

Rare 4500

Story of
Frank McCullough

Editor:

WALTER E. LEAR, Esq.,
Of Osgoode Hall, Barrister-at-Law.

Price: 50 Cents

LAW BOOKS, LIMITED
152-154 BAY STREET,
TORONTO
1919

Labour Laws or The Rights of Employer and Employed, by Walter E. Lear, Barrister-at-Law. Written in plain, simple language, which any workman can understand. This book should be in the home of every workman for reference as to his rights and liabilities. Price, 25 cents.

Legal and Commercial Terms explained by Walter E. Lear, Barrister-at-Law. A handy little pamphlet. Price, 10 cents.

Wills or The Law of Succession After Death by Walter E. Lear, Barrister-at-Law. It contains a concise statement of the law of Wills in force in all the provinces of Canada and forms of Wills and Codicils. This book should be read by every person before making a Will. Price, 25 cents.

LAW BOOKS, LIMITED,
152-154 Bay Street,
Toronto

Story of
Frank McCullough

Editor:

WALTER E. LEAR, Esq.,
Of Osgoode Hall, Barrister-at-Law.

Second Edition

LAW BOOKS, LIMITED
152-154 BAY STREET,
TORONTO
1919

KE229

M38

S76

1919

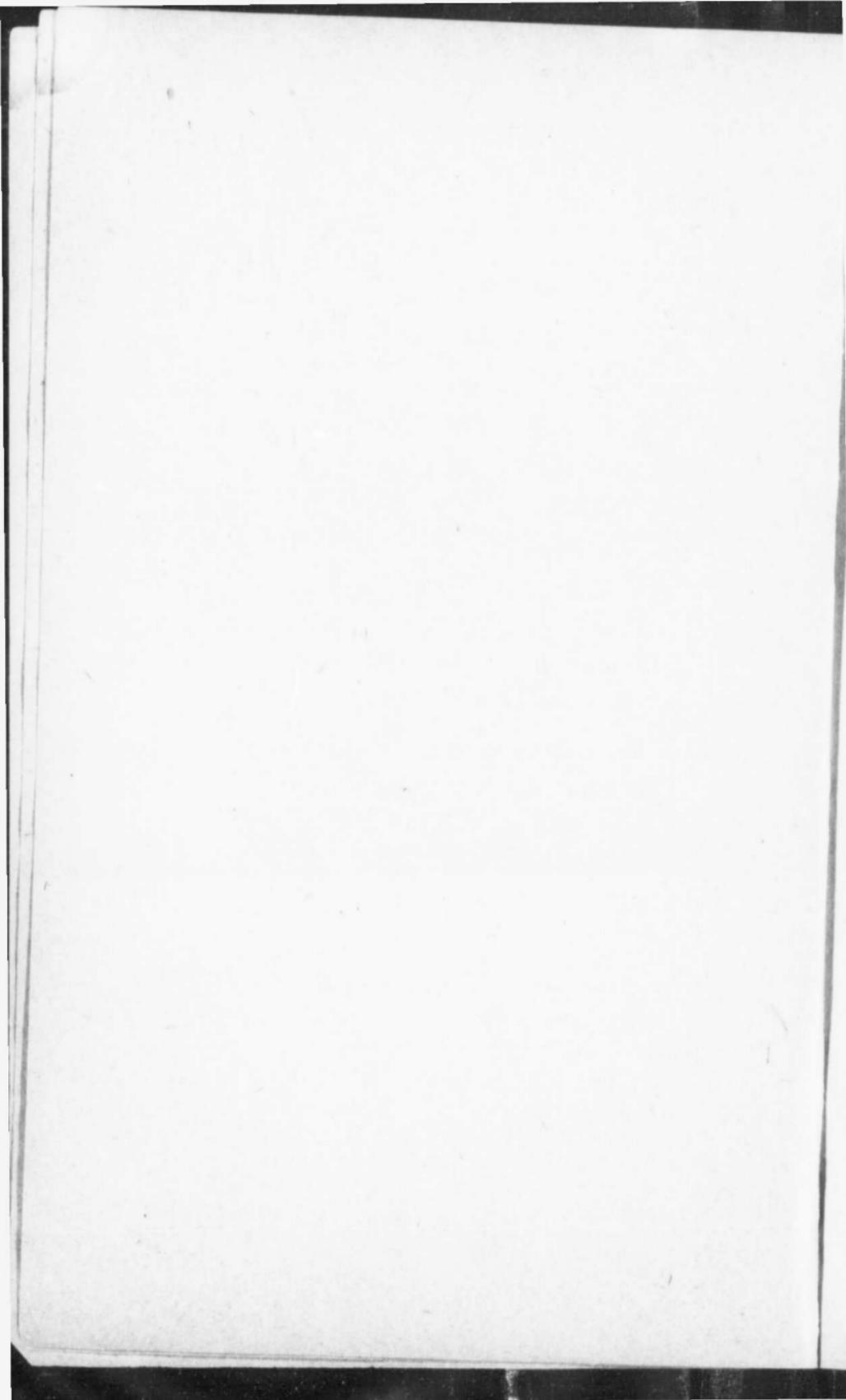
Copyright: Canada, 1919, by Walter Edwin Lear.



FRANK McCULLOUGH
Hanged 13th June, 1919.

TABLE OF CONTENTS

CHAPTER	PAGE
1. The Crime	7
2. McCullough's Life Story	11
3. Trial of McCullough	23
4. McCullough's Escape	57
5. Re-capture of McCullough	84
6. Letter from Vera de Lavelle	94
7. Last Knock at Door of Justice	98
8. Demonstration of Sympathy	101
9. The Execution	114
10. Farewell Letter Came Too Late	122
11. The Funeral Service	125
12. McCullough's Religious Confession	128



THE STORY
of
FRANK McCULLOUGH

CHAPTER 1

THE CRIME FOR WHICH McCULLOUGH WAS HANGED

The crime for which Frank McCullough paid the supreme penalty by hanging was that of the shooting of Acting Detective Frank Williams while in the discharge of his duty in arresting McCullough and a companion, Johnston, on a charge of theft. The shooting happened at the corner of King and Bathurst streets, Toronto, at Cross' Livery Stables from where the two men had hired a buggy and were returning it when they were arrested.

At 6 p.m. of November 18th, 1918, Frank McCullough and his pal in crime, Johnston, returned the buggy they had rented from Cross to the stables, and were about to pay for its use when they felt a hand on each of their shoulders

THE SHOOTING

and heard a voice say "You are under arrest."

They walked quietly back into the office with Williams, Johnston walking in first, then Williams and then came McCullough. They had no sooner got there than Johnston drew a revolver from his hip pocket and fired three shots. McCullough grabbed the gun from Johnston, who was grappling then with Williams. He broke away from Williams' grasp and sped from the office and out to liberty.

Meanwhile, Williams, finding himself alone with McCullough, took him prisoner, but McCullough gave battle and Williams called Liveryman Cross to his aid. Cross caught McCullough around the neck from behind. It was then that the first bullet was fired. It was stopped by Williams' notebook or would have killed him. They struggled on for some time and then the second shot was fired and Williams fell, exclaiming that he was shot.



ACTING DETECTIVE FRANK WILLIAMS

Shot and killed, 18th November, 1918, while attempting the arrest of McCullough and Johnson.

McCULLOUGH'S ESCAPE

McCullough himself fell, for a minute dazed from the blows he had received from Williams' billy. Then pulling himself together he ran from the office to King street, and was passing the corner of Bathurst street, when he was tripped up at the corner, and there held until taken into custody.

He came up for his trial on January 21st, and was sentenced to hang on May 2nd. He made his escape from Toronto Jail on April 15th. He was at liberty some little time (over three weeks) and was recaptured on May 8th, and without being given a second trial was hanged on June 13th, 1919, at 8 a.m.

Complicated with the Frank McCullough case are two others, Vera De Lavelle and Ernest Currell. The former is at liberty, having escaped from the jail, and the latter is awaiting sentence for assisting the condemned man to escape.

McCullough was the first condemned

HASSAN NEBY

prisoner to have been in Toronto Jail while another prisoner was hung. Hassan Neby was hung at 8 a.m. on January 3rd, 1919.

Unlike Hassan Neby, who could not be made to understand that he was about to be hanged until the last moment, Frank McCullough knew three days before his death that his fate was sealed.

CHAPTER 2

McCULLOUGH'S LIFE STORY

The following was written by Frank McCullough himself, and was published in the Toronto daily papers on 11th of June, 1919:

I was born in Otsego Co., New York, on a farm within five miles of Cooper-town, named after the famous author of "The Last of the Mohicans."

My parents were honest, God-fearing people of good old Yankee stock, and my proper name is LeRoy Ward Fay Swart. When I was a little over 11 years of age my father's home was by some accident burned to the ground, so he sold the old farm and moved to Jersey City, N.J., where he obtained work as a carpenter on the Pennsylvania Railroad. I have two sisters and a brother, all of whom are younger than my-

RAN AWAY FROM HOME

self, the oldest being at this time twenty-two. While we were in Jersey City I attended Public school until I was thirteen, and then we moved over to Brooklyn, N.Y., where I continued my Public school education.

I enjoyed reading very much, and, as most young boys of that age, read what are termed dime novels a great deal, and when I was a few months over fourteen I became imbued with the glamor of the life of some of these fictitious heroes and ran away from home.

I had about \$10, the proceeds of a boyish stamps collection, and with it I purchased a ticket on one of the Hudson River boats to Albany, N.Y. Incidentally, my people made several efforts to find me, but I did not communicate with them for a year.

Well, in Albany they were erecting a new educational building at the time. I got work as a water boy and worked for

ARRESTED AT FIFTEEN

seven months or more. I quit there and went to the railway yards, and beat my way to Erie, Pa., where I was taken in charge by a couple of real tramps, and they in a few weeks initiated me to the duties of a "look-out" while they performed various burglaries and robberies.

I was with them about four months, and was arrested one night in Kansas City, Mo., for investigation, and I admitted being implicated in these crimes. It was the first time in my life that I had been in trouble, and I was but one month over fifteen years of age. But nevertheless I was sentenced by Judge Latshaw to ten years in the penitentiary at Jefferson City, Mo.

I had no lawyer or friends. The other two men promptly vanished. I was in such a state of mind I did not know what to do. There was only three days interval between my arrest and my sentence. Had I had a lawyer, I would

SERVED IN U. S. ARMY

have been sent to the Reform School at Boonville.

Well, after I had recovered what little sense I had, I wrote a letter to my dear old mother and told her that I was going on an exploring and prospecting trip with some men and that she would not hear from me again for some years. I was taken to the pen, and did not write again for over two years. After that time I had begun to have a glimmering of more mature sense, so I sat down and wrote the whole thing to her, and their efforts were successful in getting my sentence reduced to five years. I was released on the 15th day of October, 1914, and my number was 12222.

Being ashamed to go home then, I went to Joplin, Mo., and enlisted in the United States army. The Mexican trouble was raging at the time and I was shot in the right leg. I was in the army for two years and three months. After

TRIED TO ENLIST HERE

my discharge I came to Canada, and received work at Banfield's munition plant, with the intention of joining an overseas battalion, as that was before the United States had entered the war, and as I had studied hard during my incarceration, and having had previous field experience, I thought I might be able to pass for a commission in one of the Canadian units.

My legs, however, not being completely cured (the bone had been somewhat shattered), I was turned down for a time, and after working here a few weeks I happened on one of my fellow-prisoners from Missouri, and again I got into trouble.

I was sent to Burwash for one year. The first week I was there I gave my word to the superintendent in charge that I would not run away, and was made a trusty (without any guard), and finally, after nine months, was paroled. I came back to Toronto, and went to work

NEVER CARRIED REVOLVER

for the Dominion Ship Building Co., and worked steadily there until late in July, when I went to work for Barker's Bread Bakery, as a driver, as the hours were shorter and more pay was given.

Then, again, I ran across the man of whom I spoke before and another young man from Ottawa, and I fell once more into the crooked path.

But I never carried a revolver or other dangerous weapon in my life except when in the army, and I have never broken my word, and I will endeavor to tell the facts regarding this terrible tragedy the best that I know how.

