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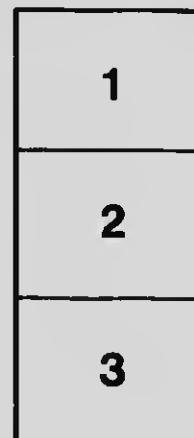
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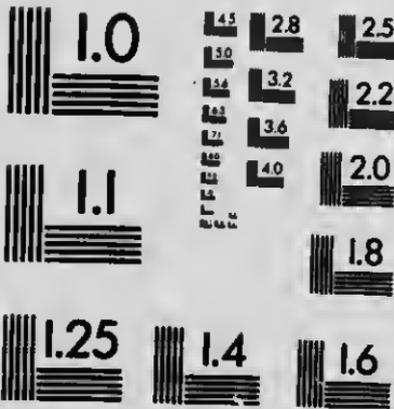
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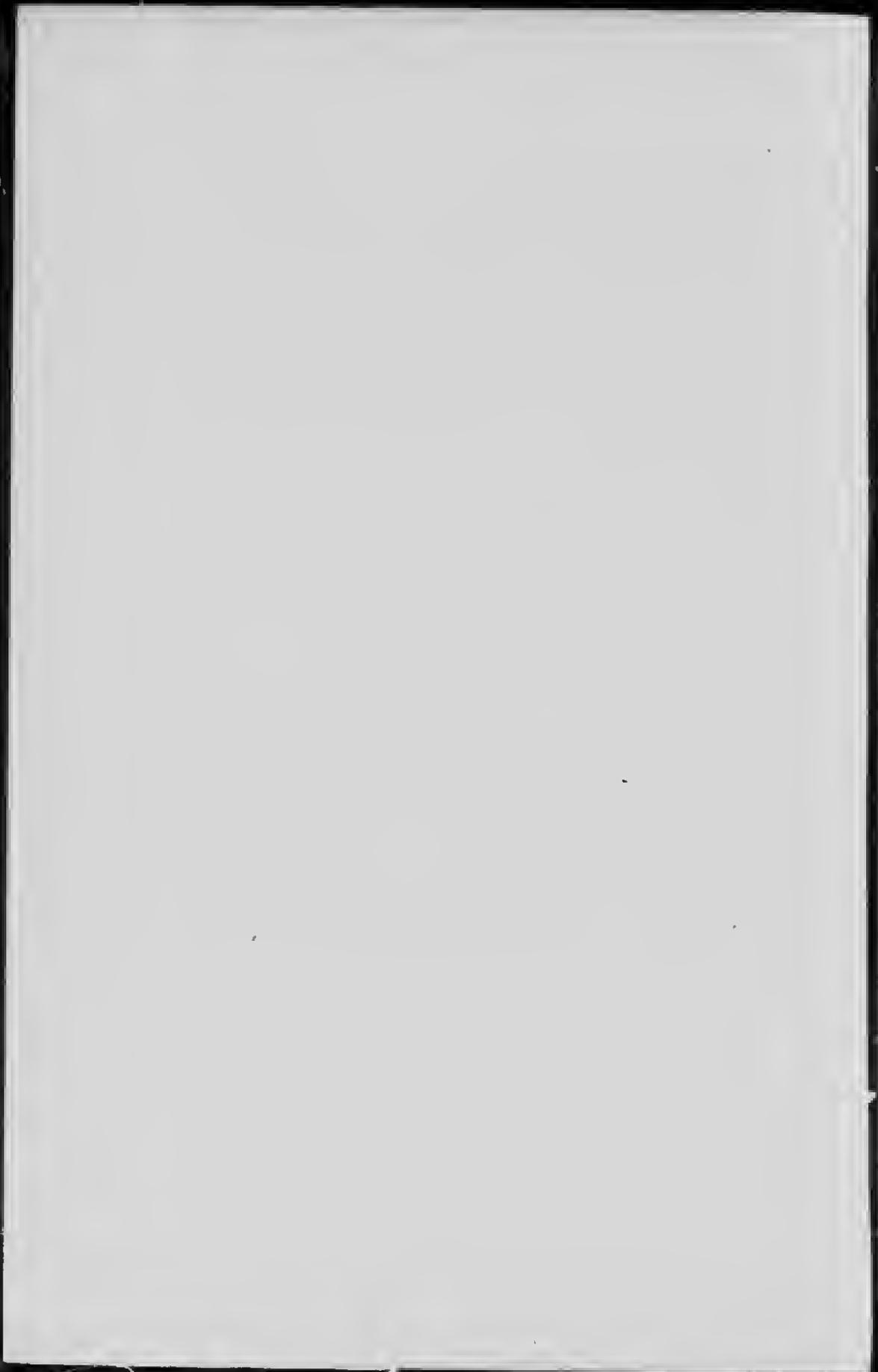
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THE "GREEN GOODS GAME"
IN 1815

BY

THE HONOURABLE WILLIAM RENWICK RIDDELL
LL.D., F.R.S., Can., &c.

Justice of the Supreme Court of Ontario



THE "GREEN GOODS GAME" IN 1815.

