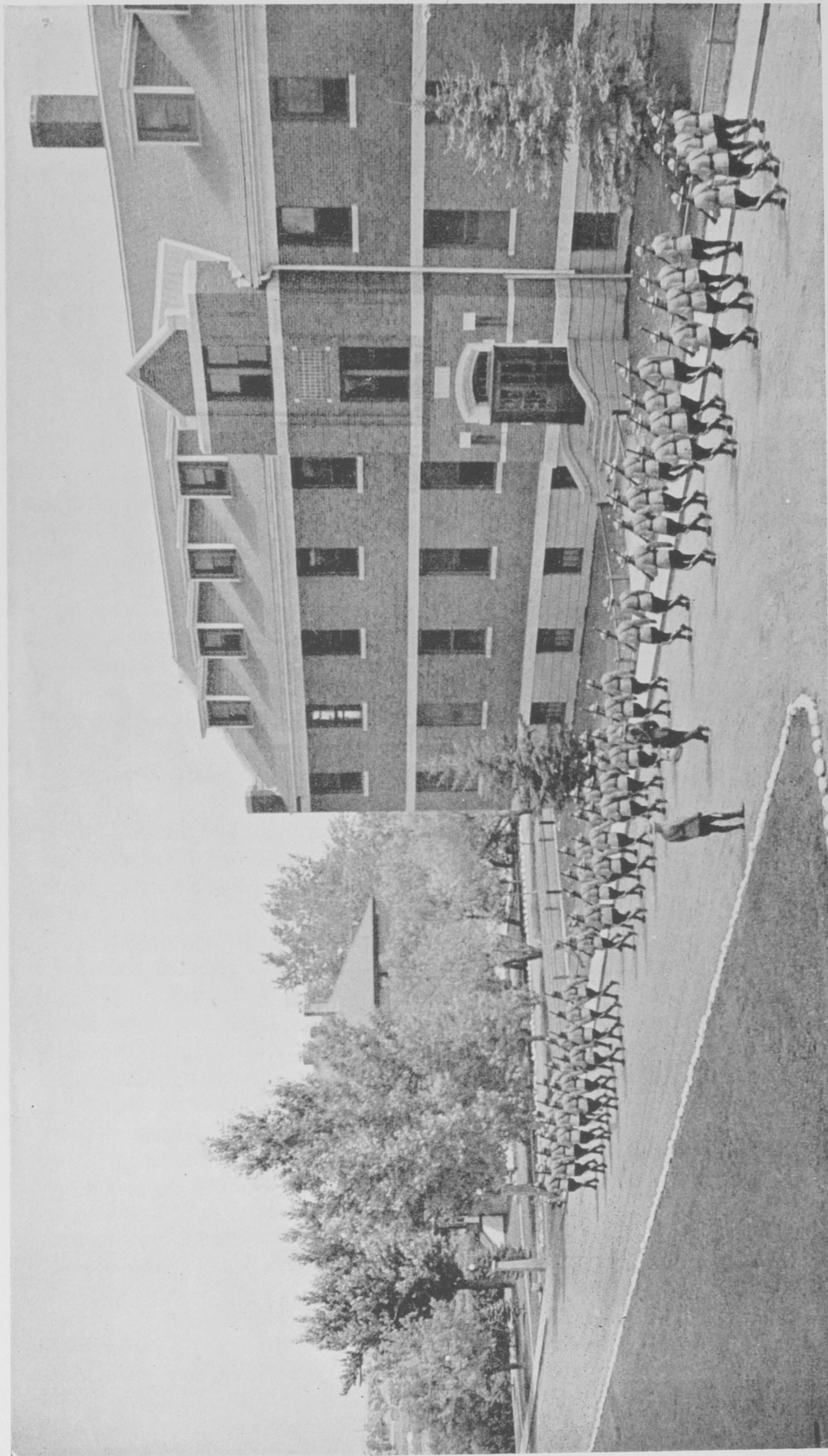
That degenerates with morbid impulses are irresponsible is a matter in regard to which Judges, alienists, etc., differ in opinion.

When a crime is committed without apparent motive, while it is accompanied by a perfect integrity of conscience, and preceded by a mental struggle, there would appear to be no doubt but that it was the result of a morbid obsession. In some cases of paranoia, the patient will artfully and skilfully conceal the subject of his delusion.

There is a frequent conflict between medical and legal conceptions of insanity. The law admits that a man with one fixed delusion may be sane on every subject when he touches upon the delusive thought and Judges argue that he can be considered sane before or after a crime is committed, but insane during the act. From the medical standpoint such an argument is, of course, unscientific for, if delusive ideas are apt to originate in a brain, the function of its constituent elements is certainly disturbed. According to the Medical profession, therefore, an individual thus affected should not be considered responsible before the law before or after the crime.

Creators of laws and administrators of justice have usually viewed only the social side of the law and usually are not at all interested in psychological and medical studies which present a different concept of criminality and of the criminal himself. Penal legislation and legal medicine have been distinct and separate sciences, but criminology must rely on both branches of human knowledge. Undoubtedly, a unity of these two sciences is an indispensable and an essential condition of progress. Criminology's object is the formation of positive laws concerning crimes and the discovery of remedies for them. With this in view, it takes, from medical and legal sciences, data needed to form a scientific foundation. By the union of the two sciences, progress will indubitably be assured.

Human liberty and responsibility are two serious elements of life and cannot be dealt with in a purely technical manner. In studying a crime, it is essential that a study of the criminal be made and, in each crime, two factors should be distinguished, viz: the conditions under which it was committed and the psychic characteristics of the perpetrator of the crime.



R.C.M. POLICE RECRUIT SQUAD AT FOOT AND ARM DRILL, "DEPOT" DIVISION, REGINA

The Training Depot, Regina

THE TRAINING DEPOT, Regina, is the place to which recruits are sent if they are fortunate enough to pass the high standard physical tests demanded by the R.C.M.P. authorities. Here, a picked few from hundreds of applicants are given six months' probationary training, the exacting requirements leaving within the ranks of this great force no material but the best. And it is at Regina where these men are moulded into the finest type of individual policemen in the world.

After six months of hard training and preparation, they are appointed 2nd/Class Constables only after oral and written examination. This is followed by an additional six months of even more exacting demands. Though a man may get through his initial probationary period, it sometimes so happens that he lacks some quality which is especially required, and is not passed into the charmed estate of Constable, Royal Canadian Mounted Police.

The fortunate ones go into intensive training in drill, equitation, and learn, too, the true meaning of discipline and devotion to duty. Later, when the budding Constable shows special aptitude, leaning to certain of the many departments, he is given special instruction to further his usefulness in that direction. From these small beginnings may be developed men of extreme usefulness to the Force. And it is because of this method of progressive training, combined with the special study of the individual,



RECRUIT SQUAD TAKING INSTRUCTION IN TYPEWRITING, REGINA

that the Force of today has become the Empire's finest, necessarily so since the criminal element has also at its command better equipment with which to work. The many recent contributions of science, constantly making things easier for humanity, have contributed to the law-abiding citizen and criminal alike.

New equipment being used by the Force enable the "Mounted" to more than pace the trend, and however tough a criminal may be, however well equipped with man's inventions, the Royal Canadian Mounted Police can always go one better.

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The Radio as an Aid to Law Enforcement

On October 12th the first broadcast from Depot "F", Division Headquarters, went on the air. Twice daily now regular service is in effect, and all police detachments within range listen in at 10.35 a.m. and again at 3.50 p.m.

The broadcast is conducted direct from Inspector Nicholson's office, C.I.B., at Headquarters, by members of the Force, through Regina Station CKCK. The bulletins are read into the microphones for seven-minute periods. All police detachments within range are tuned in, and such items as missing persons, persons wanted, breaking and entering and descriptions of persons connected therewith, are a few of many items included. The travelling criminal of today whose misfortune it is to enter within the blanketed area can entertain little hope of making his getaway in Western Canada. The public is especially invited to co-operate and listen to these daily broadcasts and communicate immediately any information that might expedite the apprehension of criminal element. And although Canada, since the formation of the Force in 1873, has been a difficult spot in which to successfully conduct crime, the aspect now might well be termed hopeless from the operating criminal's viewpoint.

Scarlet & Gold recently spent several days at "Depot". It is perhaps the most difficult place to obtain information that the man-on-the-street might term "glamorous" concerning operating methods. But then it is the easiest place in the world to make friends, your correspondent discovered, and we are especially indebted for most courteous treatment and happy associations.



MOUNTED SQUAD AT THE TRAINING DEPOT

From the various operating departments, one is taken through the men's quarters, thence to the mess room and kitchen, where, on electric stoves, clever chefs cook food of the finest quality. Electric mixing machines and mechanical dish-washers are only part of the comprehensive equipment. Back in the "pantry," shelves are lined with all manner of good eats, including canned goods of the best quality. Sacks of sugar and flour piled high; packages of breakfast foods, tinned milk and jams, all go to make up the larder of the Mounted Policeman of 1938.

Finest Criminal Research Laboratory in Canada

From the C.I.B. (Criminal Investigation Bureau) Canadians have learned to expect nothing but the finest work. It is a department therefore that receives special attention. Dr. M. Powers, one of the cleverest authorities, is in charge of the laboratory at Depot and has at his command perhaps the most comprehensive collection of scientific instruments under one roof in Canada—perhaps in North America.

Microscopes, copying cameras, and other instruments, sit in neat rows, ready to go into service at a moment's notice in the interests of law-abiding Canadians. If you are fortunate, you might see the latest instruments known to science, each of specific value to suit every phase of crime detection. Fingerprints, for instance, invisible one moment to the naked eye, may be thrown onto a screen a few seconds later with each line and whorl reproduced to a size larger than the whole finger itself. Here, too, plaster casts are made of footprints, tyre treads and other objects.

Of the members of this famous Force who dislike the hackneyed phrase juggled by story writers, "they get their man," no truer expression can be coined to better description.

Away from the main buildings is the riding school and beautifully kept stables in which superb horses are cared for. Shining harness, white-washed walls, the smell of saddle soap, all assail the eye and nose together. And if you have thrilled at the spectacle of a scarlet mounted troop on parade, you realize instantly that their smartness, glittering accoutrements, and the sleekness of the horses is brought about by meticulous care to detail in their administration.