I went up to Ottawa to visit this man Johnson, and while there we burglarized a store and shipped the goods to Toronto. We arrived here ourselves on Sunday morning. Johnson went to a friend's house to stay, while I went to my room. We met that afternoon and Johnson showed me a revolver that he

THE SHOOTING

had purchased from his friend. I remonstrated with him about it in his friend's hearing, but to no avail. We parted company then until the next day when we met as usual and going to the livery stable of Mr. Cross we hired a rig and took some of these stolen goods around to the store and sold them.

The next day we did the same and one of the proprietors of the store notified the police, and when we returned the horse and wagon, Detective Frank Williams was waiting for us.

Mr. Cross took the rig on down to his stables and we returned with the detective. He had come between us and grasped us by the shoulders. We turned with him and went to the little back office of Cross. Johnson went through the door first, then Williams, then myself. He was turned sideways so as not to let go of us. The office was dark and as soon as Williams was inside Johnson pulled the revolver and fired. Wil-

QUESTIONS EVIDENCE

liams let loose of me and attempted to grapple with Johnson and he fired once more.

I cried "Quit that, you fool," and jumped at him and grabbed his arm with one hand, the right, and the gun with the left, just as he fired once more, the bullet going into the roof, and the fire burning my left hand. He let go the gun and went through the next office, through the front door, and away.

In the meantime Williams had pulled his "billy" and jumped on me. We wrestled a little while and that is when Cross came to the door. The whole thing had only taken a matter of seconds till then, and Cross was mistaken at my trial, as the evidence at the inquest, his own evidence, will show, for he had taken the rig to the back of his wagon shed, a distance of perhaps 200 feet from us, and was unhitching the horse when the first shot was fired, and all

SHOOTING ACCIDENTAL

three were practically simultaneous, as the evidence shows.

Anyhow, I was endeavoring to stop Williams from beating me, and pushed him through the back office, when he hollered to Cross to jump on me. He did so, and put both arms around my neck and tried to pull me over backwards, while the detective continued to beat me from the front.

I was trying my darndest to ward off the blows, and Cross was choking me. In fact, I had forgotten all about the darned gun when it went off, I swear, by accident, and God knows, it is the truth if no one else does. Whereupon Cross shifted one of his arms around my right arm by the elbow in order to hold the gun, I suppose. Anyway, Williams hit me one right over my left eye, and I must have pulled the trigger again, but I do not remember. All I do know is I felt myself falling, but he only stunned me for a moment, I guess,

NOT A MURDERER

for I staggered to my feet and attempted to run, but was tripped by someone before I had gone 40 steps, and, well—that is all, excepting, God forgive me, and God rest Frank Williams' soul.

“I am not a murderer, nor have I the instincts of one, thank God, although I am convicted as one, and if I have to die on the gallows, my conscience is clear as to that, and I will die as a man, I hope. I do not fear death myself, thanks to the best Christian man I ever knew, the Rev. Bertram Nelles, of this city, God bless him.

All I will say in regard to my escape from here is this. In the circumstances who would not have done the same? If the thing had required violence I would not have gone, and during my brief freedom, I had two opportunities to get firearms, but would not take them, in fact would not even carry a pen-knife, and if by any chance God sees fit to have mercy on me, and I am granted com-

HIS WILL BE DONE

mutation of sentence, my word is given to NEVER do any wrong again.

I will close this epistle now. God help my poor old mother, brothers, and sisters. My father is dead, may he rest easy. And God have mercy on me. His Will Be Done.

FRANK McCULLOUGH.

CHAPTER 3

TRIAL OF McCULLOUGH

IN THE SUPREME COURT OF ONTARIO
CRIMINAL ASSIZES

BEFORE

HIS LORDSHIP, HON. MR. JUSTICE ROSE,
AND A JURY.

Mr. Peter White, K.C., Crown prosecutor.

Mr. T. C. Robinette, K.C., for the defence.

Tuesday, 21st January, 1919.

McCullough, neatly dressed in a dark green suit of the latest cut, stood in the prisoners' dock. He appeared quite calm and collected when the charge was read to him, and he pleaded

“NOT GUILTY”

in a clear and distinct voice.

During the empannelling of the jury, which took considerable time, McCullough stood patiently awaiting the selec-

THE JURY

tion of the twelve men who were to decide his fate. Mr. Robinette, K.C., challenged nearly half a dozen of the jurors, and Mr. White, K.C., asked a similar number to stand aside. Most of the jurors chosen were farmers, between the ages of 30 and 50 years.

THE JURORS WERE: *

William F. Haydock, 407 Woodbine Ave., confectioner; Albert G. Hill, 99 Danforth Ave., real estate broker; Frederick A. Grimble, 432 Delaware Ave., carpenter; Robert Grave, 322 St. Clarens Ave., shoemaker; Walter G. Baldock, 35 Thistle town, farmer; Thos. D. Weech, Islington, farmer; John W. Empringham, Markham, farmer; Wm. H. Castator, Vaughan, farmer; James M. T. Weir, Scarboro, farmer; Robert Sumers, York, gardener; Selby Barker, Georgina, farmer; and Albert Morning, Holland Landing, farmer.

Mr. White, K.C., opened the case with an address to the jury on the subject of

STATEMENT OF CASE

their duties, and then he outlined the case which the Crown would attempt to prove against the prisoner. He stated that the police received information from "Madame May" of 372 College street, saying that two men driving a wagon, had offered some furs for sale there and had aroused suspicions. Two policemen, Frank Williams, who had come to Toronto from Fergus, and Arthur McDermott, went to investigate and from information there received they proceeded to the livery stable of William G. Cross at 685 King street, just west of Bathurst street.

Cross was out giving a riding lesson when they arrived, and Williams waited until his return and informed him of his errand. Presently two men drove into the passage to the livery stable and one got out on either side of the vehicle. Williams walked up to them, and taking each by the arm, told them that they

STATEMENT OF CASE

were under arrest, and took them into the office of the stable.

“Cross then says that the other man jerked away from Williams and ran. Cross heard three shots, and going into the office, saw McCullough fire again.”

Mr. Robinette, K.C.: “I object. There is absolutely no evidence to show that McCullough fired the first three shots.”

Mr. White, K.C.: “Cross then went into the office and endeavored to help Williams. A fifth shot was fired, and McCullough dropped to his knees saying, ‘I’m through.’ Cross thought he was and went over to Williams. McCullough then staggered out and started to run. He ran north-easterly on King street across to Bathurst street. A policeman named Holmes, and a military policeman named George Gill, who were on the spot, arrested him.”

“Five shots were fired. There is a bullet hole in the ceiling of the office, a

EVIDENCE OF TINSLEY

wound on Williams' neck, a hole through the overcoat and coat, with a bullet in two notebooks which Williams carried, where it still is, a bullet hole entering the back under the shoulder blade, the bullet being found under the skin near the spinal column, and a bullet hole through the left side across the body, the bullet being found in the right chest cavity."

Dr. A. J. Harrington and *Dr. Arthur Jukes Johnston* were the first witnesses called by the Crown. They gave professional evidence regarding the wounds found in Williams' body.

Sergt. James Tinsley, of the police force, was called to identify sketches and plans to show the outline of the building, and to Mr. Robinette admitted that he did not visit the livery stable until six or seven days after the shooting occurred. He was told by Cross, the proprietor, that the hole in the ceiling was a bullet hole.

EVIDENCE OF UMBACH

Mr. Robinette, K.C.: "When did you make this beautiful sketch?"

Sergt. Tinsley: "I made the sketch when I was there, and put the coloring on after."

Acting Detective Duncan identified a photograph taken of the office door.

Sergt. Philip Umbach, the acting inspector of Claremont street police district on the day that Williams was killed, was next to give his evidence. He said:

"I received a 'phone call from what I understood was 'Madame May' of 372 College street. Williams came in and I told him to go up to 'Madame May's' on College street, that there were two men there trying to sell furs, and to take Police Constable Arthur McDermott and a Ford Automobile with him."

Sergt. Umbach identified the memo. book found in the breast pocket of Williams. Embedded in the book is one of the bullets fired at the officer,

EVIDENCE OF McDERMOTT

which, after piercing his coat and vest, was stopped in the centre of the memo. book.

Cross-examined by *Mr. Robinette, K.C.*: "You did not tell Williams to make an arrest?"—"No, but that's left to the officer."

P.C. McDermott (90) told of driving Williams from Claremont street station to May's store on College street on the afternoon of 19th November, and from there bringing him to Cross' livery, on King street, where Williams decided to await the return of the men with the hired rig, and sent the witness back to the station. This was the last time he saw Williams alive.

Mr. George May, proprietor of the "Madame May" store on College street, said that McCullough had been at his store that afternoon.

Mr. Robinette, K.C., objected to questioning May as to what took place, as it had nothing to do with the shooting, but

EVIDENCE OF CROSS

His Lordship ruled that questions which might show that Williams would be justified in making an arrest could be admitted.

Mr. May stated that after McCullough left he 'phoned the police, and when Williams came he told him of the goods offered for sale, which he thought had been stolen.

Mr. William G. Cross, the chief witness for Crown, was then called, and told of the arrest of McCullough and his companion when they drove into the yard. Neither man objected as they walked into the office, but once inside, the other man, whom Cross knew as Johnson, made a break and went out through the front door. Williams had McCullough back against the wall when three shots were fired.

Mr. White, K.C.: "Who fired them?"

Mr. Cross: "I do not know. There were only Williams, McCullough and myself in the office."

EVIDENCE OF CROSS

Q. "What happened then?"

A. "They were struggling about, and I could see the gun waving about. Williams was gradually being pushed back towards the door through which they had entered. When he asked for help I caught McCullough and said: 'For God's sake don't kill the man.' Williams managed to get his baton out and hit McCullough four or five times on the head. Then came another shot and McCullough went down, saying that he was all in."

Williams told Cross that he had been shot, so Cross went to phone for a doctor. When Cross came back Williams was down on the ground.

Mr. White, K.C.: "What of McCullough?"

A. "As soon as I let go of him he up and ran. The next time I saw him he was back in the barn and handcuffed."

Cross-examined by *Mr. Robinette, K.C.:* "When, with reference to the five

EVIDENCE OF CROSS

shots you say you heard, did the officer draw his baton?"

A. "After the fourth shot."

Q. "Did you help unhitch the horse?"

A. "The unhitching was not completed, but I helped as far as it had gone."

Q. "Were you in the office when the first three shots were fired?"

A. "I was."

Q. "You don't know who fired these three shots?"

A. "I don't know yet. Johnson was not there when all three shots were fired, although he might have been when the first two were fired."

Q. "What about the fourth and fifth?"

A. "They were both fired in the lane."

Q. "You pulled McCullough's head back and Williams was fighting hard,

EVIDENCE OF CROSS

and that was when the last shot was fired. Did Williams drop at once?"

A. "He stood up probably half a minute."

Q. "You can't tell us who shot?"

A. "I cannot. I did not seize McCullough until after the fourth shot was fired."

Q. "At the inquest you said that you jumped on McCullough's back before the fourth shot. Do you deny that now?"

A. "Yes. I jumped on his back after the fourth shot."

Q. "Were Williams and McCullough struggling?"

A. "Yes, I would say they were both fighting pretty well."

Q. "Was there anything said during the struggle?"

A. "I didn't hear one word."

Q. "Do you know who fired any of the shots?"

A. "I know McCullough fired the last

two. I do not know who fired either of the first three."

Q. "What about this hole in the ceiling? Did you examine it?"

A. "No."

Q. "You served seven days across the Don for theft, didn't you?"

A. "Yes."

During this examination McCullough leaned intently forward in the dock, his left hand gripping the railing.

Mr. H. Holmes, the constable who was on traffic duty at King and Bathurst streets, and who arrested McCullough, told how he found Williams lying dead and took his revolver from his pocket and found it fully loaded. He also obtained a revolver, with five empty shells alleged to belong to McCullough.

Mr. George Gill, military policeman, said that McCullough fell and was arrested. "He (McCullough) was all in."