BY THE HONOURABLE WILLIAM RENWICK RIDDELL,
LL.D., F.R.S.Can., etc.

Justice of the Supreme Court of Ontario.

Writers on Confidence Frauds—familiarly called "Con."—are wont to attribute the origin of the "Green Goods Game" to the rascals of the United States during the Civil War and shortly thereafter.¹ At that time the circulation of paper money was enormously expanded, and in many parts of the United States specie was for the first time displaced by bank notes and treasury certificates. The unwary were easily led to believe in the facility with which counterfeit bills could be made, the great precautions taken in their production being known to very few. Many were led to buy counterfeit which as they thought could be passed without difficulty or danger. Sometimes these gullible purchasers were got by cunningly worded advertisements, sometimes by "go-betweens," "come-on men" — in the end they paid away their good money for worthless counterfeit—or in the later development of the swindle, for blank paper.

This "fake," which is generally supposed to have begun after the middle of the 19th century is, at least in its earlier form, much older: it is a hardy perennial—for "the thing that hath been, it is that which shall be: and that which is done is that which shall be done; and there is no new thing under the sun."

The purpose of this paper is to tell of a swindle of this character early in the 19th century in Upper Canada, which nearly had fatal consequences.

¹ Major Arthur Griffiths, the Scotland Yard expert, from information obtained from Detective Chief Thomas Byrnes of New York, and from the well-known Lexow enquiry, considers James "King" McNally as the originator—and beyond question "King" McNally was the first large operator at the time. A popular account is given by W. C. Crosby (himself an old "Con" man) and Edward D. Smith in the *Saturday Evening Post* for January 24, 1920.

When "Muddy Little York," now our proud city of Toronto, was taken by the American troops in 1813, one of the terms of capitulation—which by the way was not respected—was that private property should be spared. There was no such provision as to public property and that became the property of the conqueror. William Roe, a clerk in the office of the Receiver-General, took the public funds away and buried them on the farm of John Beverley Robinson east of the Don bridge on the Kingston Road.²

When General Dearborn asked for the funds, he was informed that a clerk had taken them away without authority;³ he insisted that they should be replaced and threatened to give the town up to fire and pillage if they were not forthcoming. The threat was effective: the funds were produced—but the American troops burned the public buildings, the library, etc., robbed the church of its plate and committed numberless acts of private robbery.

The public funds amounted to about £2,000, partly in what were known as Army Bills. Army Bills were quite as well known in Upper Canada during the War of 1812 as greenbacks in the United States during the Civil War.

Without going into minutiae, it is sufficient to say that these Army Bills were equivalent to promises to pay money out of the Army chest. Sometimes the paymaster was far distant, sometimes if at hand, he had no specie—accordingly while Army Bills might be worth their face value where the paymaster was and when he had ample specie, they were naturally at a discount at other times and places. The Province of Upper Canada, recognizing the necessity of stabilizing these bills

² Roe was the son of Walter Roe, of Detroit, one of the two lawyers in Upper Canada when it came into existence as a Province in 1791-2. See my "Legal Profession in Upper Canada," pp. 165, 599.

³ When William Dummer Powell was told of this excuse he became angry and demanded, "Why was General Dearborn not told that there were no public funds?" I would have hesitated to say this but for the fact that it is set out in a paper in Powell's own handwriting in the Canadian Archives—he was a Justice of the King's Bench and afterwards Chief Justice.

as much as possible, passed an Act⁴ which provided that Army Bills should be taken at par by Collectors of Revenue and Custom, as well as by the Receiver-General;⁵ the deposit of the amount of a fi. fa. or a ca. sa. in Army Bills operated as a supersedeas of the writ—if the plaintiff accepted the Army Bills as payment well and good, if not, his writ was stayed and he got no interest. So, too, if a person were arrested on mesne process and held to special bail, he could deposit the amount in Army Bills. The Legislature stopped just short of making Army Bills legal tender: but the legislation was effective in raising and steadying the value of the Bills.

The amount of Army Bills taken at York was considerable, but by no means up to the boastful stories told by the conquerors.⁶ At all places in Upper Canada near to the American border, the story was circulated of the enormous amount of Army Bills taken by the American forces: and it was represented that the soldiery had obtained many by private pillage.

Now was the chance for the "Con"-man—the name is comparatively modern, the practice as old as civilization. A regular factory for forging British Army Bills was instituted at Ogdensburg; and unwary Canadians were induced to buy the "faked" article at a much reduced price. The Parliament of Upper Canada had in 1813 made the forging of Army Bills or the uttering of forged Army Bills, knowing them to have been forged, a felony without benefit of clergy;⁷ this

⁴ (1813) 53 Geo. 111., c. 1 (U.C.)—of course the enormous quantities of material, food, etc., needed for the troops were paid for in Army Bills; and vast quantities of them were in circulation. The Act was only temporary, but it was extended by (1814) 54 Geo. 111., c. 16 (U.C.), and not repealed until (1816) 56 Geo. 111., c. 26 (U.C.), after the war.

⁵ It was more than hinted at the time that collectors and receivers and even the Receiver-General bought Army Bills at a discount and turned them in at par.