"I have travelled a bit and I've seen some good men,
But it's once in a lifetime the Master occurs,
And I know, though I shall never see him again,
There was a horseman, 'from Stetson to Spurs'!"

But to see a whole troop . . . may we be pardoned for the liberty in saying . . . "That is *something*!"

Letters of application from men and boys, practically the world over, pour into R.C.M.P. Headquarters at Ottawa, but few indeed may entertain the slightest hope of enrollment.

The strength of the present Force is just over 2,400, plus an additional 400 civil staff which includes stenographic help, bringing the grand total close to the 3,000 mark. The job of policing Canada from the United States border to high above the Arctic circle is a big one, but most ably handled by the Royal Canadian Mounted Police.

Northern Service

by CONSTABLE L. H. NEVIN

MUCH HAS been written at various times on articles dealing with Police work in the Arctic and sub-Arctic. These, with few exceptions, have dealt almost exclusively with the trials and difficulties experienced on long-distance patrols, while little, if any mention has been made of the multifarious and more prosaic duties, which are none the less important and fully occupy the time, energy and thought of personnel of the Force stationed in that portion of the Dominion known as the North-West Territories. The age old belief that the Northern detachment man leads an harmonious existence made up of hunting, numerous patrols, and many hours relaxing in a horizontal position with a minimum of responsibilities—dies hard. Indeed, many members of the Force who have not seen service in the North, have a somewhat hazy conception of the duties devolving upon the Northern detachment man and are prone to regard him—after a term of service in the Arctic, as “Strong in the back but weak in intellect.” To this belief may be attributed the origin of the appellation “frozen brains,” with which form of greeting Northern men are often met with on their return to the Provinces.

That it is impossible to generalize on conditions and work in the Arctic as a whole, is obvious, as conditions in the several districts vary considerably. For example, work and conditions encountered in the Eastern Arctic district—where there are but few white residents—differ in a great degree to those encountered in the Western Arctic district—now served by an efficient air mail service, and whose numerous white residents can avail themselves of the advantages of a modern wireless telegraph system. Increasing use of the aeroplane, radio telegraph facilities and extensive mining development, resulting in an influx of white settlers, has wrought many changes in the Mackenzie River and Western Arctic districts, adding considerably to the many duties already performed by the Force in that area. With the inroads of civilization, the administration of law and order amongst the native population brings forth its new problems. The average native is no longer the simple minded, unsophisticated individual popular fiction would have us believe; a certain amount of education and daily contact with the white man has vastly altered his habits, outlook and mode of life—whether for better or worse time alone can tell; be that as it may, in this enlightened age investigations concerning natives transgressing the laws requires very different handling as compared with some years ago.

To deal in detail with all duties performed by the Force in the North is, for lack of space and time, impractical. The following brief remarks dealing with some aspects of the duties and work in the Western Arctic, in which district the writer has seen service, may be of interest and may in some measure help to give others a clearer conception of Northern service and its responsibilities.

Collection of revenue forms a great part of the work on most Northern detachments; in this connection it is interesting to note from the 1936 Annual Report of the Force, that “G” Division—comprising all detachments

in the North West Territories, for the year ended March 31st, 1936, collected the huge sum of \$109,514.81. That the work, both clerical and otherwise, involved in the daily collection of revenue, is considerable, can readily be understood, demanding, as it does, at least a working knowledge of the ramifications, machinery and regulations of many other Government departments, when it is remembered that this revenue is derived from such sources as—Dominion Income Tax assessments, Naturalization fees, Fur Export Tax, Fees for Game Licenses, Customs and Excise collections, Mining Licenses, Crown Timber fees and many others. It is worthy of mention that returns submitted to the various departments of the Government, accounting for revenue collected, are subject to check by officials, each a specialist in his own particular branch. It will be seen that a thorough study of Departmental regulations concerning the collection of revenue, by detachment personnel, is essential.

Income Tax regulations particularly, require careful study; work entailed in this respect presents many harassing problems. Incomes and earnings of all residents of the N.W.T. have to be investigated and separately reported upon. Usually the Detachment man, after long and patient questioning to elicit the necessary information, and lengthy explanations of the various exemptions, items of depreciation, etc., has to compile the required Departmental forms, and in short satisfy the reluctant taxpayer that his Income Tax business has been competently dealt with.

It is pointed out that most residents of the territories own large quantities of equipment such as boats, canoes, engines and cabins, therefore the compilation of Income Tax Forms requires much thought and time, especially as is often the case, where partnerships have to be gone into. In civilized communities lawyers add to their income from fees charged individuals for the proper submission of forms required by the Income Tax Department. The recent Departmental ruling that Eskimos are taxable under the provisions of the Income Tax Act, calls for an infinite amount of patience in educating the native mind in the requirements, why and wherefores. Ascertaining the earnings of these people—to which, more often than not, they are blissfully indifferent, gives rise to some amusing incidents. At a recent date, an Eskimo, being initiated in the profound mysteries of Income Tax by a member of the Force was heard to exclaim with more than a little emphasis that he didn't want to "buy" any income tax, the "price" in his opinion apparently being exorbitant!

Fur export Tax and Game Licenses are perhaps the chief sources of revenue in the Territories. All fur for export, which is considerable in quantity, is inspected and checked by members of the Force. Permits, on which the various kinds of fur are enumerated are made out in favour of the exporter, authorizing its export and taxes imposed thereon collected. Each bale of fur is tagged and a special seal affixed in accordance with the regulations governing its export. Game Licenses are issued to, and fees collected from numerous applicants. As there are many classes of licenses—the fees for which range from \$2.00 to \$300.00, it is necessary to investigate the status and residential qualifications of each applicant, to determine if he is entitled to a license and to ensure that the proper license is issued.

Much revenue is collected and work performed on behalf of the Customs and Excise Divisions of the Department of National Revenue. Several posts in the Territories have been established as Customs Outports and members of the Force appointed Sub-Collectors of Customs. Collections are made on all dutiable articles imported through the several Outports and clearance papers for ships and aircraft operating in the Territories are made out and forwarded.

Duties in connection with Crown Timber regulations devolves upon those members of the Force stationed in timbered areas of the Territories. Part of this work entails the receiving and checking applications to cut timber; the issuance of necessary permits; collection of fees, and the forwarding of revenue and returns to the Crown Timber Agent for the district. Patrols are made to check the actual quantity of timber cut under authority of permits issued.

Records incidental to the enforcement of the Vital Statistics Ordinance are kept by all detachments. Deaths, births and marriages of residents of the Territories, both white and native—with the exception of Treaty Indians—are recorded. Returns are compiled and forwarded at regular intervals through the proper channels to the Registrar General.

Assistance to the Public Administrator in investigations relative to the estates of deceased persons in the N.W.T., is another duty demanding much time and effort. While comprehensive instructions are available dealing with this phase of police work, many new and unforeseen problems and difficulties crop up, the solution of which depends largely upon the discretion and good judgment of the member conducting the investigation. Long and complicated enquiries may be expected in the case of persons dying intestate. In such cases complete inventories of all personal effects and property have to be made; perishable goods disposed of to the best advantage and requisite action taken to insure that all property belonging to the estate is properly safeguarded until instructions are received regarding its disposition, which is usually by means of public auction, a member of the Force acting as auctioneer. Claims made against the estate are carefully investigated and when submitted are supported by Statutory Declarations. The existence or otherwise of debtors to the estate has also to be established. Documentary proof in connection with births and marriages of dependents and relatives of deceased may also have to be procured, in order that the Public Administrator may be in full possession of the facts relating to the case when considering the legal rights of the various beneficiaries. It may be stated that the Force acts for the Public Administrator in matters concerning the estates of all deceased whites, half-breeds, non-treaty Indians, and Eskimos. In many instances, enquiries of this kind, because of their complicated nature, and due to the fact that large quantities of property of the estate may be scattered over a wide district, drag on for a considerable time. The case of a trader who died some time ago may serve as an illustration of the difficulties and delay sometimes experienced in dealing with deceased persons estates. The trader in question had up to the time of his death been operating a trading store, catering chiefly to Indian trade. After his death, members of the Force detailed to deal with the affairs of the estate, found his records to be in a state of extreme confusion. His bookkeeping methods had been,

to say the least, haphazard; from those records available—which were anything but complete, a list of debtors to the estate, numbering several hundreds, was compiled. The magnitude of the task of contacting and interviewing these debtors—the majority of whom were Indians—and endeavouring to collect the various sums involved, can well be imagined. Many debts were repudiated entirely, it being put forward by some of those interviewed that payments had been made, but had not been credited to their accounts owing to the admittedly careless manner in which deceased had kept a record of his business dealings. To add to the difficulties of this enquiry, considerable equipment, located at widely separated points, was involved, and numerous claims were made against the estate. That it is almost impossible to speedily conclude enquiries such as these, is readily apparent.

Civil Process matters in the North West Territories and duties pertaining thereto, became the responsibility of the Force at a comparatively recent date. Many cases have been disposed of since that time. Members of the Force are appointed Baillifs in each particular case and as such are empowered to make seizures under authority of Writs of Execution issued by the Supreme Courts. The prompt satisfaction of a Writ of Execution naturally depends on the financial circumstances of the Judgment Debtor, who in most cases is a trapper earning a precarious livelihood. Here it is most essential that the member entrusted with the case has a good knowledge of Civil Debt Procedure, and where seizures are made, great discretion has to be exercised lest the debtor be deprived of articles necessary for his livelihood.

The problem of destitution in the North West Territories and the issuance of relief rations to indigent whites and natives is one with which most detachments are vitally concerned. During the many poor fur and hunting years, this duty takes up much time and no little work is entailed. To encourage the natives to be thrifty and self-supporting is the aim and object of the detachment man, who is well aware that many natives are habitually lazy and improvident and are only too willing to be supported at Government expense for an indefinite period. Thorough investigation of the circumstances of each relief applicant is made; in this the detachment man has wide discretionary powers and it is with him that the final decision rests as to whether the case is one of genuine destitution. It is his duty to see that charges made for relief issues are properly allocated, either against the Department of Indian Affairs for Treaty Indians, or the Department of Mines and Resources in the case of whites, Eskimos or non-treaty Indians. To determine whether an Indian is Treaty or non-treaty is often no easy matter; very often they themselves are unaware of their Treaty names or numbers as listed on Departmental records.

