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The Release of Skill and King, Immoral Book Vendors.

Report of the Executive of The Moral and Social Reform Council of Canada.

The members of this Council and the public generally know that L. J. Skill and J. C. King, who were serving a sentence of one year each in the Central Prison, having pleaded guilty to the charge of selling immoral and obscene books, were released by His Excellency, the Governor General, on the advice of the Honorable, the Minister of Justice. Subsequently, his action having been called in question on the floor of the House of Commons, the Minister of Justice made a public statement, as reported in Hansard, Columns 7344 to 7347, in explanation and defence of his course. Among other things, Hansard reports him as saying—"So far as papers show, and so far as any report of the matter which I have seen shows, the business was the ordinary legitimate business of respectable book-selling. But among the Volumes which had been sold by these men were such books as English Translations of Balzac, of Petronius and other Latin Authors, of Brantome also a French writer; and undoubtedly in these books, which are Classics and which are to be found on the shelves of our own Library or any other large Library, are to be found passages, just as I need not say there are to be found passages in that best of books that we all revere, which if they were singled out and collected and published together, might properly be described by the word indecent." And he concludes his explanation and defence in these words—"I gave the advice to His Excellency that these men should be summarily released, because in my humble judgment, speaking as a lawyer, they were not guilty of the offence with which they were charged."

No criticism is here made of the shortening of sentence nor therefore of those who asked for it, but simply of the public explanation of defence.

The history of this case is as follows:—

1—On the 28th of June, Skill was charged in the Toronto Police Court with "having in his possession for sale, distribution and circulation, certain obscene books and certain pictures tending to corrupt morals," and on the 7th July, he was in a second case charged with having "posted for transmission by or through the Post, circulars, advertising obscene and immoral books for sale."

On the 28th June, King was charged with "having in his possession for sale, distribution, and circulation, certain obscene books, and certain pictures tending to corrupt morals."

Mr. Hugh Rose, K.C., appeared for Skill, and Mr. J. W. Currie, K.C., for King. After many delays the defendants elected to be tried by a jury and pleaded "not guilty." They were committed for trial, and admitted to bail in \$2,000.

2—In evidence before the Magistrate:

(a) James Henderson, Post Office Inspector for Toronto, swore that he heard the defendant Skill say that he had mailed circulars advertising the books in question, to the number of 500, about 1st June, 1909, and that he had been sending out a like number each month for some time.

(b) Dr. Arthur Jukes Johnson, Chief Coroner for Toronto, swore that he examined books A. B. and C." (the names are given in evidence, but here suppressed for manifest reasons).

"The contents of B. are obscene stories. The book A., volume 2 is simply filth, and volume 1, I think has no scientific value. C. is absolutely foul, and perfectly unfit for young people to see. These books are such as have a tendency to corrupt morals." Again, he says, "volume 1, of A., is an attempt to be made to read like a scientific book."

3—In September, 1909, Skill and King were indicted before the court of General Sessions, at Toronto, for that they, "Knowingly, and without lawful justification or excuse did sell, distribute and circulate certain obscene books, tending to corrupt morals, thereby committing an indictable offence contrary to the provisions of the Criminal Code."

After various delays they were notified to be ready for trial on the 20th December, 1909, when on the advice of their Counsel they pleaded "guilty" to the charge, and in due course were sentenced by His Honor Judge Winchester, to a term of one year in the Central Prison.

In pronouncing sentence, His Honor Judge Winchester said:—"I do not think that the Counsel would have been justified in allowing these obscene books to have been read before any twelve jurymen. The obscenity is so great that every time any person would hear the words so written there, they would create such filth in their minds that they would never get clear of it, no matter how long they lived." Judge Winchester then quoted Mr. Justice Riddell in the case of Rex vs. Graf, which was a case arising out of the having for sale of obscene post-cards. Judge Riddell expressed his regret "that only two years' imprisonment can be inflicted for so heinous an offence," and added, "One who administers physical poison as to inflict upon another grievous bodily harm is liable to 14 years' imprisonment; one who administers mental and moral poison and thereby inflicts grievous harm upon the mind and soul . . . is let off with 2 years—rather a reversal of the injunction not to fear them that kill the body, and after that have no more that they can do." (Ontario Law Reports, Oct., 1909).

Judge Winchester said, that the stuff in the Graf case was not so bad as in the present one, and said to the prisoners, "if you had been present the previous Sessions, you would have seen case after case brought before me in which I had to punish the offenders with the lash for doing the things your books teach them to do."

He concluded:—"If our country is going to be composed of honest, sound, and healthy citizens, they must have this poison kept from their minds. If we are going to rise to the position to which we should attain, we should have pure literature, not immoral and impure literature such as you have been distributing. The tide of this evil must be stemmed. So far as I am concerned, I am going to assist in stemming it to the utmost of my power."

4—Evidence of the following facts was in the hands of the Crown when Skill and King pleaded "guilty," and these facts were before the Minister of Justice when he recommended that these men be summarily released on the ground that "they were not guilty of the offence with which they were charged":—

(1) (a) That as far back as May, 1907, and on various dates in June, July and August of 1907, and several times in May, 1908, the Customs authorities of Toronto had notified the Toronto Postal authorities that these men, Skill and King were importing and using the mails for purposes of selling various books contrary to the regulations of the department, which deemed the books obscene and indecent, and as coming under Clause 178 of 1907, Official Postal Guide and Clause 191 of 1908 Postal Guide, and that the books were accordingly forbidden the mails.