EVIDENCE OF KENNEDY

Mr. Herbert Jenkins, the newsboy who ran across the street and tripped McCullough, told of the arrest. "He struck my foot and went down," explained Jenkins.

Mr. White, K.C.: "You are perhaps a bit too modest."

Inspector Kennedy took the stand and told of the admissions made by McCullough shortly after his arrest.

Mr. Robinette, K.C., objected that the statements, which was in the form of answers to questions submitted to the accused by the inspector, was not a voluntary statement, but His Lordship decided to admit it.

"What excuse have you to give for shooting the officer?" was one of the questions put to McCullough, and he replied:

"None, except that I must have been temporarily insane." McCullough said that Williams had arrested him, taken him into the office of the stable, pulled

EVIDENCE OF NEWTON

something from his pocket and started beating him.

Mr. Robinette, K.C.: "Did McCullough seem dazed when you were questioning him?" (and taking the officer's "billy" and bringing it down four or five times on the edge of the witness box, continued): "Would a man feel just the same after blows like that on his head?"

A. "His head would not feel exactly the same. McCullough kept rubbing his head during the interview."

Wednesday, 22nd January, 1919.

McCullough was visibly nervous when his trial was resumed this morning. He leaned forward in the dock as he did yesterday that he might hear every word of the evidence.

Detective Wm. Newton was the first witness. He said that he had told Williams that two young men about five feet eight inches tall were driving about the city offering fur coats for sale at \$15

EVIDENCE OF CRONIN

apiece, and he thought that they were worth \$50 each.

Detective Bart. Cronin, the second witness, said he first heard of the shooting at 7 o'clock p.m. on 19th November, over the telephone.

"I went to No. 3, where McCullough was in charge of P.C. Cober. I told him that he need not say anything unless he wished, because it could be used against him, and then asked:

"Why did you shoot Williams?" He said: "Because he was placing me under arrest."

Detective Cronin asked: "Did the man who was with you have anything to do with the shooting?"—"No, he had not." "What's his name?"—"Johnson or something like that."

Mr. White, K.C.: "You agree with what Inspector Kennedy said yesterday?"

A. "Yes."

EVIDENCE OF COUDIE

Mr. White, K.C.: "Where have these exhibits been?"—"In my locker at the City Hall since 20th November, when I got them from Dr. Harrington and Dr. Johnson at the inquest."

Detective Cronin added: "Later the prisoner asked me to come to see him. I went, and he told me that his friend, Johnson, had bought the gun from a man named Coudie. He said he didn't tell me that in the office because he wanted to give his partner a chance to get away. I investigated and found out that that was true. McCullough said that he had taken the gun away from Johnson because Johnson sometimes took a drink and then acted like a fool.

Mr. White, K.C.: "That is the case for the Crown, my Lord."

Mr. Hubert Coudie, who was serving a term at the Industrial Farm for selling a revolver, was the first witness for the defence. He stated:

EVIDENCE OF McCULLOUGH

"I was employed at the Wm. Davies' store at the corner of Vaughan road and St. Clair avenue. I got the revolver from the manager of the store, and sold it to Johnson for ten dollars, on the Sunday, two days before the shooting. I saw the news of the shooting in the paper. I knew McCullough by name and knew Johnson was the man who got away. I had known Johnson for seven years. I met McCullough at the corner of Queen and Bathurst at about 2.30 Sunday afternoon. That night I let them into Davies' store "and they took a ham, some butter and some bacon."

Cross-examined by *Mr. White, K.C.*:
"When you knew about Johnson, why didn't you tell the police?"

A. "Because he was a friend of mine and I didn't want to give him away."

McCullough was then put in the witness box by *Mr. Robinette, K.C.*

EVIDENCE OF McCULLOUGH

Mr. Robinette, K.C.: "How old are you?"

A. "I am twenty-six years old."

Q. "Where were you born?"

A. "Westville, N.Y."

Q. "Are your parents alive?"

A. "My mother. lives in Ohio."

Q. "Have you served a term?"

A. "Yes, one year at Burwash. I got out about first April last."

Q. "Did you ever own a revolver?"

A. "No."

Q. "Ever carry one?"

A. "No."

Q. "Who had possession of that revolver up to the date of the shooting?"

A. "Johnson."

Q. "Who hired the livery horse?"

A. "Johnson."

Q. "Who paid for it?"

A. "It wasn't paid for."

Q. "Now tell the jury in your own words about the night of the shooting."

A. "Johnson was driving, and we

EVIDENCE OF McCULLOUGH

drove into Cross' livery stable and stopped about 15 feet from the office door. I got out on the left, and Johnson, as he was driving, got out on the right. I yelled, 'What's the damage?' Cross said, 'Three dollars.' I went to give him a five-dollar bill when a policeman stepped up and grabbed each of us by the arm and said we were under arrest.

"We went quietly into the office, while Cross led the horse away by the bit. The office door was narrow, and so Johnson went in first, followed by the policeman and me. Johnson said, 'Why do you arrest us?'" Then Johnson pulled a gun and said, 'Keep back.' The detective reached for his gun, and Johnson fired a shot. The detective pulled his 'billy,' and Johnson fired another shot. Then I grabbed his hand and yelled, 'Quit that, you damned fool,' and as I grabbed it the third shot was fired. The powder burned my knuckles

EVIDENCE OF McCULLOUGH

“See here, I have some of the remnants of the powder burn on my finger yet. I got hold of the revolver then, the detective was hitting me over the head with the ‘billy.’ Johnson bolted through the door. The detective continued to hit me on the head with the billy and I was thrown right against the wall. Cross came running in and said, ‘Quit that,’ and then went off somewhere. Then Cross came in again and jumped on my back and put both arms around my neck and pulled my head back while the detective still continued to beat me.

“I no more pulled that trigger than ——,” said McCullough, leaning forward on the box, unable to find an expression strong enough. “The scuffle, perhaps, the contraction of my muscles, something, made the revolver explode. When the fifth shot was fired I was semi-unconscious, dazed.”

Mr. Robinette, K.C.: “Do you remember your arrest?”

EVIDENCE OF McCULLOUGH

A. "I remember being carried into the stable."

"Do you remember what you said to Inspector Kennedy?"

A. "Not all of it."

Cross-examined by *Mr. White, K.C.*:

"Why did you tell the police you did the shooting?"

"I thought it was no use getting my partner to serve a term for something he did not do. They told me that Williams had been shot through the heart, and I knew that it was the fourth or fifth shot that had killed him while the revolver was in my hands."

Mr. White, K.C.: "When you were arrested and sent to Burwash for a year, did you not hit the officer over the head with a bottle?"

A. "Yes. He took a bottle of whiskey from me, and I took the bottle back from him and then hit him."

Q. "You have been a burglar for some time?"

EVIDENCE OF McCULLOUGH

A. "Yes."

Q. "You stole \$8,000 worth of silk?"

A. "Yes."

Q. "\$1,500 worth of diamonds?"

A. "No, only a few."

Q. "You got on top of the train, let yourself down by a rope ladder, opened the car door and threw the silk out, going back to get it later, did you not?"

A. "Yes."

Q. "You stole \$3,000 worth of furs from the Dominion Furnishing Co., of Ottawa, and tried to dispose of them to May?"

A. "Yes."

Q. "You have been concerned in twelve other burglaries since last April? —"

Q. "You cleaned out a cigar store in West Toronto, leaving only the clock on the wall?"

A. "Yes."

Q. "You disposed of goods at four stores on Dundas street, one on Bath-

EVIDENCE OF McCULLOUGH

urst, one on Ossington, one on College, and two on Spadina?"

A. "Yes."

Q. "You stole a typewriter worth \$60 and sold it for \$5; you stole some glass out of a conservatory; and some articles out of a New Toronto barber shop?"

A. "Yes, sir."

Q. "You have lived as a burglar since you came out of Burwash?"

A. "I was driving a baker's cart in day time."

Q. "How far did you get in school?"

A. "I finished the Public School course."

McCullough admitted that he had told Detective Cronin that he had fired all five shots, and that his companion, Johnson, had nothing to do with the shooting. The revolver was bought from a brakeman near Parry Sound.

Q. "Was it true that you had taken the revolver from Johnson that morning because he was a crazy fool?"

EVIDENCE OF McCULLOUGH

A. "No, I wanted to give him a chance to get away. I said I had only met him two days before, and that he was not with me at the Ottawa robbery."

Mr. White, K.C., then read some of the answers given to the police, and McCullough acknowledged that they were false. He did not want the police to be able to locate his people. When he heard that Johnson's name was down in the book at the livery office, he first told them the name of his companion. He denied knowing his first name or where he lived, and said that he had given him a fur-lined coat. For a time, McCullough said, he had used fictitious names, one being "Frank Saddler." This was before he went to Burwash, and was living in the east end of the city. The one thing uppermost in his mind when the police were questioning him was to save Johnson.

Q. "You don't care about Johnson to-day?"

EVIDENCE OF McCULLOUGH

A. "It is a different matter now."

Q. "Why did you tell the police that life was not worth living?"

A. "I had killed a man accidentally, and that was such a dreadful thing to do."

Q. "You think that was reasonable?"

A. "I do. All during my career as a burglar I never carried a revolver. I first learned the day before that Johnson carried a revolver."

Q. "Why did you go out on a job with a man you called a crazy fool, when you knew he had a gun?"

A. "I first saw it when we were in a barber shop after we had started to sell the furs."

Q. "You knew what kind of a man Johnson was and yet, knowing that he had a gun, even after your remonstrance, you went out with him?"

A. "That is so?"

Q. "Mr. Cross swears that the officer did not pull his 'billy' until after the fourth shot?"

EVIDENCE OF McCULLOUGH

A. "At the inquest he said it was before that. I was there and heard him."

Mr. White, K.C., then read from Cross' evidence at the inquest to show that there was no discrepancy.

"Let me read that for myself," said McCullough, who, after several minutes' study of the record, said that the 'billy' was swinging from Williams' wrist when they came out of the office. He could not find any discrepancy in the evidence of Cross. McCullough still maintained that he was right, and told of having cross-examined Cross himself.

Mr. Robinette, K.C.: "You heard Mr. Cross swear yesterday that he did not jump on your back until after the fourth shot was fired. Is that so?"

A. "It is not so. He jumped on my back as soon as Williams called for help after coming out of the office. My head was pulled back like this at the time." He threw his head back to show his

ADDRESS BY ROBINETTE, K.C.

position when the last two shots were fired.

This concluded the evidence for the defence and Mr. White, K.C., stated that he had nothing to offer in reply.

Mr. Robinette, K.C., in his address to the jury, said: "This is not murder, get that into your minds at once. McCullough was only trying to get away and had no intention of taking Williams' life. When two men "were grappling with him, and he could not see where to aim, the revolver exploded for the fifth time, and Williams, grand fellow that he was, fell dead. If there had been murder in his heart, he could have killed Williams in the office before he ever got into the lane. I am going to ask you to believe that the three shots in the office were fired by Johnson, from whom McCullough afterwards took the revolver." If McCullough is guilty at all, it is of manslaughter and not of murder.

ADDRESS BY WHITE, K.C.

Mr. White, K.C., Crown prosecutor, then addressed the jury. He begged them not to let any prejudice they might have against the police, influence their verdict, and he quoted lines from an opera of Gilbert and Sullivan:

“When constabulary duty is to be done,
A policeman’s life is not a happy one.”

“If the time has come in Toronto, when a man pursuing an unlawful purpose, can shoot a police officer down in the discharge of his duty, and receive a verdict of manslaughter, we will no longer wake up in the night with the same assurance that we used to when we heard the policeman’s tramp on the pavement.”

His Lordship, Hon. Mr. Justice Rose, then took an hour and five minutes to sum up the evidence. In his address to the jury, he said:

“A person can be arrested without a warrant. If Williams believed that the prisoner had committed theft, Williams

JUDGE'S CHARGE

was justified in the arrest. If Williams had a right to arrest him, he had a right to use force to do this. If Williams was justified in doing what he did, then the act was not a provocation. Williams was justified in his act in arresting the prisoner. You are concerned in finding out whether the crime was murder or nothing, not whether it was murder or manslaughter.