Naturalization of Aliens in the territories is a duty of considerable importance. In addition to the investigation of the applicant, those vouching for him, and the rendering of the usual report form on the result, all application forms (which in civilization would be handled by lawyers acting on behalf of the applicant) are submitted to the Sub-Division Officer who holds an appointment authorizing him to make decisions in such cases. Completed forms are thence forwarded to the Secretary of State by whom certificate of Naturalization is issued.

Routine duties and investigations carried on by the Force in the N.W.T., for many other Government departments are varied and the work occasioned considerable. They are too numerous to deal with in detail, but brief mention of a few of the more important of these may be of interest. All aircraft operating in the Territories are periodically inspected and checked as required by the Air Regulations, as are also the many Government gasoline caches located at different points; Radiotelegraph licenses are issued and revenue collected: Observations of wild life are made and recorded; health of natives and general conditions enquired into: mail is carried to residents at outlying points and at some posts members of the Force hold appointments. as Postmaster; work is performed in connection with N.W.T. and (in some instances) Yukon Mining Regulations. Reports on these and the many other activities in this direction are submitted to the Departments concerned.

It is only fitting that residents of the Territories have come to depend largely on the assistance and advice of members of the Force. Help may be solicited in the writing of a letter or the drafting of a will, or in the case of a minor dispute arising between trapping partners, the advice sought from a member of the Force is usually acted upon and the parties concerned come to an amicable settlement of their differences.

Enforcement of the Criminal Code, Federal Statutes, North West Territories Ordinances, and at a few posts, also Yukon Ordinances, is, of course, the chief and most important duty of Northern personnel. The onward march of civilization, bringing, as it does, a considerable increase in the white population, tends to rapidly increase the volume of work in this respect. The satisfactory conclusion of the many investigations originating is apt to be somewhat delayed in the majority of cases, owing to climatic conditions and the lengthy and often arduous journeys necessitated in the securing of evidence. Unlike his confrere in the Provinces, who in the pursuit of an investigation presenting unusual difficulties—can obtain immediate advice and assistance, the Northern Detachment man has to rely solely upon his own judgment and initiative, taking such action as he deems necessary. Infractions of the Game Act and Regulations, Indian Act and Liquor regulations, are amongst the more frequently occurring offences with which he has to deal.

Divers investigations of a general nature are part and parcel of everyday duties. Location of missing persons, supervision of transients, accidental deaths and happenings and rumours of an unusual nature are enquired into and reported upon.

The Northern detachment man is of necessity his own cook, carpenter and mechanic. In fact, to term him "jack of all trades" is but his due. That he can, and does, use a typewriter, saw or spanner with equal facility is to his credit. Much time and energy is necessarily devoted to such spare time jobs as the maintenance of buildings, equipment and transport—both land and water. During the brief summer season he is kept extraordinarily busy—painting and repairing buildings, boats and canoes; overhaul and repairs to engines may have to be made, perhaps a new building erected. New supplies and stores received have to be checked and carefully stored away: considerable quantities of fish or seal must be obtained and put away for

use as dog feed. Cordwood cut during the winter has to be brought in and stacked ready for use, and a hundred and one miscellaneous jobs of a seasonal nature completed. Men in the North are truly grateful that perpetual daylight prevails at this period of the year. Summer goes all too quickly and light snowfalls herald the rapid approach of winter: then comes the hauling of water transport high and dry, fitting of storm porches, doors and windows, and the many preparations necessary in making quarters frost-proof for a prolonged winter. Before the river freezes to too great a depth many blocks of ice have to be cut and stored away, ready for use when summer comes, at which time river water is unfit for drinking purposes.

Though the glamour and romance of life in the North has long since departed (if it ever existed), the majority of members with service in those regions will agree that the experience derived from a term of Northern service is both beneficial and instructive, and neither does it result in mental stagnation, as some believe. In this age of rapid development, swift transportation, communication and consequently ever-increasing responsibilities, the Northern detachment man is doing work equally important to that of his brother members in the Provinces and in no small measure is contributing his quota to enhance the prestige of the Force throughout the Dominion.

It is generally conceded that the first year of service of a member stationed in the North is more or less spent in familiarizing himself with conditions of the country, habits and characteristics of natives, and work peculiar to the Territory, and that only during the second and third year of service is his worth of maximum value to the Force. Thus it will be observed that the knowledge and experience so acquired is wasted if the personnel on Northern Detachments is constantly changing. Conservation and proper utilisation of experience is a matter of no less importance than economy, in material, equipment, and revenue.

It is strongly felt that the creation of a Northern Service section, with permanent promotion within the section, would do much to promote increased efficiency, inasmuch as members who have given satisfactory service and who are interested in Northern work, would continue in this branch of the service, secure in the knowledge that opportunities for advancement exist in this as in other branches of the Force, and with the feeling that present day Northern service occupies the place of importance in the Force which it undoubtedly merits.

In conclusion, the writer is of the opinion that the importance of special training of personnel selected for Northern service—more particularly in office work, Departmental returns and regulations, cannot be over-emphasized. With such training, men detailed for Northern duty may enter into their new sphere of activities possessed of confidence and adequate knowledge to cope with whatever problems may arise.

Curtailing Illicit Distilling Operations

by K. MACNEIL, of the Department of National Revenue

IN SEIZURES of illicit stills of commercial type capable of producing large quantities of spirits, rarely have the principals or persons actually responsible been apprehended, or sufficient evidence procured to establish offences by these persons against the Excise Act. They were not to be found on the premises in which the still was erected. Their names did not appear anywhere as owners or lessees of the property. Illicit spirits were not found in their possession nor was ownership of the vehicles transporting the products of the stills in their name.

Thus, it will be realized, these individuals have been a thorn in the flesh of the Department. Some have been known to have financed and directed illicit distilling for several years but were so astute that concrete evidence to support a charge was rarely, if ever, obtainable.

Usually, their *modus operandi* has been to engage lowly confederates at labourers' pay, or slightly better, on the promise that if they were caught their fines would be paid, and that if gaol sentences were imposed and inescapable they would be recompensed for the time spent in gaol. They do not seem to have had difficulty in obtaining such men. Often these confederates were given comparatively light sentences since it was obvious that they were not sufficiently affluent or even clever enough to have organized and carried out the illegal operations with which they were connected.

During the last year or two, however, the Department and the Royal Canadian Mounted Police have been able to utilize a weapon which is proving increasingly effective. Not only are the real offenders being brought to book but they are receiving penitentiary sentences commensurate with the magnitude of their operations; these sentences ranging as high as two and three years.

This has been accomplished by taking advantage of the provisions of the Criminal Code relating to conspiracy. Since offences under the Excise Act are declared by that act as indictable, persons combining or agreeing to violate the provisions of the Act can be found guilty of conspiring to commit an indictable offence, provided, of course, proof of such action or agreement can be produced. The conspiracy sections of the Code also afford a second charge—that of conspiring to defraud the revenue.

Charges of conspiracy afford a wider scope of investigation and permit the introduction of a variety of evidence not open to the prosecution in proceedings under the Excise Act. The uncovering and dove-tailing of this evidence requires careful and painstaking work, often over a long period of time, and necessitates great discretion on the part of those to whom the investigations are entrusted. Trained as the members of the Royal Canadian Mounted Police are in uniting all threads of evidence, their reports in these cases often are more interesting than popular detective fiction. The results of their efforts so far show the value of conspiracy proceedings in suppression of the illicit liquor traffic.

—Reprinted from *National Revenue Review*.