⁶ Probably not one American out of a hundred thousand knows of the burning by American troops of our public buildings, of Fort George, etc., or knows that the Capitol at Washington was burned in retaliation for these barbarous acts—expressly so stated at the time by the British Admiral.

⁷ A person convicted of a felony "without benefit of clergy" was hanged on conviction; in an, other case of felony, he was let off the first time but hanged if again convicted. By the law at that time, as now, "every dog was entitled to one worry." The law then gave every man one crime—now the good old times are gone. Benefit of clergy was abolished in Upper Canada by the Act (1833) 3 Will. 1V, c. 3, sec. 25 (U.C.)—in England by sec. 6 of the Criminal Law Act of 1927.

rather damped the sale of the "green goods," but did not wholly prevent it.

In the Fall of 1813 one Reuben Ainsworth was arrested at Cornwall for uttering a forged Army Bill to Mr. McAulny of that place; he was committed to gaol at Cornwall to await the Court of Oyer and Terminer and General Gaol Delivery, and the (Acting) Attorney-General, John Beverley Robinson, was notified. In those days the Attorney-General and Solicitor-General were accustomed to prosecute the criminal cases in person, unless it was physically impossible—the fees which they thus earned, small as they were, helped to eke out the disgracefully small salaries they were paid.⁸ But Robinson was overburdened with official work (it is amazing how he stood it), and recommended Mr. Jonas Jones⁹ of Brockville to be retained to prosecute Ainsworth. Ainsworth saved his neck by breaking gaol¹⁰ and effecting his escape to the United States. Jones, however, went into the matter very fully; he found that these forged Bills were for sale at Ogdensburg, and that evil-disposed persons on the Canada side crossed over and purchased them to circulate them in this Province; he obtained names and took means to effect the arrest of the offenders—the evil was spreading alarmingly in the Johnstown and Eastern District, *i.e.*, along the St. Lawrence.¹¹

It was not long before a young man was caught passing a forged Army Bill. Duncan Campbell, one of

⁸ These law officers were paid and appointed by the Home Administration. John Sandfield Macdonald was the last "Law Officer of the Crown" to prosecute in person—I never saw it done.

⁹ Afterwards (1837) Justice of the Court of King's Bench, Upper Canada. Robinson's letter is in the Can. Arch. Sundries U.C. 1813, and is dated at York, October 31, 1813. Robinson says Jones is of Elizabethtown: de Rottenburg says he is a lawyer of Prescott, he himself addresses his letter from Brockville.

¹⁰ Neil McLean, the sheriff, writing from Charlottenburg November 19, 1813, with the information of the landing of the troops of General Wilkinson in the Township of Matilda, says that the Gaol became unsafe and he ordered a guard to take the prisoners to Coteau du Lac to Colonel Scott—Reuben Ainsworth and Richard Boyer, committed for crime. Alexander Hoyer (a debtor), and John Fulton, both dangerous and disaffected persons. "Ainsworth jumped out of the window guarded by two men the day before they were to leave—the others were delivered to Col. Scott." Canadian Archives Sundries, U.C., 1813.

¹¹ See letters of Jones to Edward McMahon, the Governor's Secretary, Brockville, Nov. 13, 1813; from General de Rottenburg to Col. Edward B. Prenton, Kingston, Nov. 16, 1813. Can. Arch. Sundries, U.C.

a most respectable family, his father an old army officer, and himself with hosts of friends, in Elizabethtown passed off on a shopkeeper, Mr. Jones, a Bill which was soon found to be forged. He claimed to have received it as genuine, and as one of the Army Bills taken by the American army at York; he had received it at Ogdensburg and claimed that it was genuine.

He was placed on trial at Brockville at the Fall Assizes, 1814, before Mr. Justice Campbell. The trial judge charged the jury that to convict they must find that the prisoner when he uttered the forged Bill knew it to be forged. The jury convicted and Campbell was sentenced to death. The judge respited the sentence to allow of a petition for clemency, but refused to recommend commutation. The jury and the Grand Jury both petitioned on his behalf, and petitions of many pages running into the hundreds of names poured in; the prisoner also petitioned, vehemently asserting his innocence—it seems quite clear that neither the convict nor the jury knew that the offence was capital, for the statute was not printed or published in the District till months after his arrest.

The Attorney-General, John Beverley Robinson, being asked by the Lieutenant-Governor for his opinion, said that he was certain that the young man had not known that the crime was capital, and recommended that as it was a first offence, and the prisoner came of a loyal and respectable people, he should be pardoned. Campbell did not wait for the pardon; he apparently did not know that a pardon was in prospect—he broke gaol¹² and left his country for his country's good.

WILLIAM RENWICK RIDDELL.

Osgoode Hall, February 7, 1920.

¹² It is impossible not to suspect connivance at this escape; the whole district petitioned for Campbell's pardon, horrified at the death penalty for such an act—but gaol-breaking was notoriously common at that time, it is not unknown even now. All the facts of this case are to be found in the Canadian Archives at Ottawa in documents which I have read and copied.