“When the prisoner fired the first two shots they didn't seem to do any harm. It is important to know whether the prisoner or Johnson brought in the revolver. Some time after the firing of the first shot the constable got out his truncheon.

“In Cross' evidence he said that McCullough seemed to be getting the best of Williams. McCullough had the gun in his hand and it was discharged.

“If you make up your minds that McCullough had the revolver in the beginning, then there is little room for doubt.

JUDGE'S CHARGE

If there was no act of will involved in the discharge of the revolver, then it is manslaughter. If, on the other hand, there is an act of will involved, then you will have to go the whole distance. Did McCullough intend to shoot to facilitate his escape or did the revolver go off of its own accord? Was it the fourth or the fifth shot that entered the heart? If it was the fifth that went through the heart, it was fired after the prisoner was hit on the head. The only possibility of your making it manslaughter was that McCullough thought that Williams had no right to arrest him. The jury must remember that it is not trying the prisoner for burglary or anything else but that of the crime committed."

During the time the jury was out for the consideration, McCullough showed considerable nervousness in the dock, and continually talked to his guards. At times he laughed and talked with Detective Cronin, and the strain under

EVIDENCE RE-READ

which he was suffering did not seem to make as much of an impression as might be expected.

The jury retired at 4.15 and remained out for one hour and a half, returning at 5.45 p.m. While the jury were out, the foreman sent for the revolver which the prisoner used on Williams, to see if it was in good order, as Mr. Robinette, K.C., claimed that the gun was discharged accidentally.

When the jury returned to the Court, they asked to have the evidence read over again before giving their verdict. The evidence on both sides was read to the jury.

During the re-reading of the evidence, McCullough displayed much anxiety, leaning forward over the corner of the dock towards the jurors' bench, trying to catch every word that was uttered by the reader.

The reading of the evidence occupied one hour and a quarter. His Lordship

VERDICT—GUILTY

then asked the foreman if the jury would adjourn for supper. The latter consented.

The Court adjourned at 7 o'clock.

When the Court resumed sitting at 8.30 p.m., the jury returned to the Court.

This was a tense moment for everyone present. The spectators and His Lordship showed the strain more than the prisoner in the dock. He sat there straight, looking at the foreman of the jury, calmly awaiting the verdict. The only signs of nervousness were the swallowing in his throat and his heavy breathing.

His Lordship asked the foreman, "What is the verdict?"

"GUILTY!"

McCullough never flinched for a moment. When asked by His Lordship if he had anything to say why sentence should not be passed upon him, he re-

THE SENTENCE

plied in a steady but feeble voice, "No."

His Lordship then passed the sentence in the following words:

"The sentence of the Court upon you, Frank McCullough, for the crime of which you have been found guilty, is that you be taken hence to the public jail whence you came, and that you be kept there in close confinement until Friday, the second day of May, 1919, and that you then be taken and placed upon the place of execution and there be hanged by the neck until dead, and may God have mercy upon your soul."

McCullough was then led out of the Court by his guards. He walked steadily, with head up, towards the door. He was taken back to the jail, under a strong guard, and handcuffed to the arm of Detective Cronin.

As he walked through the corridors of the City Hall to the elevator, he appeared cool. He smoked a cigarette and

PLACED IN DEATH CELL

glanced about at the oil paintings on the wall.

That night he was placed under his death watch—a guard of two men, and put in the death cell.

CHAPTER 4

McCULLOUGH'S ESCAPE

McCullough's escape from the Toronto jail during the night of the 15th of April, 1919, was the most sensational in the history of the police. He had reiterated time and again that he would "beat the gallows." He always claimed that he was unjustly sentenced. During his incarceration he had been a model prisoner, yet there was not the slightest relaxation on the part of the prison officials in keeping watch and ward over him. Continually there was a death watch stationed in his cell, and every precaution was taken against escapes.

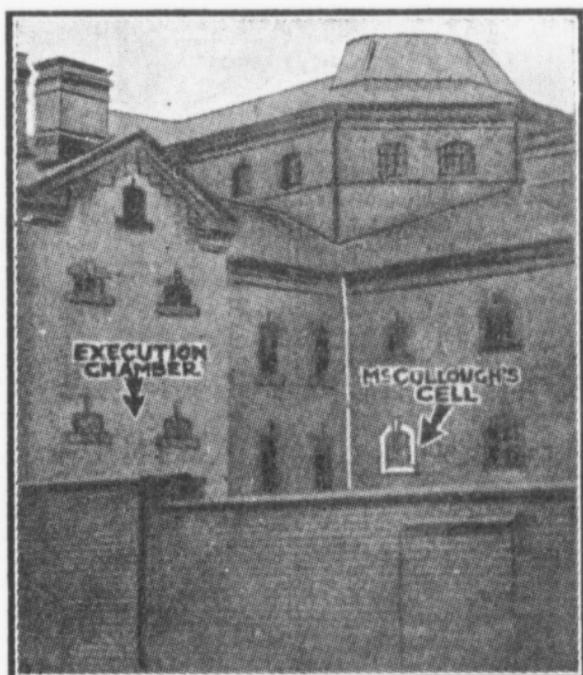
McCullough had been out of the death cell twice. Once when the room was being cleaned, and once when the last stove was put in.

DILIGENT WATCH KEPT

Complaints had been made to Sheriff Mowat by the death watch set on Frank McCullough because of the supervision over their movements and the room in which the condemned man was lodged, was the statement made by Chief Turnkey Henry Addy.

“The men apparently objected to their effects being scrutinized so closely and to the inspection of the room, and the sheriff wrote me about it,” said the chief turnkey.” I saw him, and stated that I would refuse to relax my vigilance, for I considered the prisoner a dangerous man.

“And I did consider McCullough a dangerous man. I have handled men here for over thirty years, and I picked McCullough out for a clever, cunning man, and he has proved it. Why I have lined up the men here and particularly cautioned them all twice about always exerting the greatest care.”



Where McCullough Made His Escape.

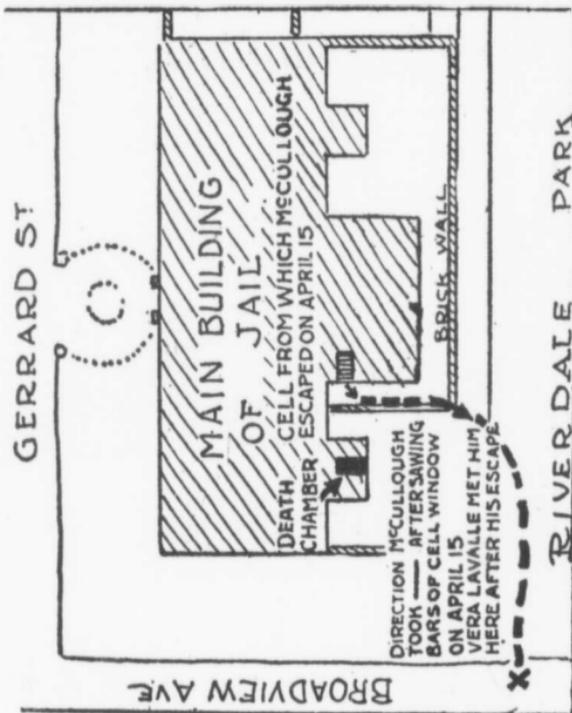


Diagram of jail showing location of death cell where McCullough was confined prior to his execution and from which he made his sensational escape on April 15th, and of the death chamber.

ESCAPE PLANNED

The chief turnkey branded as false the remarks made around the Police Court that he had permitted parcels to enter McCullough's cell. "I have received various parcels of fruit, candy and other things, but I refused to allow him to have any," he said. "I have never taken chances, and with this man none whatever."

In the opinion of many, McCullough had planned his escape for some time. Before his trial he used to box and exercise at the jail and jokingly remarked that he was getting into condition to make his escape. He was a thick-set, rugged fellow, a powerful man to handle, and a boxer of fair ability, having boxed in the United States. He was very active with his feet and hands.

After the sentence of death was passed on him, McCullough changed his manner. He showed at first signs of a nervous breakdown, and then, with daily visits from his spiritual adviser,

CURRELL'S STORY

was more cheery and spent much of his time reading passages from the Bible, writing letters, and playing games with his "death watch."

The story of McCullough's escape as told by Ernest Currell, the guard, was that he came on duty at ten o'clock relieving Sam Follis, the day guard, and at eleven o'clock he fell asleep after having something to eat with McCullough. He did not wake up till five the next morning.

Finding McCullough gone and the bars cut, Currell rang the alarm bell at five o'clock, and the other guards ran to the death cell. Chief Turnkey Henry Addy was notified and hurried to the Jail. Investigation showed that two of the window bars had been sawn through while Guard Currell, a returned soldier, slept in McCullough's cell. The prisoner cut his way through the bars with a sharp saw, pulled himself through the opening, dropped down on

LETTER TO CURRELL

the wall which skirts the jail and jumped to freedom.

On the floor in the cell McCullough left the following note hastily written in poor hand:

'Currell, Old Man,—I am sorry, but it had to be done. Now, do not be scared, for it isn't your fault, for I doped your coffee with a sleeping powder of veronal. And you see, kid, they cannot blame you. I am leaving the paper wrapper in which I had the stuff, so that you can have the evidence if necessary. If you do not want the note shown them, why, lay the paper on the floor, or somewhere where you will be able to accidentally find it, you understand. I got the stuff I am using from a friend who came here as a prisoner on purpose, and managed to slip it to me.

"Wish me luck. I am sorry, but you know life is sweet, old man.

"So long,

FRANK.

THE SEARCH

“The powder is harmless and is called veronal, and I will send your clothes back or the money for them at the very earliest opportunity. Maybe the authorities will let you have the ones I had downstairs. So long, Friend Currel. Good luck to you, and forgive me.”

As soon as it was realized that McCullough had escaped police headquarters was notified, and plainclothesmen, detectives and police officers were soon scouring the city. A search about the place failed to show where McCullough jumped from the wall. It is about 20 feet high. Marks were on the wall where he climbed through the window and let himself down, his boots scraping the wall. The Union Station, and other railway depots, the roads leading out of the city, and various places where it might be possible for the fugitive to be in concealment, were thoroughly searched, but in vain.

McCULLOUGH'S OWN STORY

The following letter was written in pencil to The Telegram, and signed "Frank McCullough":

"To the Editor of The Telegram:

Dear Sir,—If you can and would publish the following for me, I would be greatly indebted to you, and I thank you, sir, for the very square deal which you have given to my own unfortunate self in the past.

'Firstly: I wish to express my thanks and gratitude to the many friends who out of their Christian spirit have found time to write to me the words of cheer which have lightened the dreary, dark days which have passed during the month since my trial. And furthermore, I wish to say that their offerings have been fruitful, that I have come to believe in the merciful God and Father of whom they speak. And I wish to say to them this: My friends have faith in me, for never will I again ever knowing-

NOT DESPERATE CRIMINAL

ly commit a wrong act, or sin against the glorious Man who died on the Cross that I might be saved .

“I have sinned in the past. How much I do not know myself. But I have never in my life contemplated an affair the like of which I am convicted of. And I do not, in my mind, deserve the fate to which I am sentenced. Therefore, my friends, do not lose faith in me through the consequences of this last episode in my career, for it is nothing more than the act of one who would like another chance to make good on this new life before going to meet his Maker. I am not the desperate criminal which people first believed me to be, but a boy who has come to man's estate, and never had a chance. But I will, with the help of God, make good somewhere on this funny old planet of ours, now that a miracle has intervened and the opportunity is mine.

“I would never do this act which I

PERJURY BY ONE WITNESS

am doing now, in other words, escaping from jail, if it entailed a wrongful act or that it had to be done through the injury of any of my keepers here. And it is not the fault of one of those men that I am enabled to escape. I have no kick coming for the sentence imposed on me, for it was through the perjury of one of the witnesses that it came about. But for that one thing I had the fairest trial that a man ever had. From the prosecutor, Mr. Peter White, to the Hon. Justice Rose himself, I got a square deal right through. And I today think that Judge Rose is one of the grandest men that ever was on the bench. I sincerely hope that all my friends will understand the situation in which I am placed and making all allowances, will see their way to wish me luck on my attempt for a new life. And that God's own will be done throughout. Amen.