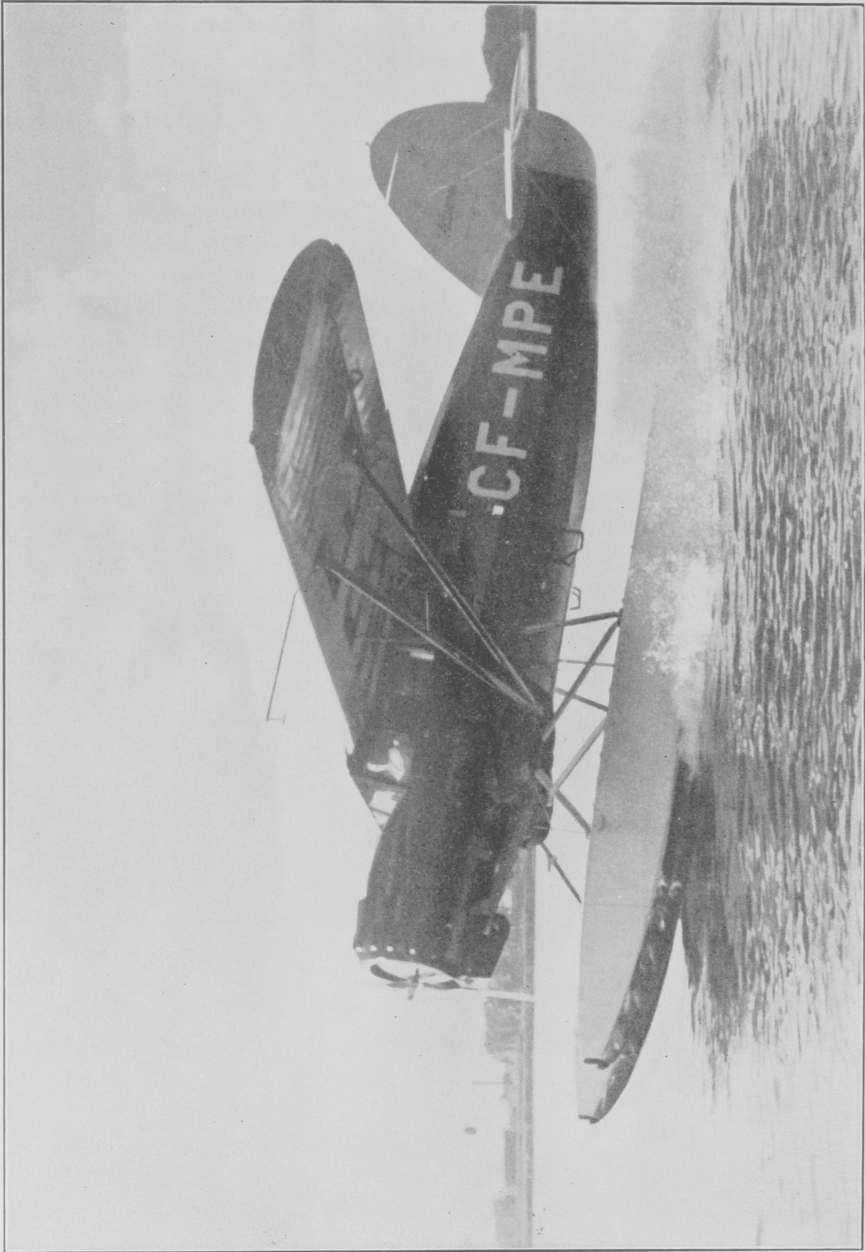
by SUB-INSPECTOR T. R. MICHELSON

IN ITS second year of existence, the Aviation Section commenced the 1938 flying season on May 14th, on which day aircraft CF-MPA, CF-MPB and CF-MPC, piloted by A/S/Sergeant M. P. Fraser, A/Sergeant L. R. Dubuc, and Sub-Inspector T. R. Michelson, respectively, departed from Montreal enroute to the summer base at Moncton, New Brunswick. During this patrol of four hundred and twenty-eight air miles, the aircraft, flying in V-formation, encountered inclement weather in the form of rain and fog. Visibility became very limited and the formation was therefore discontinued and the aircraft proceeded on individual courses. Contending with the adverse flying conditions in a satisfactory manner, the pilots were provided with an opportunity to put into practice their previous training in "instrument" flying, commonly known as "blind" flying. Despite the rain and fog the aircraft arrived at Moncton within a few minutes of each other, having completed the flight from Montreal in three hours and forty-five minutes.

A black and white group photograph of eleven men in military uniforms, arranged in two rows. The front row consists of six men seated, and the back row consists of five men standing. They are all wearing caps and formal uniforms, with some showing pilot wings and sergeant's chevrons.

Back row (left to right): A/Cpl. A. S. McNeil, A/Cpl. C. E. Gray, R/Opr. W. Elliott, A/Cpl. G. B. Swaney, A/Cpl. H. F. McClellan.

Front row (left to right): A/Sgt. P. B. Cox, A/S/Sgt. M. P. Fraser, S/Insp. T. R. Michelson, A/Sgt. L. R. Dubuc, A/Cpl. P. J. Grant.



R.C.M.P. NOORDUYN NORSEMAN AIRCRAFT CF-MPE

commenced to familiarize themselves with the patrol areas and their various duties, and on May 20th, the first preventive service patrol of the season was made.

Compared with the year 1937, the weather of the 1938 season was generally unsettled, but patrols were carried out consistently with the result that a total of seven hundred and fifty flying hours was logged; an increase of one hundred percent over the previous season. During the course of the summer, apart from the regular preventive patrols, our personnel and aircraft carried out several transportation flights, one of which was the transportation of the Commissioner from Ottawa to the Maritime Provinces and thence to Montreal. During this inspection tour of the Maritimes, which extended over a period of four days, the Commissioner made extensive use of our aircraft and greater convenience, and a considerable saving of time in comparison with transportation by railway, was experienced.

Our "Dragonfly" aircraft, as it is commonly known, are equipped with two engines and because of this, great confidence is placed in them by the members of the Aviation Section. This confidence was amply borne out on several occasions when trouble having occurred in one of the engines, the pilot was able to fly considerable distances over the ocean and to return in safety to the base. The fact that our aircraft are equipped with "Two-way Marconi" radios is another source of satisfaction and confidence to our pilots as by means of them we are able to carry on in weather which in ordinary circumstances would be considered hazardous. Constant communication is maintained between the aircraft and the R.C.M. Police radio ground station CY6M at Moncton, and in this way instructions regarding patrols, weather and other information can be relayed to the pilot without delay. On one occasion, constant communication was maintained between our radio ground station at Moncton and one of our aircraft flying in the vicinity of Hawkesbury, Ontario, a distance of approximately five hundred and fifty miles.

One unusually valuable use was made of the radio communication during the month of September when our aircraft CF-MPB, proceeding on a definite patrol, received information by radio to the effect that two fishermen in an open motorboat had been lost for over forty-eight hours, during which time a strong off-shore wind had been blowing, and it was feared that they had drifted far out into the Gulf of St. Lawrence. Changing course immediately, the aircraft referred to, commenced a systematic search of the area in which the missing boat was believed to be, and in less than an hour it was located with its engine out of commission and drifting aimlessly. As soon as the missing boat was sighted, a message was dropped to the R.C.M. Police Cruiser "Alachasse" which was cruising approximately 15 miles away. The message advised the Master of the Cruiser of the exact location of the missing boat and also stated that the aircraft would fly back and forth between the boat and the cruiser to facilitate the rescue. Following these arrangements, the cruiser "Alachasse" was observed in due time to come alongside the motor boat, take the occupants aboard, and with the motor boat in tow, proceed to Richibucto, New Brunswick. In this instance there is no doubt that the aircraft was a means of saving the

lives of the two men as they were found to be suffering a great deal from exposure and from lack of nourishment.

It may be of interest to our readers to know that additional contact, apart from radio, is made by means of message droppers. These contrivances consist of wooden blocks in which are drilled two holes, approximately three quarters of an inch in diameter, in which the messages are placed; the holes being closed by cork stoppers. Through the middle of the block is attached an upright, measuring about fourteen inches, at the top of which is a wire loop. A weight attached to the bottom of the upright maintains the message dropper in a vertical position when floating on the water. Equipped with streamers, the message dropper is easily located by the vessel with which communication is desired and it is retrieved by engaging the wire loop with a boat hook. This method effects a very speedy means of communication, as both aircraft and cruiser may proceed on their respective courses without delay.

During the month of August, 1938, a Noorduyn Norseman Aircraft was acquired by the Force for duty in the North West Territories. Equipped with skis, wheels and floats, and two-way radio equipment, this machine is powered by a five hundred and fifty h.p. supercharged Pratt and Whitney Wasp engine, which affords a cruising speed of approximately one hundred and twenty-five miles per hour with a very satisfactory payload. Owing to the lateness of the season when it was delivered, the aircraft, being equipped with floats at that time, could not proceed into the North West Territories, and therefore was flown to Shediac, New Brunswick, where it was used by our pilots to obtain additional experience in the handling of seaplanes. At the time of writing, the Norseman has been converted to wheels and is presently stationed at Montreal, but its transfer to the North West Territories will be effected in due course.

The personnel of the Aviation Section, in which some changes have been made since last year, now consists of S/Inspector T. R. Michelson, A/S/Sergeant M. P. Fraser, A/Sergeant L. R. Dubuc, A/Sergeant P. B. Cox, A/Corporal P. J. Grant, A/Corporal H. F. McClellan, A/Corporal A. S. McNeil, A/Corporal G. B. Swaney, A/Corporal C. E. Gray and Constable D. W. Dawson.

The servicing of the aircraft has been accomplished by our personnel throughout the season and it will be readily understood that to maintain the machines in efficient condition, the enthusiastic co-operation and energetic labour of all members of the Section has been necessary.

Inspector Joy's Patrol to Melville Island

IN 1929, the late Inspector Joy travelled over seventeen hundred miles, accompanied by one Constable and one native, covering a patrol which reached from North Devon Island to Melville Land, thence northeasterly to Bache Peninsula on Ellesmere Land, studying game conditions, and generally surveying the numerous islands visited en route. This patrol occupied eighty-one days, and during the entire period, no living soul was seen by the patrol until their return.

The Museum at Regina

by CORPORAL H. H. RADCLIFFE

AT REGINA, in Saskatchewan, the Force has a Museum of which it may be proud, particularly when it is realized that there are no foundation funds, subscriptions, or other resources behind it. All exhibits have been presented by friends of the Force, or collected and donated by members and ex-members.

The Museum in the first instance was the idea of the present Commissioner when he was the Officer Commanding "F" Division; he saw the possibility of building up a collection of valuable exhibits and relics of the Force, and the suggestion was approved of by the late Commissioner, Sir James H. MacBrien, K.C.B., C.M.G., D.S.O., who gave his support in many ways. Once started, the museum grew very rapidly—at first it was housed in the basement of "A" Block but as this situation was not suitable, either for space or display purposes, it was moved this year to "C" Block. Here everything is now arranged so that all exhibits may be examined and studied with ease; all the work involved for show cases, lighting fixtures, etc., having been carried out by Regina personnel.

The collection is being added to from time to time and will soon form a very complete history of the Force, and also of those parts of Canada where the Force was most active in the early days of the settlement of the country—the Western prairies, the North, and the Yukon Territory. For the most part though, the exhibits illustrate the history of the Force itself—an interesting and colourful history which is here arranged in a concrete form so that a student or visitor obtains a more vivid impression than can be found in the pages of any published work. They range from the formation of the Force to the present year; the former being depicted by the original hand written attestation sheet dated November, 1873, bearing the signature of the first member engaged, Arthur Henry Griesbach, and the latter by a large portrait of the late Sir James MacBrien.