(b) That Skill and King, having appealed to the Department at Ottawa against this decision of the Customs and Postal authorities of Toronto, the action of the Toronto authorities was confirmed and approved.

(c) That circulars which were put in as exhibits advertising "curious, erotic and realistic books" were sent by mail to parties in the United States and Canada; that some of these circulars had found their way into the hands of Mr. Anthony Comstock, Chief Post Office Inspector for the United States, and had been by him sent to the Postmaster General at Ottawa, and by him in turn sent on to Toronto, this constituting the occasion of these prosecutions.

(2) Dr. Arthur Jukes Johnson, Chief Coroner for Toronto, had been subpoenaed by the Crown to give evidence at the trial and instructed to go through the books and give his opinion as to whether they were obscene and indecent. His signed report, contained the following statements :-

After naming the books and describing their contents he says :-

"After having examined these books and made enquiry, I am prepared to prove that they are not scientific or medical works."

"It was contended that these books were not obscene. They are absolutely unadulterated filth."

"The plea that they are scientific or medical or could be read by any professional man for the purpose of learning anything from them that would be of value to him in his practice, is absolutely absurd and untrue. If the medical profession is so unfortunate as to have within its ranks examples of those creatures (of whom there are many more than we generally suspect) who are known as sexual perverts and whose minds seem to require absolutely rotten food upon which to feed, then these books would supply that food."

After saying that at the police court trial, it was clear that at least one of the lawyers engaged in the defence of Skill and King was wholly ignorant of the contents of those books, he concluded, saying: "The description of these books given in the published catalogue, issued by the firm should be enough to show any reasonable man their character."

(3) Dr. Locke, Chief Librarian of Toronto, was subpoenaed and examined the works, and reported them to be obscene and unfit for circulation.

(4) That the defendants, Skill and King, did business in the same premises under three separate names, viz.: "The Toronto Antiquarian Book Company," "The Globe Library Club," and "The Clarke Company." Their premises were at 5 Jordan Street. They did a legitimate Antiquarian Book business, and in addition, this business in immoral and obscene books, not all Antiquarian by any means. These illegitimate books were advertised in catalogues and circulars entirely separate from those used for their legitimate Antiquarian Book business. The illegitimate books in question were kept in a small room off the general place of business. Thousands of copies of the objectionable advertising circular were found on the premises. In this circular, the following phrases or sentences are found: "The glorification of Sensuality," "The apotheosis of rape with violence," "The songs of songs of rape and violation," "Exquisite full-page plates. (Some very free)," "No author for very young men, nor for women who are not prepared to own to forty summers," "Sexual Customs in many lands—being observations on the esoteric manners and customs of semi-civilized people," "The plague of lust," "A marvellous mass of out-of-the-way information on the sexual vices," "Lashed into

lust," "The realism of the narrative is marvellously vivid and stirring, and the reader is hurried on from one lascivious scene to another in breathless interest to the close."

The following recommendation of one of the books was on other typewritten, advertising circulars: "This is one of the most delightful, lascivious, and hot little books ever yet offered for the delectation of the refined, novelty-loving bibliophile."

All of the above information, together with the books themselves, were before the Minister of Justice, when the matter was under consideration yet on the floor of the House, as reported in Hansard, column 7345, the Honorable Minister says, "So far as the papers show, and so far as any report on the matter which I have received shows, the business was the ordinary, legitimate business of respectable bookselling."

The editor of "The Toronto Globe," after quoting the opinion of Dr. Arthur Jukes Johnson, above recorded, says: "After a careful examination of a dozen of these books, the Globe endorses the judgment of Dr. Arthur Jukes Johnson. Their only value to science is as a sample of the erotic factors in the making of degenerates and perverts. As literature, they range all the way from the scrofulous French novel, unexpurgated, vilely illustrated, and elegantly bound, to the still more lecherous exposition and advocacy of the grossest unnatural sensuality."

5—The first public statement by the Minister of Justice, made April 15th, was brought to the notice of the Toronto Ministerial Association, and a representative committee, strong in its personnel, examined the evidence and the books. They at once sent three of their number to Ottawa, with the books and evidence supplied by the Crown officers for this purpose, to submit them, together with the statement of the Minister of Justice, to the Right Honorable, the Prime Minister. They stated to him that manifestly the opinion of the Minister of Justice, in the circumstances, must have the effect of encouraging the vendors of such mental, moral and social poison to continue their vile business of circulating such books and literature, and respectfully called upon the Prime Minister to use his paramount influence to make or have made a public statement such as would prevent the utterance of the Minister of Justice having the effect just noted. The Prime Minister conferred with the Minister of Justice, after personally examining the evidence and the books, and hearing the statement of the Toronto ministers.

Inexplicable as it may seem, the Minister of Justice, after this conference with the Prime Minister, namely, on April 28th, made a second statement on the floor of the House and among other things, said: "If the same thing were to be considered over again under the same circumstances, I should act in exactly the same way as I have acted throughout. I have taken the course I thought was right, and which I still think was right." (Hansard 8527).

The Executive vouches for the thorough reliability of the above statement of facts, and submits it in all its critical seriousness to the various religious and other bodies represented in the Council, and to the decency-loving Canadian public, for such action as they in their wisdom deem necessary.

(Signed) A. CARMAN, President.
J. G. SHEARER, Secretary.