FRIEND GOT DRUG

“Sir, Mr. Editor, and I hope that you will see that I get a square deal on this last escapade of mine, for if it had entailed the least injury to any person I would never have done it. I, through a friend who was in the jail doing a sentence for the very purpose, received the drug with which I put the night duty man to sleep by putting it in his coffee, and then after he had went to sleep, by means of a cord pulled up here in this cell the saw to do the work, so you see it was nobody’s fault for laxity in watching. If I had been the desperate man that I was first thought, I would have been able to have attacked some one of the guards and could have gotten away by the same means. But I would not countenance such an act. Trusting you will be able to print this for me, and thanking you in advance, I remain, yours respectfully,

FRANK McCULLOUGH.”



REV. BERTRAM NELLES
Spiritual Adviser to McCullough.

LETTER TO PASTOR

Editor's Note.—While the writer of the note spells the name "McCullough," the signature of the condemned man as registered by the Detective Department is given as "McCoullough," by which spelling his name was given when he was arrested.

Rev. Mr. Nelles, pastor of Western Congregational Church, and spiritual adviser to McCullough, has received a letter, which he identifies as being in the handwriting of the fugitive. It reads:

"To the Friends whom this may concern:

"My Dear Friends,—Do not, I ask you, lose faith in me through this last step that I have taken, for I will not break my word to you nor the Glorious Father I have come to recognize. My friends, in my heart, I believe that this is a miraculous answer to your own and my prayers for mercy. I believe it such from the manner in which it was

GOD'S OWN HANDIWORK

perpetrated without injury to anyone, and that is but one reason for believing it God's own handiwork, for if it had to be in any other form I would not have done the act. I do not deserve the cruel fate which the sentence imposed. I know this in my own heart, and it is God's mercy on me this escape. I will keep the covenant I have sworn faithfully, my friends. Have faith in me and wish me luck and that God's will be done, as I hope myself. Amen.

"I thank you, friends of mine, for the many things that you have done for me, and for the prayers that have been offered up in my behalf. God bless you all, I will be true.

"I have not time to write more, as I should be on my way now, but I had to write this little bit. God grant that its purpose may be fulfilled.

"I am, your unfortunate friend,

"FRANK McCULLOUGH."

SURPRISE TO HIS MINISTER

"I don't know when I was more amazed in my life than when I heard that there was a bulletin out down town stating that Frank McCullough had broken jail," said Rev. R. B. Nelles, of Western Congregational Church. "He appeared to be the same yesterday as he had always been, never mentioning escape to me. Of course, there has always been a guard there, and that might have been one reason why he never said anything.

"Yesterday, before I left the cell, I said to him, "Frank, can I do anything for you?" I had a little pocket Testament, which I carried upon my person for about ten years. He asked me if he might have this to keep as a remembrance. He was a model prisoner, reading the Bible, not to himself, but out loud. I thought surely that he was converted. Yesterday I told him that

GUARDS CAREFULNESS PERSONIFIED

I would not see him to-day, as I had to go out of town to attend a wedding, and he seemed to regret it very much, stating that I would have to come twice to see him in one day to make up for it.

“While I was with him yesterday until 6 p.m. he went over to the calendar and counted the days. ‘Just seventeen more,’ he said, until his time was up, unless he got a reprieve, which everybody thought that he would. The guards—of course, I am speaking of the day guards, as I never met the night one—were carefulness personified. When I went there first McCullough was reading magazines of the class called ‘risque,’ but latterly he was reading good books, dropping magazines entirely. A few days ago he asked me to get him a copy of Ella Wheeler Wilcox’s poems. He was continually getting books and other things sent in to him from outside sources. To all people who sent him anything he would reply

BOOKS OF JESSE JAMES STYLE

in a very good hand. I think that he got his matriculation from High School.

“I never discussed the case with him and he told me very little of his past life. I gleaned, however, that books of the Jesse James style were the cause of his going astray. He ran away from home when a mere lad and started down the wrong path in Kansas City.”

“I cannot for the life of me fathom how it could happen. I was down there last night. It was about tea time. I arrived about five o'clock and left, I think, about a quarter to six. I think I've been to see him every day since January 29, with the exception of four days that I was away at Sprucedale in the early part of March.”

Mr. Nelles has his visits recorded in a little pocket diary. He had figured out that there were only 15 days left till 30th of April. There is a tick on that date. On the day after, unless a re-

FURNISHINGS OF CELL

prieve was granted, McCullough would be hanged.

“It seemed to me such an absurd thing” the minister said. “I didn’t know the night man at all. I saw only Amory and Sam Follis. Neither of these men ever went out of the cell when they were on guard. I think I had the privilege of seeing McCullough alone, but I never availed myself of it. I had nothing to say that they could not hear. As I remember, there were three windows in the cell, high up and heavily barred. There was a little wooden table, two chairs, and a bed in the corner. These, with a stove, were the only furnishings in the room. The electric light hanging from the ceiling in the centre of the room was shaded with newspaper to keep the glare off the prisoner’s bed, but everything was quite plain. It simply couldn’t have happened under the conditions I saw. I was telling Sheriff Mowat only yesterday that the men were very keen,

PASTOR'S VISITS

kind also, but firm. There was no latitude, one guard was always locked in the cell with the prisoner, and the door was locked on the outside. The only means of communication from the inside to the outside was by a bell."

"There never was a fellow more frank," Mr. Nelles said of McCullough. "The thing that's bothering me is that he wasn't any different yesterday than ever before. As a matter of fact, I've been wondering lately—you know they talk about nerves—whether his nerve was real or not."

"Last night, when I got there about supper time, he sat down on the little wooden table. I didn't take off my overcoat—and he came right along and sat down on the table beside me. Some days I read with him, but yesterday I just talked with him for a long, long time. He was a most interesting talker and very intelligent.

FRIENDS OUTSIDE

"Now, look here, Frank," I said. "You haven't very long now, and if there is anything I can do for you, I'd like to do it."

"No," he said, "there isn't anything."

"I thought I could write to his mother. She wasn't very well I knew, and, if he wished it, I was going to try and have her brought to see him."

"What did he do all day long?" Did he ever mention friends outside? Did he take an interest in outside events? Did he ever hint at a wish to escape? were the questions the minister was asked all at once.

"No," he said he never spoke of friends outside. He wrote very nice letters to his mother and to people who had sent him things, little notes of thanks; but, of course, all of these were look over in the office. He didn't seem

McCULLOUGH AN ARTIST

interested in outside events, not even in the petition that was being circulated in his favor. He seemed to think that there was very little difference in life imprisonment and death. As for his remorse I don't know. I never spoke to him of the crime. At first he professed he didn't believe in God, and had no interest in things religious. It was perhaps three weeks or a month before he asked me for my little pocket testament which I had carried for 12 years—a little pigskin testament.

“I used to mark passages for him to read, and the guards say he read them over to them. That was the only thing he ever asked me for.

“He used to draw a great deal. Wait till I show you something he gave me only last night.” Mr. Nelles produced a picture in water-colors of a long line of the British battle fleet in line of action. The work was well done. Me-

MANSLAUGHTER NOT MURDER

Cullough sent it home with him last night for the minister's little boy.

Just at the same time the postman called with the mail. There was another postcard added to the petition, signed by the Rev. J. B. Paulin, of the Rosedale Presbyterian Church. These cards have been printed by Mr. Robinette and other people petitioning for clemency. Even the foreman of the jury, Mr. G. H. Albert, had told Mr. Nelles the other day that he thought the case was one of manslaughter rather than murder. "I think that clemency should have been shown," said Mr. Nelles.

"I got to like the fellow," he concluded. "As a matter of fact everybody around the jail liked him. It may sound foolish—but he had a very human side. He was athletic, and clean looking, not at all criminal looking. If you had seen him in Muskoka in flannels,

STATEMENT BY COUNSEL

you would have admired him. It's an amazing thing to me."

"If McCullough had but waited, I am practically certain that next week his death sentence would have been commuted to life imprisonment," said Mr. T. C. Robinette, K.C., who acted as counsel for the young man.

"I had arranged to have Rev. R. B. Nelles, pastor of the Western Congregational Church, to go to Ottawa on Sunday night at the head of a deputation which would ask for the clemency of the Crown in McCullough's case, and would have presented the case for the condemned boy to the Department of Justice."

"Mr. Nelles is a big, broad man, and he has taken a great interest in McCullough. He saw the boy almost every day. He understands the case and he tells me that McCullough is not naturally bad. The boy was left without a home life and allowed to drift and make

PETITIONS TO CROWN

his own way in the world. His mother would not do anything on his behalf and refused to come to see him."

Mr. Robinette says that active aid was also afforded him in his efforts to save the life of McCullough by Robert Biekerdike, M.P., of Montreal, who has for years fought in Parliament to have the death penalty abolished. Mr. W. P. Archibald, the Dominion parole officer, was also taking a keen interest in the case. The circumstances of the case were twice reported on by Mr. Justice Rose to the Ottawa authorities. It was Justice Rose who tried McCullough and pronounced the death sentence, but there is reason to believe that the judge's reports to the Department of Justice were not averse to a commutation of the sentence.

"We had about 4,000 names on petitions asking for the commutation of McCullough's sentence," said Mr. Robinette. "There was a big petition from

Toronto, another from Montreal, another from Owen Sound, and still another from Winnipeg. Many people were interested in the case.

“McCullough did not kill Williams in cold blood. The deed was not premeditated. He was trying to escape. He was struggling with Williams and Cross, the detective was hammering him over the head, and in the struggle the bullet was fired that killed Williams. That is my belief. I do not believe that McCullough ever intended to kill Williams—not for a minute.”

“I have been much interested in the psychology of McCullough's case. He is the son of a Scotch-Irishman, and when he was a boy his father died. His mother, who lives in Ohio, married a man named Schwartz, and two children were born of that union. It seems that she disliked young McCullough. Anyway, he was turned out of the home and had to make his own way in the world.

GOOD IDEALS

He was denied the advantage of a good home life and training."

"I have talked to him in his cell and asked him why he did those robberies of which he had been convicted. He told me that he just loved the excitement of the life, he did not take part in them to make a haul. In fact the \$9,000 silk robbery that he was concerned in got him nothing. The others made off with all the spoils and McCullough got nothing out of it."

"Another point in his favor is told by Mr. Nelles, who has had many conversations with him. He says that he never found McCullough foul-mouthed in his talk, or sensual in his inclinations. He had in fact rather good ideals. With a different beginning in life he would have been a good citizen."

At the present time one of the officials of the Department of Justice is working on a report on McCullough case to be presented to Hon. Arthur Meighen.

CHAPTER 5.

RE-CAPTURE OF McCULLOUGH

It was at half past ten on the morning of 8th of May, 1919, that Inspector Guthrie dispatched Detectives Armstrong, Cronin, Silverthorne, Toft, and Young to Bathurst Street, where it had been known to the police that the escaped murderer had been staying. McCullough's room occupied part of the second floor on the side of the house and directly above a side sitting room window. Young, Armstrong, and Cronin gently climbed the stairs to the second floor while Toft and Silverthorne stationed themselves at the rear of the house.

The door of the room had scarcely opened before the touch of the three detectives when the fugitive, who had been sitting on the bed, clad in a red

NO TRACE OF FIREARMS

sweater, grey trousers and in his bare feet, reached for the window and, throwing up the sash, leaped out. He had not touched the ground before he was covered by the guns of the waiting detectives and he at once threw up his hands.

"There's nothing on me," he said, as they searched him for a revolver.

Neither there was, nor could trace of any firearms be found in his room.

"Well, Frank," remarked Detective Guthrie, when he saw him. "I'm glad we got you without having to shoot."

"I wish you had," replied McCullough, with a touch of bitterness.

"I'm glad we didn't find any guns around you," went on the inspector.

"I made up my mind that I'd never handle a revolver again," returned the convict.