The number of exhibits exceeds three hundred—excluding photographs—all of which have cards attached identifying the donors and also a brief history, separate files being kept in regard to each subject for future reference. This article cannot begin to describe the exhibits in detail, nor to give the many interesting facts and histories of each. They include dress and field uniforms, worn at the different periods, and the actual tunics of such



Part of the new Museum. Snowshoes of Albert Johnson, "the Mad Trapper" of Rat River, hang on the wall.

famous Officers as Griesbach, French, Constantine, and Fitzgerald; bound Annual Reports from 1874 to 1937 of which it is believed there are only two complete sets in existence; a copy of Indian Treaty No. 6; Indian belongings surrendered after the Riel Rebellion of 1885; some personal property of the leader Louis Riel; Chief Poundmaker's war drum; two brass mortars carried on the March of 1874; two original maps showing the route of march of the original contingent for the West; cuff links made from gold nuggets found in the Yukon Territory during the Klondike gold rush; a metal container and earthen jar with remains of a document dated 22nd of July, 1859, which was found at Fort Ross in 1937, and which has



A corner of the old Museum.

been proved to have been cached there by Captain Sir F. L. McClintock in 1859 whilst searching for the lost Franklin Expedition; a model of an Eskimo igloo made from flour, salt, tallow, and water; old firearms and primitive weapons; specimens of Indian and Eskimo work; large paintings, many of which are descriptive of the march west of 1874; and a large variety of photographs of different subjects. All such

exhibits have their histories, and anybody visiting the museum is certain to have his interest aroused and wish to know more of the story behind each particular relic.

Many visitors to the Barracks at Regina enjoy the period they spend in the Museum and show their appreciation by the interest they express—there have been more than five hundred this year. All members of the Force who have an opportunity to do so should certainly find time to visit it. The older members would find a study of the exhibits of value, while those with shorter service would undoubtedly be given a lasting impression and an understanding of the history and tradition of the Force of which they now form a part.

Floating Detachment St. Roch

ONE OF the most interesting units of the Royal Canadian Mounted Police is our floating detachment on the ninety-foot vessel *St. Roch*. This small vessel of eighty registered tonnage operates between Herschel Island and the eastern portions of the Western Arctic. It winters in the Arctic, and during the summer time is employed distributing supplies to the detachments in that region. It is a self-contained unit, equipped with wireless, and in the winter time is able to maintain its purpose as a regular detachment of the Force by carrying out its patrols from the base at which it is frozen in.

Motor Manslaughter

by CECIL L. SNYDER, K.C.

(Conclusion)

Problem of the Trial Judge

IT MUST be fairly obvious that the law on the subject of criminal negligence as propounded in the *Greisman* case, the *Baker* case and the *Costello* case, by the Appellate Court of Ontario is a different law from that propounded by the Supreme Court of Canada in the *McCarthy* case and re-affirmed in the *Baker* case.

"The gist of the law as laid down by the Supreme Court of Canada in the *McCarthy* and *Baker* cases, is that section 247 of the Criminal Code of Canada means just what it says: that is to say that a person who, being in charge of a motor vehicle on a highway, fails to use reasonable care to avoid endangering human life, is 'criminally responsible for the consequences,' but that a trial judge ought to tell the jury that to support a conviction for failure to use such care the evidence should shew a substantial degree of neglect,—a greater degree of neglect than would be called for in a civil action.

"On the other hand, the gist of the *Bateman* and *Greisman* cases is that the judge should tell the jury that they ought not to convict unless they are satisfied that there was gross negligence or wanton misconduct, and that mens rea,—a criminal intent,—entered into the case.

"There is of course nothing about gross negligence or wantonness or criminal intent in the section. But it is said in the *Bateman* case that these considerations were part of the doctrine of criminal negligence at common law and so must be read into the section. But were they in truth part of the common law definition of criminal negligence?

"Take gross negligence. What is it? If it means that to support a verdict of guilty on a charge of criminal negligence there must be a substantial degree of negligence, a greater degree of negligence than would suffice to support a judgment in a civil action, well and good; that is a proposition that is easily understood. Apart from that consideration, as a phrase, gross negligence, as was pointed out by Baron Rolfe in *Wilson v. Brett*, 11 M. & W. 113, is 'the' same thing as negligence, with the addition of a vituperative 'epithet.'

"Then as to mens rea,—guilty or criminal intent. Under the definition of murder in section 259 of the Code, guilty intention is of the essence of that crime. If a man were to drive his automobile at a high rate of speed down a crowded street and kill someone, a jury, if it found a criminal intent, might find him guilty of murder, if the indictment was for that offence.

"In the reasons for judgment in the Appellate Division of the Supreme Court of Ontario in the *Baker* case, Mr. Justice Grant, speaking for the Court, made it clear that the Court was following the *Bateman* case and the *Greisman* case, both of which had come after the *McCarthy* case in the Supreme Court of Canada.

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"In the reasons for judgment in the Supreme Court of Canada in the *Baker* case, no mention is made of either the *Bateman* case or the *Greisman* case, though by the form in which the case was presented to the Court, the Court was invited to settle the law that had been engrafted by the Appellate Division of Ontario on the *McCarthy* case. The Supreme Court of Canada did not accept the invitation. Its failure to do so may,—it is suggested,—cut either way. It may be interpreted as an acceptance of the doctrine of the *Bateman* and *Greisman* cases as grafts on the *McCarthy* case; or it may be taken as amounting to no more than this:—We laid down the law in the *McCarthy* case. The majority of the Court said nothing about wanton misconduct or mens rea, and our judgment in the *McCarthy* case stands.

"But is not the judgment in the Supreme Court of Canada in the *Baker* case perfectly clear? In the *McCarthy* case, Mr. Justice Duff had quoted Mr. Justice Davies in the *Union Colliery* case ((1900), 4 Can. C.C. 400, at p. 406), as authority for the proposition that the Criminal Code on this subject was a mere codification of the common law. That was the statement of one judge of the Supreme Court of Canada approving the view of another judge of the Supreme Court of Canada. But at the close of Mr. Justice Duff's reasons in the *Baker* case (*supra*), which are the reasons of the full Court, he repeats this view of the law. The effect therefore is that the Supreme Court of Canada has adopted the view of Mr. Justice Sedgewick in the *Union Colliery Company* case. But looking at that case itself, the language is even stronger than the quotation of Mr. Justice Duff. After quoting section 247 (then section 213), Mr. Justice Sedgewick added:—"This article I take to be a mere statutory statement of the common law, neither abridging nor enlarging it in any respect."

"Of course if section 247 is a statement of the common law 'neither abridging nor enlarging it in any respect,' then the *Bateman* case was not a statement of the common law, and if the *Bateman* case was not a statement of the common law, then the *Greisman* case goes by the board as an interpretation of section 247. The *Bateman* case must of course be taken in England as a statement of the common law of England. But the statement of Mr. Justice Sedgewick in the *Union Colliery* case, as now approved by the Supreme Court of Canada, must be taken in the Courts of this country as a statement of the common law of Canada on the subject of criminal negligence.

"But meantime trial Judges all over Canada are faced with the requests of counsel for the defence in motor manslaughter and criminal negligence cases to tell the jury that before they can convict they must find gross negligence or wanton misconduct, and that in any case they must find a criminal intent, and some trial Judges are telling juries that and some are not."

Decisions in Recent Years

From the time that the late Mr. Justice Raney wrote the above memorandum in 1932 to the present time there has been no dearth of reported decisions in Canada in the field of manslaughter and criminal negligence. The conflict of judicial opinion continues as does the confusion of juries.

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If what Mr. Justice Fisher says in *Rex v. Mondt*, [1934] 1 D.L.R. 382, at p. 398, 60 Can. C.C. 273, at pp. 288-9, could be accepted in whole, who can blame the jurors? The learned Judge states:—"It requires a little courage to say, that nearly every Judge on the Bench of this Province is of the opinion, that in actions arising out of automobile accidents, whether civil or criminal, jurors pay but scant attention to what the trial Judge says to them . . ." It is not within the province of the writer to discuss the accuracy of this observation. It may be quite frankly said, however, that this expression of opinion does not meet with anything like general agreement. It is maintained that jurors in these cases do look to the presiding Judge for guidance and if the language used by the trial Judge in charging the jury is so new and so technical to them that they cannot follow it with much sense of understanding, then surely the remedy is in the state and condition of the law rather than failure on the part of juries to do their duty.

Rex v. Greisman, [1926] 4 D.L.R. 738, 46 Can. C.C. 172 is perhaps the most quoted of decisions in the field of criminal negligence. The judgment of the Ontario Court of Appeal as delivered by Mr. Justice Middleton contains the following statement of law:—"I think the great weight of authority goes to show that there will be no criminal liability unless there is gross negligence, or wanton misconduct. To constitute crime there must be a certain moral quality carried into the act before it becomes culpable. In each case is a question of fact, and it is the duty of the Court to ascertain if there was such wanton and reckless negligence

as in the eye of the law merits punishment. This may be found where a general intention to disregard the law is shown, or a reckless disregard of the rights of others. Where the case is based upon an automobile accident, it would perhaps be safe to assume that s. 285 points to the degree of culpability necessary when it uses the words 'by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect,' and that this constitutes the lack of 'reasonable care' required by s. 247 In this case death followed the alleged negligence. If the negligence was criminal at all accused was guilty of manslaughter" (p. 743 D.L.R., pp. 177-8 Can. C.C.)

In *Rex v. Merritt*, [1933] 4 D.L.R. 483, at pp. 489-90, 60 Can. C.C. 295, at p. 302, Mr. Justice Middleton in commenting on the failure of the trial Judge to differentiate between the degree of negligence which is necessary to constitute civil liability, and the greater degree of negligence which is necessary to constitute criminal liability, proceeded to make the following observation:—"I can see nothing in the section which justifies a departure from the sound principle that the negligence which amounts to guilt under s. 284, if followed by death, should result in a verdict of manslaughter. The Legislature has not provided that there should be any discrimination as to the degree of negligence which constitutes crime, and that for more gross negligence there should be the crime of manslaughter, and for a minor degree of negligence a conviction under s. 284."

This above statement of law enunciated by one of the most distinguished Judges of the Ontario Court of Appeal should be put down in contrast with a recent judicial utterance by the similarly learned and distinguished Chief Justice of Ontario.

In *Rex v. Carr*, [1937], 3 D.L.R. 537, O.R. 600, 68 Can. C.C. 343, the Ontario Court of Appeal, consisting of Chief Justice Rowell, Mr. Justice Middleton and Mr. Justice Masten, reviewed a trial which had gained widespread public notice in Ontario. The accused, who was charged with manslaughter, was tried by Mr. Justice Greene with a jury at Toronto. The jury returned a verdict of not guilty of manslaughter but found the accused guilty of criminal negligence under ss. 284 and 951(3) of the Criminal Code. Sentence of two months' imprisonment was imposed, the jury having strongly recommended mercy. There was an appeal by the Crown from sentence and the sentence was increased to four months' imprisonment.

In view of what Mr. Justice Middleton said in the *Merritt* and *Greisman* cases, *supra*, it is exceedingly interesting to note the judgment of Chief Justice Rowell in the *Carr* case. The Chief Justice points out in his judgment that the Court had before it the recent judgment of the House of Lords in *Andrews v. Director of Public Prosecutions*, *supra*, and also the *Bateman* case, *supra*. Material parts of the judgment of the Ontario Court of Appeal as delivered by Chief Justice Rowell in *Rex v. Carr* are set out forthwith, the judgment bearing date of June 25th, 1937 (pp. 541-2 D.L.R., pp. 347-8 Can. C.C.):—

"There are three degrees of negligence recognized by law of which a party may be guilty in operating a motor car. The greatest is described as gross negligence, such as driving recklessly without regard to the safety

of others, and if as a result of such negligence a person lost his life the jury would be justified in returning a verdict of manslaughter. A very high degree of negligence must be proven to establish the crime of manslaughter. The second is a lesser degree of negligence, such as is defined by s. 284 of the Criminal Code—driving which could not be described as reckless but still was beyond the speed limit authorized by law, or not keeping a proper look-out while driving, under circumstances where such conduct could not properly be described as gross negligence. If, as a result of such negligence, a person lost his life, a jury would be justified in returning a verdict of criminal negligence, as was done in the case at bar. The third is a lesser degree of negligence which would give rise to civil liability only, such as a mere want of care, although, of course, any degree of negligence may give rise to civil liability

"The negligence of the accused was not gross negligence. He was driving at a speed which at the time was contrary to the speed limit fixed by law but which is within the speed limit at present authorized by law. He turned aside for a moment to throw the butt of his cigarette out of the window and took his eyes off the road, which he should not have done. He says he did not anticipate that anyone would step off from the sidewalk and attempt to cross the road in the middle of the block, and, undoubtedly, he was less careful than he would have been had he been approaching a crossing. Motorists, however, must recognize that the street is a public highway which a pedestrian is entitled to cross, and he is not limited to crossing at intersections only, and it is the duty of the motorist to keep his eye on the road so as to avoid any accident to a pedestrian who may come upon the highway. The alarming increase in the number of motor accidents is undoubtedly cause for grave public concern, and it is the duty of the Courts to see, where juries find the operator of a motor vehicle guilty of criminal negligence, that punishment is duly imposed."

The *Carr* case is not the first decision in Canada to cast a shadow on the law as it is stated to be in the aforementioned *Greisman* and *Merritt* cases. A little over a year before the *Carr* decision was announced in Ontario and before the *Andrews* decision was handed down in England a significant judgment was delivered by a Western Canada Court. By it there was advanced a strong judicial utterance that in automobile cases the Courts must recognize more than one class of culpable negligence. A brief statement of this case follows:

In *Rex v. Preusantanz*, [1936] 2 D.L.R. 421, at pp. 422-3, 65 Can. C.C. 129, at p. 130, Chief Justice Prendergast writing a judgment in a case reviewed by the Manitoba Court of Appeal stated:—

"Although any degree of negligence, if in the class of culpable negligence, is sufficient to constitute manslaughter, s. 951 (3) in my view impliedly establishes in auto accidents two classes of culpable negligence; one of grosser negligence, and another which, while still culpable, is not as reprehensible as the first according to the common standards.

"The section does not define the two classes of culpable negligence as distinguished from each other and no dividing line is expressly given. But, as I see it, a distinction is necessarily implied and it is upon such a distinction that the jury should exercise their option.

"If this is so, it follows that a trial Judge should, in his charge to the jury with respect to the law, lay before them this distinction which is the necessary foundation for the exercise of their option one way or the other."

What Will Happen Now?

It surely must be admitted that the *Greisman* case has, in part at least, "gone by the board." That there are now recognized degrees or classes of criminal negligence may be taken as a matter of judicial certainty. No longer must a jury be told that the same degree or class of culpable negligence must be found to warrant a verdict of guilty of manslaughter or a finding of not guilty of manslaughter but guilty of criminal negligence, although the latter offence is nearly always referred to in Court as the "lesser offence."

Trial Judges will now, it is hoped, be able to make their charges much more intelligible to what is called the average jury. Within the past month at various Assize Courts in Ontario the writer has heard three charges delivered to juries in cases where the accused had been indicted on a charge of manslaughter arising out of the operation of a motor vehicle. In all cases the presiding Judge followed the *Carr* case outlining to the jury what is contained in the *Carr* case as constituting degrees of culpable negligence. There seemed to be far greater understanding on the part of the jury when the law was explained to them in this way. Of course, it is not being argued that the state of the law has been made completely satisfactory by these recent decisions. It is hoped, however, that there will be better administration of the law by reason of the fact that a jury is now charged in language which seems to be far more reasonable than what they were told when the trial Judges were forced to follow the *Greisman* and *Merritt* cases. To those interested in criminal procedure and in the administration of justice generally, motor manslaughter cases will be watched with the greatest possible interest. It is to be hoped that these cases will now be decided to the satisfaction of the public. If this is not so it is believed that there will be sufficient agitation to cause a much more drastic change in our criminal law. It may happen that the Parliament of Canada will be persuaded to enact as part of the Criminal Code legislation similar to what is contained in the Road Traffic Act of England.

(FINIS)

"Politeness"

THE HEIGHT of politeness may be found at the Royal Canadian Mounted Police barracks.

A motorist unaccustomed to the layout of the place was speeding toward the square from Dewdney avenue when an officer, with a friendly wave of his hand, stopped the car. Said he: "Pardon me, sir, but could you ease up a bit when you are coming along here. Just a bit. There are some bad corners here, you know. Thank you, sir." And with that he was gone, leaving the motorist ashamed of himself for even thinking of speeding.

—Reprinted from the *Regina Leader-Post*—January 10th, 1939.

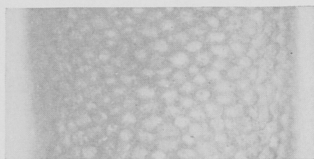
Identification of Hair

by INSPECTOR R. ARMITAGE

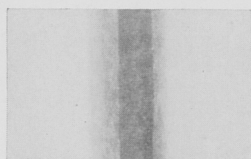
WE ARE taught, when conducting investigations at scenes of crime, to ascertain as early as possible what articles or merchandise have been taken by those responsible for the offence, particularly articles susceptible of identification by the aggrieved party. Also, to ascertain if any apparatus, tools, weapons, poisons or fingerprints—depending on the nature of the investigation—have been left at the scene of the crime.

Hair found at the scene of Breaking, Entering and Theft cases may be of value, as also in the case of fatal motor accidents. Again, offences under the various Game Laws have been solved by the examination of hair.

A hair consists of three main parts; namely, the root, shaft and point or tip. A cross section examined under a microscope reveals three distinct formations; the medulla, found in the centre, is surrounded by cortex. The outermost layer is known as the cuticula. However, hair from certain animals has no medulla.



MOOSE HAIR



MUSK-OX HAIR

The photographs reproduced above were used as exhibits in connection with a prosecution entered for an infraction of the N.W.T. Game Regulations, involving the shooting of Musk-Ox—a protected animal—and the finding of such pelt or skin in the possession of any person shall be *prima facie* evidence of the guilt of such person and the onus of proof to the contrary shall rest upon him. The accused in this case claimed that the seized hide was that of a moose. Our investigator did not agree and observed a number of hairs still adhering to the scraped hide. These were secured and forwarded for microscopic examination and comparison with standards and moose hair, with the result that evidence of great value was obtained.



WHITE RACE



YELLOW RACE



BLACK RACE

The above photographs indicate there are many variations in structure of human hair: for instance, cross-sections will help identify a hair as to whether it is that of the white race, black race or yellow race, that of the white race being ovoid, the yellow race being either round or triangular and the black race have hair which is almost flat like a ribbon.

“Old Timers” Column

MEETING AT the Florence Restaurant, Piccadilly, London, November 12th, many ex-members of the Force residing in England attended the annual Reunion Dinner of the “Old Comrades’ Association.” Presiding as chairman of the dinner Lt.-Colonel F. L. Cartwright, C.B.E., D.S.O.,—(ex-Inspector N.W.M.P.)—proposed the Toast “His Majesty, the King;” Captain T. V. Fleming, M.C., (ex-Reg. No. 4040), proposed “Absent Members;” and Captain F. S. Pearson, M.C., (ex-Reg. No. 3730), Chairman of the O.C.A., proposed the toast “The Visitors.” The response for the visitors was made by Lt.-Colonel Sir Eustace Fiennes, Bart., who served in the Riel Rebellion, and who has an association with the Force of long standing. To the toast “The Force,” proposed by Captain H. B. Collet, M.R.C.V.S., (ex-Reg. No. 4390), the member of the Force stationed at Canada House, L/Corporal R. G. McDowell, responded.