At 10.30 o'clock the arrest was effect-

TRIED TO HIDE NERVOUSNESS

ed, and a few minutes later Frank McCullough was safe in the custody of the five detectives and on his way in an automobile to the Police Headquarters at the City Hall. Here he smiled to the crowd and seemed to be the most unconcerned of anyone present.

Has anybody got a cigarette? he enquired. There was a hurried search and the cigarettes were produced. Detective Cronin struck a match and held out the light for his welcome guest. As he puffed away McCullough made a few remarks, but when his talk might have become interesting the room was cleared, only the detectives remaining. Shortly afterwards he was taken to the Toronto jail and placed in his old cell.

“Hello, Red!” McCullough called to Court Interpreter Markovitch when he saw him.

The Chief Inspector's office was nearly filled with a curious throng of offi-

APPEARANCE OF McCULLOUGH

cials, police force men, detectives and even some of the department staff who had heard the widely spread report of the capture.

McCullough looked the most composed man in the crowd. He sat on a chair opposite Detective Cronin and tied up his boots, which had come unlaced.

When captured, McCullough presented a picture which would denote that he had been spending his time amidst suffering and hardship. Thin and haggard, and showing a peculiar kind of nervousness which was being bravely quenched beneath an atmosphere of coolness and carelessness, he would scarcely have been recognized by the casual observer on the street as the man whose pictures and photographs had been the topic of interest for the previous few weeks.

Scarcely a stone's throw from the spot where he committed his crime, was

the choice of Frank McCullough to lie hidden from the police. The house at which he was captured was a two-storey brick and plaster one with a small attic, at number 78 Bathurst street, and the murder of Detective Frank Williams took place on King street, just around the corner from Bathurst street.

Mrs. Kate Kinsella, an aged Irish woman, who kept the boarding house at 78 Bathurst street, told the story that McCullough came there three weeks before. First of all a girl came and asked for a room. After securing it she brought McCullough. They claimed to be man and wife.

The girl had been gone several weeks. She remained with McCullough only a week. Inmates of the house stated that this girl was a nice, quiet woman but their description did not fit anyone concerned with the case.

McCullough did not go out until night, it was stated. However, little

MRS. KINSELLA'S STORY

John McEwen, aged 11, told a reporter that he had seen McCullough out in the daytime and that he went into a grocery shop two doors below the house at which he was living.

"How did you know it was McCullough?" he was asked.

"I knew, because I saw him after he was arrested," he replied.

Mrs. Kinsella was not able to give a very lengthy story. She is an aged woman, nearly 80 years.

She had never suspected that the man who had the room was McCullough. However, as she did not like him staying in the house all the time, she had given him notice to leave on Saturday. McCullough had made no remark when told he had to get out. She had lived at this house for seven or eight months and around the neighborhood for over forty years.

At the back of the house is an old

MRS. McEWEN'S STORY

shed and in this was rigged up what looked somewhat like a bunk with an old door stretched across it on the side of the small window. A couple of old hats lay on the floor. McCullough had not used this place it was stated. He had always remained in his room.

Mrs. John McEwen, mother of the small boy who saw McCullough in the store, lives at the rear of 78 Bathurst street. She heard of the arrest and saw McCullough being taken away, but did not see the escaped murderer jump from the back second-storey window. The jump was not a particularly hard one. The window might be about 15 to 18 feet from the ground, and a high fence separates the narrow yard from the lane just under the window about a yard from the wall.

The store-keeper of the grocery store, who is a foreigner, did not recollect ever seeing McCullough come into his shop, when the appearance of McCullough

TALK ABOUT BOOKS

and his dress was described to him. Neither did a candy and ice cream store-keeper just across the lane from the house.

SIMILAR TASTES IN BOOKS

A knowledge of his tastes in literature played an interesting part in the recapture of Frank McCullough after his escape from the Toronto jail on April 15th, last.

Detective Bart Cronin, who was placed in charge of the case after the murder of Detective Williams, had been anxious to secure information from McCullough, after his original arrest, as to where he had cached that part of the plunder gathered by the murderer and his accomplices which had not been accounted for. One robbery which McCullough acknowledged he had pulled off was the theft of about \$8,000 worth of silk from a railroad car. The silk, he confessed, had been taken while the

BEATING BACK

train was in motion, and in a burst of confidence in one of the many long conversations Cronin had with him in the jail he told that he had boarded the train with a rope ladder with hooks attached to one end. When a convenient place was reached, he had let himself down from the running board to the car door, which he forced. The silk he threw out was later picked up and safely cached.

"Did you ever read 'Beating Back'?" asked the detective, referring to the life story of Jennings, one-time train robber, now a prosperous lawyer in the Western States.

"I have," replied McCullough.

The talk then drifted to books, and the officer discovered that the prisoner had read many of the detective books with which he himself had beguiled his idle hours, and the contents of which he had not forgotten.

When, early in the morning of April 15, the police were notified that the mur-

CRONIN'S OPINION RIGHT

derer had made his escape, Cronin remembered his conversation from which he had learned who McCullough's heroes in the world of crime were, and hazarded the opinion that, like some of these McCullough would seek a hiding place as near the scene of the murder as he could. Other members of the police force laughed at the idea, and expressed the opinion that the murderer would cross the line as soon as he could. The detective, however, stuck to his opinion, and several, whose business kept them near the corner of Bathurst and King, were taken into his confidence, and asked to keep an eye out for the refugee.

That Cronin was right in his surmise was shown when McCullough was captured in a house so near the livery yard in which the murder had been committed that he could almost have jumped into it from his bedroom window.

CHAPTER 6.

LETTER FROM VERA DE LAVELLE

William B. Horkins, counsel for Vera de Lavelle received the following pathetic letter from her, which he communicated to Frank McCullough on 11th June, 1919:

Dear Frank:

This is just a line, dear, which I hope is not the last, to let you ever know that my thoughts are all on you. And now, dear, when time is getting on, I feel numbed when I think of your life hanging in the balance. I pray to God almost all my time, and since my escape my life is hardly worth living. I cannot even reconcile my mind to anything else but you. If my life were accepted in preference to yours I could say, "Take it," and say it with a smile; but



VERA DE LAVELLE

HAD TO DO SOMETHING

yours, it almost drives me insane, I cannot sleep, and even if I do, I wake up with the horrors of the jail or that I am caught. Even if you do not get a reprieve, it will surely look as if God had forsaken even us, but if you do, and you get a life sentence, bear it with a smile.

It is nice warm weather where I am. I forgot to tell you, dear, I am not in the city, but I have one friend whom I can trust, and am sending this letter to them, so that they can re-post it for me and so not give anyone information as to my whereabouts. When I was told that I would be kept in the jail till after the 13th, my life was unbearable, and I had to do something, so I could see what was going on about you. I never cease reading the papers, and I get them all. Even the thought frightens me so much that I would to God it were never to happen, but you will always be to me my own. You know, dear, I could never breath a word or tell our secret. As I

MON CHER MARI

sit writing this letter to you, my heart aches for you, darling, and if some only saw the good side of you, what a difference. But some cannot see it as I can.

I do not know whether you will ever get this letter, but I trust that you might, because I thought this much, that even this last note from me to you would only give you a little comfort, and God only knows you need it, 'Mon Cher Mari.' I will close, and last of all, should you get a reprieve, I will in all cases do my sentence, and after I get through I will write to you, as I could never forsake you. Now, dear, be brave, even for my sake. God bless you. I am, with love,

Your Vera.

CHAPTER 7.

THE LAST KNOCK AT THE DOORS OF JUSTICE

On the discovery of McCullough's flight from Toronto Jail on April 16, Mr. Justice Rose immediately rerieved the condemned man from the original date set for execution, May 2, until June 13. In the meantime the Governor-General in Council issued a reprieve until June 2, later making the date coneur with that of Mr. Justice Rose, which gave the prisoner until June 13. Thus there were two reprieves by Order-in-Council.

On the afternoon of the 12th June, 1919, Messrs. A. R. Hassard and W. B. Horkins, counsel for the condemned man, moved for a stated case on the ground that the reprieve granted on the occasion of his escape from custody was illegal.

Their contention was that McCul-

AMICUS CURÆ

lough was already dead in the eyes of the law since the Criminal Code does not permit the granting of a reprieve in a case which is already considered a fit one to submit to the Royal clemency. At the hearing of their application, however, a letter was produced from Ottawa stating that by an Order in Council, McCullough's reprieve had been confirmed. The Attorney-General's Department had been the sole possessor of this information until that afternoon, and it came as a surprise to the local authorities. In view of it Mr. Justice Rose refused to grant the stated case which was sought.

A second motion was made late at night by A. R. Hassard as "Amicus Curæ" which means "a friend of the Court."

The procedure is seldom taken in court, and only when an officer of the court (in this case a lawyer) feels there is likely to be a grave miscarriage of

DOOR OF JUSTICE CLOSED

justice. Mr. Hassard said he was aware that with the decision given in the afternoon his retainer and authority in the case ended, but late in the afternoon he made special application to be heard as a friend of the court. Mr. Justice Rose, to whom the application was made, said he would be in court in the evening when Mr. Hassard appeared again. For an hour all the points of the case were reviewed, after which the Judge ruled that the letter from the Secretary of State stating that the Governor-General had confirmed what had been done in granting the reprieve made the case for McCullough hopeless, and dismissed Mr. Hassard's application. Thus ended the final effort to save McCullough from the scaffold.

The great defence had closed, scarcely twelve hours before the execution, the door of justice swung silently shut on the last ray of hope which shone on the life of Frank McCullough.

CHAPTER 8.

DEMONSTRATION OF SYMPATHY

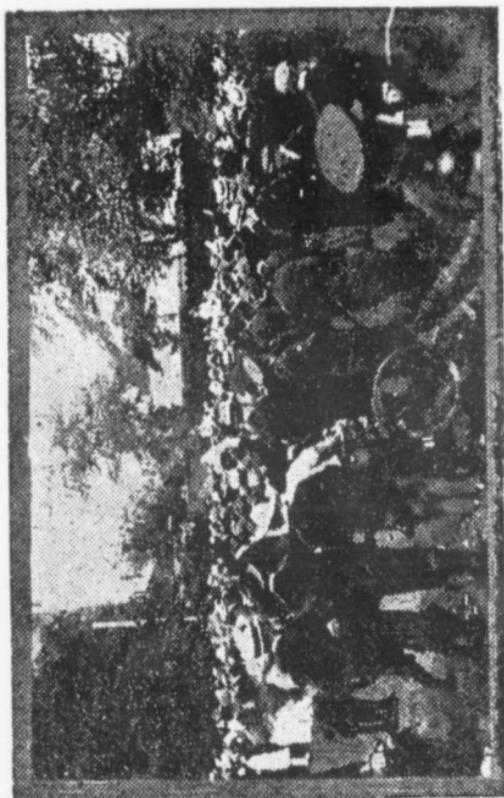
Condemned men who face the gallows have ever drawn out exhibitions of unbalanced sympathy, from individuals and groups, but thousands thronged about the jail in Riverdale Park, the night before the execution of Frank McCullough. They shouted, sang, and cheered the appearance of McCullough at his cell window in answer to their cries, and as the evening went on it appeared as though a wild attempt would be made to rush the jail.

All efforts of the police to quiet or disperse the crowd proved futile. Early they began to congregate in that part of the park where a view of the cell window could be had. Lined up on Broadview Avenue were numerous automobiles whose owners were among the demonstrators.

DEMANDS FOR REPRIEVE

Wildly talking women, with their children, formed no small part of the growing crowd that by ten o'clock had reached near five thousand. Police sought to persuade them to go to their homes. They declared their intention to stay all night. Irresponsible youths and some returned soldiers were among the most boisterous. The condemned murderer might well have been a patriot leader so loud were they in their praises of him and their demands for his reprieve,

Young boys sang "For He's a Jolly Good Fellow," and older men joined in the chorus. Like tinder to the rising flame was the appearance of the head and shoulders of McCullough himself at the window. Again and again the crowd cheered and each time he could be seen gesticulating or waving a hand a surging rush nearer the jail wall took place, those behind pushing forward those in front.



Sympathizers Gathered in Riverdale Park the Night
Before the Execution.

"VERA"

"Nearer, My God, to Thee," sang some of the crowd. "Till We Meet Again" was another of the favored hymns, while "We Won't Go Home Till Morning" came from another group more given to the secular than the sacred in their choice of selections to cheer the prisoner at his many appearances at the window.

Again and again voices called to him to talk. "This is Doris, Frank, say something," cried an excited girl in front, but the only response was another wave of the arm from the figure silhouetted against the lighted room. Some said he traced the letters "VERA" on the window. Tension grew higher. Some looked for the Lavelle girl to appear in the crowd. Children waved their handkerchiefs. Women urged a rescue. A returned soldier in the crowd hotly defended the criminal. "It was an accident. He never carried arms. He's

POLICE TRIED TO DISPERSE CROWD

as good a man as ever went overseas," he claimed.

The news that the eleventh hour effort of A. R. Hassard, before Judge Rose, to save their hero from the gallows had failed was eagerly discussed and the sympathetic hope expressed that even yet he might be saved.

The temper of the watching crowd became so threatening that towards midnight the police tried to clear the crowd from the park. Their efforts were but partly successful. A mounted squad and reserves were sent for, and by two o'clock Broadview had been partially cleared, but at the corner of Gerard some of the crowd turned on the police and bricks and sticks were used and Mounted Constable Raney and P.C. Milton suffered wounds in the head. Eighteen arrests were made. By three o'clock the crowd had dwindled. The police were withdrawn from the streets and held in reserve in the jail. But at

MANY ARRESTS

daybreak people began to gather again in the park and at the hour of execution some five hundred were watching the windows again.

The sympathy demonstration resulted in a number of men, five of them in the King's uniform, appearing before Magistrate Cohen on the morning of the execution, on charges of disorderly conduct. As a "demonstration," the affair appeared to have been quite a success. About the only inactive person present was the man in the moon.

The police were out in full force, but most of the arrests were made by men in plainclothes, Ward, Evans, Laird, Donaldson, Ewing, and Black. P.C. Robertson was in uniform. The feature of the trials of the ten young men arrested as more turbulent than the rest of the multitude was the amount of hand-holding that apparently goes on in this virtuous city after midnight. It's surprising the number of young men who sit

HEAVY FINES

with their lady loves until one o'clock in the morning. Incidentally, the evidence given indicated that police are far from being popular when a mob gets an idea into its head.

Before imposing the penalty of \$50 and costs upon the ten men found guilty, Magistrate Cohen announced that disorderly demonstrations of this character would be put down with a stern hand.

By the way, who organized the demonstration?

Curiosity appeared to have been the magnet that attracted most of the men to the park and vicinity. Walter Brown was the first to face the music of the morning after. P.C. Evans said Brown was with the mob and assisting in opposing and abusing the police. P.C. Black swore that Brown wouldn't move at all. Brown said he had left his girl at 12 and was en route home. He denied being asked to move on.

"This is a deliberate attempt to do

REFUSED TO MOVE

away with law and order," said Inspector McKinney.

"Like a fire, it attracted a crowd," suggested T. O'Connor.

"This city is not going to put up with this sort of thing; it's got to be stopped," said Magistrate Cohen, imposing a fine of \$50 and costs or 6 months.

Henry McLean played his part at the corner of Gerrard and Sumach. The police swore he, too, refused to move.

"Did you tell the other 5,000 to move on; and did you arrest them for not doing so?" asked W. Horkins.

The police officer replied that they would have done so if they had had time.

McLean attributed his presence to "curiosity." He went to "see what was doing."

To Inspector McKinney, the prisoner said he could hear the row five blocks away. He moved away when asked to do so.

"WE'LL FIX THEM"

During this case the estimate of the size of the crowd grew from 2,000 to 12,000.

The same fine was imposed.

P.C. Evans said Leopold Le Blanc put his back against a pole and defied the police. "Jokes" were flying in all directions.

"Was this the sort of joke that was being flung around?" asked Inspector McKinney, holding up half a brick.

The police said that bricks, stones, and milk bottles were flying in all directions, most of them aimed at the police.

Le Blanc, who pleaded guilty to the charge of being disorderly, was also fined \$50 and costs or 6 months.

At 2 a.m., at the corner of Broadview and Gerrard, Plainclothesman Ward found Robert Allen shouting, "Come on. We'll fix the —" A stone was in his hand.

Allen denied cheeking the police, but

AGGRAVATED THE CROWD

admitted that a bit of rough work was going on.

He, too, was assessed \$50.

According to the police, Leslie Murray was with a gang of five, seen first at 11 o'clock.

"They aggravated the crowd and did everything to excite the mob. Bricks were thrown," said Evans.

Murray, a mild mannered young man, with a torn coat, was coming home from seeing his "friend," and got to Broadview at 2.10. When the police asked him to move he moved. He was waiting for a car at a point where cars don't stop.

\$50 and costs or 6 months.

The police pointed to five young soldiers from the Base Hospital, Gerrard Street, as some of the prime movers in the demonstration. All were patients at the hospital and had no business to be out, or in uniform. The five young lads were, William Cornish, Robert Rooney, Castor Frank, Stanley Glover, and Wil-

SOLDIERS RINGLEADERS

liam Roberts. They appeared to have scented a bit of trouble and got into it.

"They were ringleaders," said P.C. Evans. "Because they were in uniform we gave them every chance, every opportunity to go quietly away. Instead, they threw rocks and used terrible language. We 'phoned to the military police, but before they arrived, we had to lock the men man up."

"These men," said Inspector McKinney, "broke out of hospital. They had no right there, but appear to have got into uniform on purpose to excite the mob."

"Uniformed men ought to know better," remarked Mr. Cohen, imposing the same fine.

The police heard Pte. Robert Rooney shout, "What the hell are we doing here? Let's get the —."

Brickbats and milk bottles were flying through the air. Rooney, they swore, took a very active part in the demon-

"STAY AS LONG AS WE LIKE"

stration. A sign board was torn off the Salvation Army quarters on Broadview Avenue.

Rooney swore he moved when ordered to do so. He admitted staying out of the hospital from 12 noon till 2.30 a.m., when arrested. He denied pulling down the sign. \$50 and costs or six months.

"We'll stay as long as we like," was what the police said Pte. Castor Frank declared.

Frank went there "with a couple of friends." He moved when told. He admitted he had no pass to leave the hospital, and no right to be in the park at that hour. The cheers attracted him. He saw no bricks thrown.

Pte. Stanley Glover was seen with a piece of brick in his hand, and, according to P.C. Black, appeared to be the ringleader of a gang. Black saw P.C. Raney, mounted, struck. Ewing saw stones thrown and heard the soldiers

HID HIS UNIFORM

use "filthy language." Glover refused to give evidence in his own behalf.

Pte. William Roberts admitted he had obtained his uniform by hiding it in his bed. He had no pass to get out.

"I heard that the police had run over a woman," declared Roberts, by way of excuse for being there.

All the uniformed men were fined \$50 and costs or 6 months.

The only fair one to be mixed up with the "demonstration" was Lillian Ferguson. The police found her in Riverdale Park screeching wildly. When told to cease she called the police "pot-bellied b—s."

The young lady said she had become nervous and couldn't stop.

"We had been up to see Frank McCullough and thought it was all fun," she declared to the magistrate.

A fine of \$30 and costs or 60 days was passed.

CHAPTER 9.

THE EXECUTION

McCullough spent a very restless night, reading one minute, and then jumping up and waving to the thousands that crowded the park and neighborhood of the jail, he threw himself on his cot at two o'clock in the morning and slept until five. On awakening, McCullough got up, washed himself, dressed, and made his bed. The bursting light of a bright June morning shone through the barred window of his cell, and they say he greeted it with hymns and popular songs. His breakfast of ham and eggs, tea and toast he ate heartily as one who prepares for a day's work in the open.

When Mr. Nelles arrived he greeted him affectionately, and they passed some time in talk. At 7.40 he asked the

HIS LAST PRAYER

clergyman to read the 23rd Psalm, and McCullough dropped to his knees and prayed. In simple fashion he called on the Almighty to bless the several guards whose names he repeated. The girl, Vera, he commended to the care of God, and prayed that she might be led to lead a good life.

The man's absolute calmness during the last minutes of his life were remarkable. "This is not bravado," he said to Mr. Nelles. "It is not the same thing as nerve like I showed in other lines. I'm quite calm and peaceful, that's all I can say." From his finger he took a signet ring. "I earned the money for that by work, and it was hard," he said as he handed the token to Mr. Nelles.

At 7.30 a.m., the corridor in the jail was filled to capacity owing to the police reserves that Deputy Chief Geddes had on hand in case of a repetition of last night's raid. About one hundred policemen and detectives from all divisions

HANGMAN AGITATED

surrounded the jail and guarded the corridors. Inspectors Crowe, Umbach and Guthrie were also on hand.

While waiting in the orderly room prior to the execution, Arthur Ellis was very agitated.

"I feel rotten," he said. "I never felt worse."

Ellis was shaking like a leaf, and it was all he could do to pull himself together to go up to the death chamber. Even the burly policemen and guards who have been through the ordeal before, shook under the strain. In the corridors shortly before the time set for the execution all that could be heard were nervous whispers. Small crowds stood in the corners telling each other that McCullough deserved to pay the penalty, and endeavoring to cheer one another up and penetrate the veil of gloom that had spread itself over the institution.

At 7.54 a.m., the procession from the

NODDED TO THE OFFICIALS

death cell to the death chamber was commenced. Led by Deputy Sheriff F. M. Smith, walking between the death guard, and followed by Rev. Mr. Nelles, the condemned man left the death cell and, walking steadily, paced off the forty fatal steps that led to the death chamber. Hangman Ellis and his assistant had, prior to the short procession, entered the death cell and shackled McCullough's hands behind his back. When the door opened McCullough walked out with a steady step. He hesitated just a moment on seeing the crowd of officials just outside the door, and with his usual cynical smile, greeted them with a faint nod. Grim determination to go through it like a man was stamped on his face, which, although ghostly white, betrayed no signs of external fear. With steady stride but pale face he walked on to the trap. He seemed indifferent to his fate.

On entering the death chamber, Me-

"IT DOESN'T PAY"

Cullough walked steadily to the scaffold and Ellis' assistant shackled his feet while Ellis stood by the lever. Asked by the deputy if he had anything to say, he replied:

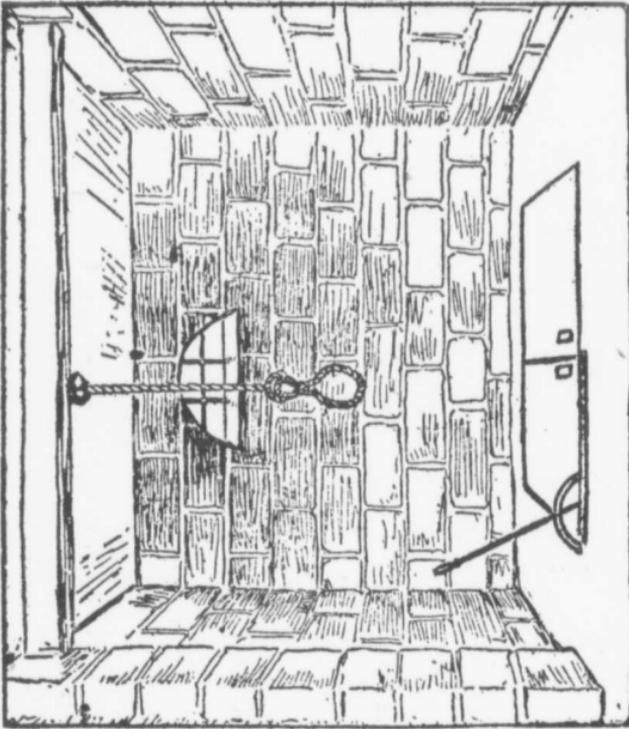
"My last message to young men is, 'It doesn't pay'."