During the course of the evening, a telegram, in reply to the loyal greetings of the assembled Old Comrades, was received from His Majesty the King. Of the forty-four persons who attended the Dinner, thirty-two were ex-members of the Force; the names of these are given below:

Lt.-Colonel F. L. Cartwright, C.B.E., D.S.O., (ex-Inspector); Mr. James Fullwood, (ex-Reg. No. 160); Lt.-Colonel A. N. O’Kelly, D.S.O., (ex-Reg. No. 3052); Captain E. Amand; Captain H. St. J. Mungavin, (ex-Reg. No. 3467); Captain F. S. Pearson, M.C., (ex-Reg. No. 3730); Mr. C. H. C. Pearson, (ex-Reg. No. 3820); Captain T. V. Fleming, M.C., (ex-Reg. No. 4040); Mr. W. E. Ashworth, (ex-Reg. No. 4214); Captain H. B. Collet, M.R.C.V.S., (ex-Reg. No. 4390); Hon. Tom Coventry, (ex-Reg. No. 4679); Mr. H. F. O’Connell, (ex-Reg. No. 4767); Mr. W. Fieldhouse, (ex-Reg. No. 4914); Mr. E. N. Bird, M.M., (ex-Reg. No. 4915); Mr. E. G. Baker, (ex-Reg. No. 5223); Mr. C. Read, (ex-Reg. No. 5421); Mr. L. S. Kingston, (ex-Reg. No. 5429); Mr. W. H. Sharman, (ex-Reg. No. 5443); Captain Michael O’Leary, V.C., (ex-Reg. No. 5685); Mr. E. G. Newnham, (ex-Reg. No. 5715); Mr. O. G. Petty, M.M., (ex-Reg. No. 5718); Mr. G. K. Withers, (ex-Reg. No. 5749); Mr. A. R. Blake, (ex-Reg. No. 5790); Mr. W. T. Blocksidge, (ex-Reg. No. 6166); Mr. R. McLeod Murray, (ex-Reg. No. 8020); Mr. A. G. Champion, (ex-Reg. No. 9075); Mr. W. R. McCondrach, (ex-Reg. No. 9461); Mr. C. W. Ingram, (ex-Reg. No. 9545); Mr. L. J. King, (ex-Reg. No. 10105); L/Corporal R. G. McDowell, R.C.M. Police, (Reg. No. 10269); Mr. S. A. Oldham, (ex-Reg. No. 10648); Mr. P. S. Campbell-Orde, (ex-Reg. No. 10858).

Pensioned

THE FOLLOWING members of the Force have recently retired to pension; their present addresses are given in each case.

- Reg. No. 9161, Constable C. O. Baker—September 30th, 1938.
Lower East Jeddore, Halifax, N.S.
- Reg. No. 5429, Sergeant L. S. Kingston—October 14th, 1938.
“Carcross”, Chewton Way, Highcliffe-on-Sea, Hants., England.
- Reg. No. 9520, Corporal C. G. Fairman—October 27th, 1938.
Upper Capilano P.O., B.C.
- Reg. No. 5774, Lance-Corporal W. H. Foskett—October 30th, 1938.
1 Rock Garden, Rock Avenue, Barnstaple, N. Devon, England.
- Reg. No. 9063, Sergeant J. J. Collins—November 2nd, 1938.
Granville Avenue, Billings Bridge, Ontario.
- Reg. No. 11731, Sergeant W. H. Stubbs—November 20th, 1938.
500 Stiles Street, Winnipeg, Manitoba.

Division Notes

"D" Division

Having made a perfect score in the Annual Revolver Course, Constable W. G. Gordon was awarded the "Elk" Trophy. The local lodge of the Order of Elks kindly presented this trophy in 1932 for annual competition, and since that year have continued their much appreciated interest by giving a small silver replica of the original to the winner of the trophy.

* * *

With the coming of winter and the consequent curtailing of outside sport, members of the Division take much of their exercise in the gymnasium and an enjoyable and strenuous game, suitable to the confined space, is found in volley-ball. Under the direction of L/Corporal D. F. Taylor, eight full teams have been organized, and excellent sport and keen rivalry have resulted.

The R.C.M. Police team played the Winnipeg City Police on November 28th and, following a stiff battle, emerged as victors.

* * *

Commencing what is hoped will be a pleasurable curling season, the song of the "stane" was heard on November 25th, when four rinks skipped by S/Sergeant A. R. Walker, Sergeant H. A. Stewart, Constable G. S. Holme and Constable C. G. Malcolm, played their first game of the year.

* * *

Felicitations and best wishes are extended to Constable R. P. Cudmore and his bride, formerly Miss Mary Forrest, who were married at St. Giles United Church, Winnipeg, September 17th.

"F" Division

Deputy-Commissioner D. Ryan handed over the Command of "F" Division on the thirty-first of October, 1938, thereafter proceeding on leave pending retirement to pension, his new address being 3302 Cedar Crescent, Vancouver, B.C. The best wishes of all members of the Division go with Deputy-Commissioner Ryan, in that he, in his retirement, may enjoy a long and well-earned rest, after his many years of service.

* * *

It is considered the members of the Division may well feel proud of themselves as the result of the very fine showing made in the annual revolver practice, as, according to Returns just completed, sixty members are entitled to the Crossed Revolver badge. No possibles were made, but Sergeant W. W. Hinton obtained a total score of 239 points out of 240, while four others made 235 or better.

* * *

Constable M. B. Sharpe, a member of the Criminal Investigation Branch at Weyburn, was married to Miss Alice May Sutherland on October 14th, 1938, and the good wishes of all members of the Division are extended to the happy couple.

"J" Division

Attended by the Fredericton personnel and their wives and friends together with many members from nearby detachments, a dance was held in the Drill Hall at the Barracks on the night of November 10th. With Armistice Day the motif of decoration, the hall provided a pleasing setting for the enthusiastic guests and talented

orchestra; while an excellent buffet supper and good arrangements in general made certain the enjoyment of an unusually happy evening.

* * *

The Rifle and Revolver Club commenced the winter season on November 15th. Great interest is being shown in the club by all members stationed at Fredericton, and while some excellent scores have been turned in already, it is confidentially expected that the assiduous practicing being carried on will be productive of a high standard of marksmanship.

* * *

Among other sporting activities, badminton is receiving particularly enthusiastic attention this winter and many new members have been observed on the courts.

"K" Division

Held at Edmonton on October 22nd, the third annual banquet of the "K" Division Cricket Club brought to a close the 1938 cricket season. Among the guests welcomed by the President, Inspector A. F. C. Watts, were: His Worship Mayor Fry; the ex-Attorney-General, the Honourable J. W. Hugill; the Asst.-Deputy Attorney-General, H. J. Wilson, K.C.; the Crown Prosecutor, J. W. McClung, Esq., and Lt.-Colonel C. G. S. Bagot, D.S.O., the Secretary-Treasurer of the Edmonton and District Cricket League. The following toasts were drunk: "The King," proposed by the President, Inspector A. F. C. Watts; "The City of Edmonton," proposed by L. Y. Cairns, K.C., and replied to by Mayor J. W. Fry; "The R.C.M. Police Cricket Club," proposed by R. D. Tighe, K.C., and replied to by Assistant Commissioner W. F. W. Hancock; "The Edmonton Cricket League and Sister Clubs," proposed by L/Corporal A. B. Johns and replied to by Lt.-Colonel C. G. S. Bagot, D.S.O.; "The Ladies," proposed by Inspector R. E. Mercer and replied to by Mrs. S. C. Coggles; "The Visitors," proposed by Inspector A. F. C. Watts and replied to by Dr. J. Ross Vant and "The Press," proposed by L/Corporal D. R. W. Mason and replied to by Mr. "Spud" Murphy of the Edmonton *Bulletin*. An excellent programme of entertainment was provided by Mrs. T. H. Field, Constable Lionel Broadway, and the "Legionnaires" Concert Party, led by Major C. S. Merrett.

During the evening the President's Cup, donated and presented each year by Inspector Watts to the most valuable player on the team, was handed to "Art" Brown, whilst Assistant-Commissioner Hancock also presented him with a cricket ball, suitably mounted and inscribed, being the identical ball with which this player took nine wickets for nine runs against the "Tramways" C.C.

Of the eighteen games played in the Edmonton and District Cricket League, the Club won ten, drew one, and lost seven, finishing third in the League standing. The League consists of seven teams and a high standard of cricket is maintained. It is worthy of mention that the "K" Division Club won one game of twenty played in 1935, the year of its foundation; in 1936, three games of twenty played were won, while in 1937, six games were won and three drawn. Viewing the record of the past season, therefore, it will be readily agreed that the Club has good reason to feel proud of its 1938 achievement.

Although as a result of an injury, his playing activities are confined to occasional friendly games, our President, Inspector A. F. C. Watts, was present at all games and his influence had much to do with the success of the team. The Officer Commanding "K" Division, Assistant-Commissioner W. F. W. Hancock, was unable to play regularly and, as a result, did not attain his best form, although he did contribute one sparkling innings of fifty-eight runs. Inspector R. E. Mercer also took a great interest in the affairs of the Club and gave enthusiastic support at all games.

The team was ably captained by L/Corporal A. B. Johns who was assisted by an enthusiastic vice-Captain in Constable E. C. Parker; while Detective-Corporal Coggles performed the manifold duties of Secretary-Treasurer most efficiently and energetically. The thanks of all connected with the Club go out to Mrs. A. B. Johns, Mrs. D. R. W. Mason, Mrs. Sidney Coggles and to the other ladies who managed the affairs of the "Tea Interval" and the lighter side of the season's cricket and greatly added to the pleasure of the members and friends.

"O" Division

Bowling activities have been resumed and the league schedule is now well under way. During the winter season, four "five-man" teams will compete for the league championship and present indications point to a very keen race. The play-offs to establish section winners in the first half will be held shortly before Christmas. It is hoped to hold a social event following the play-offs when a drawing will be conducted and appropriate prizes awarded.

* * *

The subject of entering a team for competition in one of the local indoor baseball leagues which operate at the Armouries has been discussed. Softball has been very popular among members of the Division and it is felt that a representative team would make a very creditable showing.

* * *

Congratulations are extended to Constable L. W. Hopkins now stationed at Ottawa and formerly of "O" Division, who recently married Miss Mary Bertha Elizabeth (Dolly) Storey in the chapel of St. Pauls Church, Toronto. Representatives of "A" and "O" Divisions were in attendance at the wedding.



"The Origin of the Force"

FOLLOWING THE Red River Rebellion, a journey across the prairies and back to Winnipeg was made by Captain Butler, who had been an Officer on Lord Wolseley's staff. He submitted a report, emphasizing the need of a police force. He later wrote a book called "The Great Lone Land," in which he foretold the development of the West. He quoted the great American poet Whittier, as follows:

"I hear the tread of nations,
"Of empires yet to be
"The dull low wash of waves where yet
"Shall roll a human sea."

Two years later, Colonel Ross Robertson, the Adjutant General of the Canadian Militia, made a similar journey, and recommended the establishment of a military garrison in the Northwest Territories. These reports brought about a decision to form a police force.