"Good-bye, boys. God bless you," were his last words before the bolt was pulled.

At eight o'clock a man's figure outlined itself momentarily against the dull wall of a room with a barred window, the head a blur of black cloth; near it, and yet apart, stood other figures, and the voice of one in low-pitched accents muttered the words of the greatest prayer human lips have ever repeated, now used as the stop-watch of the hangman.

The Lord's Prayer was read by the clergyman as nervously the hangman pulled down the black cap.

"Our Father which art in heaven,



Execution Chamber.

THE LAST SCENE

hallowed be Thy name, Thy kingdom come, Thy will . . . but deliver us from evil."

Crash!

The prayer was broken by the bolt being drawn and the tightened rope told that Frank McCullough had paid the penalty for his crime. He was pronounced dead at 8.15 a.m.

On a narrow wooden trestle set on a sawdust-sprinkled floor, a billet of wood supporting the head, which fell to one side, showing the somewhat discolored face, lay the body of Frank McCullough.

When Dr. W. G. Parry, the jail physician, pronounced Frank McCullough dead, the last scene had been enacted in one of the most sensational series of episodes that have ever gathered about a criminal in Toronto's history.

The coroner's jury, under Dr. Lattimor Pickering, conducted an inquest after the execution. Dr. J. W. Maybee,

CORONER'S INQUEST

who performed the postmortem, showed that the neck had been broken. The jury returned the verdict "That Frank McCullough was hanged by the neck until he was dead in due execution of the law."

Whoso sheddeth man's blood, by man shall his blood be shed. Gen 9: 6.

CHAPTER 10

FAREWELL LETTER CAME TOO LATE

Vera de Lavelle's farewell letter to Frank McCullough arrived at the Toronto jail on the morning of his execution, but too late for him to read. The letter reads as follows and was probably dated in error May instead of June:

Mardi, Maie 10th, 1919.

Mon Cher Mari—

Dear, I can hardly realize what it means for you. Even after getting the paper to-day, and reading of your case, which says but little hope, I dare not think what it means. You are not dejected and alone, as the Journal states, for every thought is for you. It is even torture to think of such a fate. But, oh, may God yet keep you. If myself could save you, I would not hesitate one min-

MY HEART IS BROKEN

ute, but I only am watching you, dear. May God give you courage and strength to stand what is before you, for I know, darling "Mari" of mine, you need it.

It seems to me if they do take your life, dear, there is hardly anything in my life worth living for. If I could only see you for a moment, I would come and see you. But they would never give anyone such a privilege as that, and especially to me.

I have your picture in front of me, and it will always be near me. Sometimes I can see you plainly before me, as if you were there in reality. My dear Frank, my heart is broken. I could never tolerate the thought of your death, and really now I only realize it to be too true.

God has almost always answered my prayers, and if they are not answered this time, I will never believe in religion again. The outside world, dear, has worked splendidly on your behalf,

CHER DE LA MEIN

and I cannot realize that Ottawa's answer has really been given out. Anyway, dear, even if you do pay the penalty, I know you will go knowing that I love you just the same. Never in all my life on this earth will I forget you. Well, "cher de la mein," this will be my last letter to you, darling, and oh, God bless you, dear.

Yours always, with love,

Vera de Lavelle.

I would love to hear from you, but I guess you would not be allowed to write me. But even if it is only a few lines, and would have to be published, I would not care as long as it is from you. I still hope for you yet. I am just dead sick. All love,

"Vera."

CHAPTER 11

THE FUNERAL SERVICE

The funeral of McCullough took place after an autopsy was performed on the body. The coffin provided by the jail authorities was taken to the burying plot in the jail grounds and there the funeral service was read.

“Is the young man, Absolom, safe?”, the words of King David, were the basis of the brief remarks made by Rev. Bertram Nelles, as he conducted the funeral on the afternoon of the day of the execution.

The funeral was strictly private, by order of the sheriff, and was attended only by Chief Turnkey Addy, jail guards and four prisoners, who acted as pallbearers. It was the first time a funeral service has been read over the body of a man executed.

BURIED IN JAIL YARD

At 2 o'clock the remains of McCullough, which had been placed in a casket, upon which rested a single bunch of flowers, the offering of Mrs. Nelles, were carried to the jail yard, preceded by the pastor. At the grave the customary funeral service was conducted. McCullough's favorite passages, from the 23rd Psalm, the 14th chapter of John and the 55th chapter of Isaiah, were read.

The pastor spoke of responsibility that rested on every parent. "That is the question each father should ask himself regarding his children," he said. The early upbringing of McCullough had been responsible for the fate he had met.

Mr. Nelles stated that he had conducted the service at the request of McCullough and not in any official capacity.

In committing the body to the ground it was significant that the pastor did not

NO REQUEST FOR BODY

omit the part of the service that reads: "In the sure and certain hope that as it has borne the image of the earthly, he shall also bear the image of the heavenly."

There were no requests made to get the body.

About 2 o'clock about a score of people tried to obtain admittance to the jail to view the remains. They were told to go away, but as they persisted in hanging around the doorway they were warned that unless they dispersed the police would be called. On Gerrard street and in the park small knots of people also hung around until after three o'clock.

CHAPTER 12

McCULLOUGH'S RELIGIOUS CONFESSION

Following is the statement McCullough entrusted to Rev. Mr. Nelles. It was written on June 9:

June 9, 1919.

To Whomsoever it may concern, the following is a confession and profession of my faith in God and the causes thereof.

I ran away from my home at the age of fourteen. I had always been brought up to believe in God up to that time by my parents, but like lots of others of that age had read too much sensational literature, which terminated in my going from home, and in the incidents that followed. I was never taught a thing. I was taken in charge by a pair of men who resembled the characters I had read

MEN BUT SUPER-ANIMALS

about, and were what were commonly termed yeggmen, and when I was a little over fifteen was captured in Kansas City, Mo., and sentenced to the penitentiary for ten years, of which I did three years and nine months. There was never any endeavor made at that place (Jefferson City), to teach us anything pertaining to religion. After my release I joined the American army, and was sent to Mexico, and was nearly three years in that, and what belief I ever had had by then become latent, and I had never read the Bible, and in my own ignorance believed that we were nothing but super-animals, that there was no hereafter, no heaven, nor hell, excepting the kind you made for yourself on earth.

During my incarceration I had heard several of the prisoners argue about the social system, and they had all seemed to have the idea that religion was only a superstition, kept up by the rich, and

NO KNOWLEDGE OF RELIGION

supported by them in order to keep the laboring man from insurrection, and I came to believe this myself. I had no acquaintance with any religious organizations nor Christian people, and in common with many others, thought that all who so professed were fools or hypocrites. I saw so much of that very thing. In fact, as far as thinking about anything of that sort or trying to reason it out, I had never done that. I went on heedless, and came to these beliefs gradually, without giving them any great thought or even wondering whether or not they were right. God forgive me! This is my confession.

Two days after my trial here in Toronto of murder, of which I was found guilty, I was asked by the governor of the jail, of what religion was I? And what minister I would like to have to come to me. I did not know even one minister here in the city (nor elsewhere) and made enquiries as to one, and one of

HIS FIRST LIGHT

my warders told me of the Rev. Bertram Nelles, who is pastor of the Western Congregational Church in this city, and recommended him to me. I gave his name to the sheriff, and he notified Mr. Nelles, and he at once accepted the task.

By the time Mr. Nelles had made his second trip to see me here I can say that my ideas regarding fools and hypocrites had undergone a complete and revolutionary change. First of all, Mr. Nelles came to see me every day, which for a man who is busy as he is was a big thing to do. Secondly, he never asked me to do anything that he did not do himself. In fact, the way in which he believed and lived the teachings of Christ were not the least part in bringing me to the belief and happiness which I now enjoy. He read the Bible with me, and all things which I did not understand he explained, and sometimes

THE COMFORTER

spent two and a half hours with me at a time, and then from various people in the city and other parts of the country I began to receive letters of encouragement and cheer, and they were all written in this same, clean, Christian spirit.

I never knew that there were such people in existence before. I began to realize that there must be something in this belief and Christianity more than I had ever thought, and gradually, as day by day I looked for this peace and Comforter, of whom they all spoke, I came to the belief and could see my way clear, could understand the meaning underlying the passages I studied, and could feel the Spirit taking hold of me, and as this belief became strong I could feel my load of care grow lighter and lighter. This was not all done at once. I have read in various tracts where the Light came suddenly. But it did not come that way to me, and I thank God

PREPARED TO MEET MAKER

that I had the time necessary to come to Him fully prepared, if such is going to be my fate this coming Friday, that I have to depart from this world.

All who read this, believe that I go with happiness in my heart that I can come fully prepared to meet my Maker. And right now, while I am writing this, I am happier than ever I was before. I haven't a care, for did not Jesus die to save me? All who read this, I want to believe there is nothing on this earth that can equal the joy that fills your heart if you will only believe in God and trust Him, and put your care on Him and pray Him to forgive your sins. The sting is taken from misfortune and death if you have faith.

When I look back to the years that have passed when I, in my ignorance, did not believe in God, in spite of the many signs of his handiwork on every hand, and realize how those years have been misspent and wasted, and compare

GIVE GOD A CHANCE

my feeling and the happiness which I enjoyed then to the feeling and happiness of now, after realizing the meaning of God's love, and feeling the effect of His love on my burdened soul, I can honestly say there is no comparison whatsoever. I did not even understand what happiness was, I realize that now.

Well, I have done my best to portray on this bit of paper my thoughts, and if ever any heedless youth who has the least germ of doubt regarding things eternal—take heed from these few lines of mine and get into contact with some good Christian people or organization and, using a slang phrase, "Give God a Chance" in your life. You will find that if you leave your heart open and unbiased that He will make His abode with you, and even as He did those saints of old. God bless you all!

Take heed. Good-bye.

FRANK McCULLOUGH.

EVERLASTING LIFE

“For God so loved the world that He gave His only begotten Son, that whosoever believeth in Him should not perish, but have everlasting life.”

St. John 3: 16.

This is my favorite passage, and the one which comforted me the most.

F. M.

NOTICE

The Story of Frank McCullough is published in the belief that a series of Notable Canadian Trials will prove as popular in Canada, as Notable English Trials have proven in England.

We believe that our readers would appreciate a library edition of this book, and should the demand warrant it, we will add a number of photos and a full verbatim report of the trial to the present chapters. This will make a large sized volume which we will bind in a good cloth cover.

In order to do so we will require orders for at least one thousand copies in advance. For how many copies will you subscribe at \$1.25 each.

.....

ORDER FORM

LAW BOOKS, Limited,
152-154 Bay Street, TORONTO.

Gentlemen :

Enclosed find Dollars, for which
send copies of The Trial of Frank
McCullough, in full cloth binding.

Yours truly,

.....

Practical Guide on Canadian Company Law, by Walter E. Lear, barrister-at-law. This book contains the Dominion Companies Act as amended in 1918, together with elaborate information and directions relating to the incorporation, organization, and management of companies; and the forms and by-laws required for that purpose.

The many amendments which have been made to the Dominion Companies Act and to the corresponding Acts of the various Provinces have made company law so complicated that a condensed volume of this kind is practically essential in the organization and conduct of an incorporated business.

It is the only consolidation of the Dominion Companies Act since 1915, and there have been important changes in the Act since that date. Some of the changes relate to the formation of companies and societies not having gain for an object, and to the issue of stock having no par value, and to the filing of a statement in lieu of a prospectus.

The forms are very complete, and the notes of the author explaining these forms and giving useful directions as to the holding of organization meetings, etc., are all that could be desired.—'*Mail and Empire*, per Edward Meek, K.C., Legal Editor.'

Secretaries and other company officers will find this book invaluable as a manual for constant reference and it will be of much service as a guide to the best methods of organizing a company.—'*Monetary Times*.'

No business man's library is complete without a copy of this book.—'*Financial Post*.'

ORDER FORM

LAW BOOKS, Limited,
152-154 Bay Street, TORONTO.
Gentlemen:

Enclosed find Four Dollars, for which send "Practical Guide on Canadian Company Law."

Yours truly,