By an Act of Parliament passed on May 23rd, 1873, authority was given for the constitution of a police force in and for the Northwest Territories, to consist of such numbers as might be thought proper, but not to exceed three hundred men.

Obituary

Reg. No. 1749, ex-Constable C. E. Morgan

A distinguished and colourful life came to an end on October 19th, 1938, when Lt.-Colonel C. E. Morgan died at Cayuga, Ontario. Superintendent of the Six Nations Indian Reserve at Brantford until his retirement in 1935, Colonel Morgan was a member of the N.W.M. Police in his youth and was founder of the Springbok Association of South African Veterans.

Leaving England, where he was born and educated, in 1886 at the age of eighteen years, the late Lt.-Colonel Morgan commenced his adventurous career that same year by joining this Force at Ottawa, to serve for over two years in Western Canada at a time when Indians and white law-breakers constituted an element of danger to life on the frontier prairies.

Purchasing his discharge from the Force in 1888, ex-Constable Morgan began a period of travel during which he lived in many widely separated parts of the world, and served in many Police and Military Forces. From British Honduras and the Central American Gold Fields he returned to England, to enter the British Army when he attained the rank of Captain in the North Stafford Regiment. The middle '90s found him in Rhodesia, South Africa, working in the diamond mines and later, following the life of a trader. He was one of the first white men to go up the Zambesi River to the Great Victoria Falls and on that occasion tsetse flies killed the mules of his safari, resulting in days of danger and hardship before Mr. Morgan was able to struggle back to an outpost of civilization. During the Matabele Rising of 1896, he again saw military service and returned to his business at the termination of hostilities with the rank of Lieutenant of Artillery.

A few years later the Boer War broke out and Mr. Morgan joined the Rhodesian Horse with the rank of Captain. He served throughout the war and was present at the relief of Mafeking. The war ended, he was appointed Commissioner to deal with the claims of South Africans whose property had been pressed into service, and he served in that capacity for two years at Capetown. During the years 1907, 1908, and 1909, he conducted a Colonial School for boys in England, later going to the West Coast of Africa to obtain concessions from the natives for palm oil companies.

In 1913, Mr. Morgan came to Canada with his wife and daughter and was a resident of Winnipeg when War was declared in August, 1914. Despite his previous service, he joined the Fort Garry Horse as a private and was undergoing training when a cable from England recalled him to the Imperial Army. Appointed to the command of the 50th Brigade, Royal Field Artillery, he served in France until he was transferred to England to become the Commanding Officer of a military camp at Cambridge.

Following demobilization, Lt.-Colonel Morgan returned to Canada and took up residence at St. Catharines—he left there in 1923 to become the Superintendent of the Six Nations Indian Reserve at Brantford. An efficient administrator; capable, kindly and just, Colonel Morgan enjoyed the respect and affection of the Indians and in 1927 was adopted into the Mohawk Tribe to become Chief Ga-Na-Da-Gen-Rah . . . "The Man Who Plays Fair."

Reg. No. 133, ex-Constable George Gamsby

A veteran of the earlier years of the Force and of the Boer War, Mr. George Gamsby passed away in the Holy Cross Hospital, Calgary, on October 2nd, 1938, at the age of eighty-one. Born at Perth, Ontario, in the year 1857, ex-Constable Gamsby joined the N.W.M.P. at Ottawa in May, 1878, and served at Fort Walsh, Macleod and Calgary until 1881. Leaving the Force he homesteaded for eight years before moving to Priddis, Alberta, in 1889. During the Boer War, Mr. Gamsby

served with the Lord Strathcona Horse in South Africa and with the Canadian Mounted Rifles in Canada. Following his military service, he returned to Priddis and was active on his farm until a short time prior to his death.

Reg. No. 1449, ex-Corporal Arthur Clifton Tabor

On November 18th, 1938, ex-Corporal A. C. Tabor died at Vancouver, where he had resided during the past thirteen years. He was 72 years of age.

A native of Fredericton, N.B., Mr. Tabor joined the N.W.M.P. in June, 1885, and served during the Riel Rebellion and the troubled period which followed it, until 1890 when he took his discharge from the Force.

Reg. No. 1528, ex-Sergeant John McFarland

A veteran of the Force and Police Magistrate at Havelock, N.B., Mr. John McFarland died on October 4th, 1938, at the age of seventy-five years. Joining the N.W.M.P. at Ottawa in July, 1885, he proceeded to Regina and was there at the time when Louis Riel, "Big Bear" and "Poundmaker" were incarcerated in the Guard Room. Ex-Sergeant McFarland served for five years at Fort Macleod, Lethbridge, Milk River and at other posts in that part of the old Northwest Territories; he left the Force in 1890 on the completion of his term of service. Returning to his home in Havelock, N.B., Mr. McFarland engaged in farming and remained in the district until his death.

Reg. No. 1874, ex-Constable W. T. Pound

Mr. William Thomas Pound died at his residence in Calgary on November 5th last, aged seventy-five years. Born at Battersea, Ontario, of United Empire Loyalist stock, his early home was at Kingston, Ontario. Prior to joining the Force he was a Colour-Sergeant in the P.W.O. Rifles and was stationed for some time at old Fort Henry, Kingston.

Becoming a member of the N.W.M.P. in 1886, ex-Constable Pound served in Western Canada until 1889, when the death of his father necessitated his return to Kingston. In 1904 he proceeded to Calgary, the remainder of his life being spent in the West.

Reg. No. 1912, ex-Constable Robert Garrett

A member of the Force from 1887 to 1892, ex-Constable Robert Garrett died at his home in Parkland, Ontario, on July 2nd, 1938. Born in Parkland seventy-two years ago, Mr. Garrett joined the North West Mounted Police at Ottawa and completed a five year term of service in the West, being stationed at Regina, Lethbridge, Medicine Hat and Maple Creek.

Reg. No. 2278, ex-Constable W. W. Eastman

After a long illness, ex-Constable W. W. Eastman died at Saskatoon on June 23rd, 1938, at the age of seventy-five years. A native of Billings Bridge, Ottawa, the late Mr. Eastman joined the N.W.M. Police in 1889 and was stationed at Lethbridge for nine years until he left the Force in March, 1898.

Reg. No. 2745, ex-Constable O. W. Kealy

A resident of Bermuda since 1920, Mr. Oswald William Kealy passed away at his home there on October 21st, 1938. A member of the N.W.M.P. for eight years, ex-Constable Kealy engaged at Regina in 1891. Seventy years of age when he died, he was born in England and was articled to the legal profession there prior to his coming to Canada. Having continued his studies during his service with the Force, he obtained his discharge in 1899 in order to practise his profession and was for many years a barrister at Medicine Hat.

Reg. No. 3166, ex-Constable D. M. Bennett

On September 15th, 1938, the death of Mr. Donald Mortimer Bennett occurred at Tacoma, U.S.A. Born in England 66 years ago, he came to Canada when a young

man and joined the N.W.M.P. in 1896. Following service at Regina and Calgary, ex-Constable Bennett was stationed in the Yukon for two years and left the Force in 1900 to return to England. Moving to Tacoma, U.S.A., in 1906, he entered the service of the Public Works Department of that city, and remained so employed until his death.

Reg. No. 4112, ex-Constable J. P. Ryan

Mr. James Patrick Ryan passed away at St. John, N.B., on November 17th, 1938, after a lengthy period of ill-health. Following service with the Canadian Mounted Rifles during the South African War, Mr. Ryan joined the N.W.M. Police at Winnipeg in 1903 and proceeded to Regina. During the following six years he was stationed at Macleod, Cardston and Stavely and left the Force in 1909.

Military service during the Great War was followed by appointment to the personnel of the Canadian National Railway Police, and at the time of his death Mr. Ryan had a record of twenty years service with the organization referred to.

Reg. No. 4475, ex-Constable H. C. McDiarmid

Born in Athol, Ont., March 20th, 1877, ex-Constable H. C. McDiarmid died at Stienbach, Man., on August 9th. Previously in the Post Office Service at Dawson City, Hugh Campbell McDiarmid joined the North West Mounted Police in 1906, and following a period of training in Regina, proceeded to Cape Fullerton in the Hudson Bay. After three years service at that point, he served for two years at Maple Creek and Norway House, obtaining his discharge in 1911 on the completion of his term of service. In 1915 he enlisted for war service and served for nearly four years with the Canadian Expeditionary Force in Canada, France and Belgium. Demobilized in 1919, ex-Constable McDiarmid rejoined the Force and was stationed at Norway House for a period of five years. In order to take up a position in civil life, he obtained his discharge from the Force in 1925; two years later he entered the Service of the Department of National Revenue, again becoming a member of this Force when the Royal Canadian Mounted Police took over the duties of the Preventive Service in 1932.

Well known in Manitoba where he had spent so many years of his life, ex-Constable McDiarmid was stationed at Winnipeg until retired to pension in 1934.

Reg. No. 6640, ex-Corporal E. W. Scott

The death occurred at Vancouver, B.C., on March 7th, 1938, of ex-Corporal E. W. Scott, aged 41 years. Born at Glen Ewen, Saskatchewan, ex-Corporal Scott joined the Royal North West Mounted Police in February, 1917, and following a period of training at Regina, was stationed at Estevan Detachment. Leaving Canada in the spring of 1918 with the Royal North West Mounted Police Cavalry Draft, he served in England with that unit of the Canadian Expeditionary Force, returning to Regina in March, 1919. Stationed at Moose Jaw Detachment and later at Swift Current, where he was married in 1923, ex-Corporal Scott continued on active duty until May, 1928, when he became seriously ill with influenza. Following this illness, in July 1929, he was invalided and became a pensioner of the Force.

Reg. No. 9101, Constable G. L. Smith

Following a severe illness of nine weeks duration, Constable George Leslie Smith passed away in the Ottawa Civic Hospital on August 15th, 1938. Born in Ottawa in 1883, Constable Smith received his education in that city and remained a lifelong resident. On leaving school, he entered the employment of the old Canada Atlantic Railway Company and in sixteen years of service rose to the position of locomotive engineer. Joining the Dominion Police in 1914, he became a member of the Royal Canadian Mounted Police when the amalgamation of the two organizations took place in 1920 and continued to serve with this Force until his death.