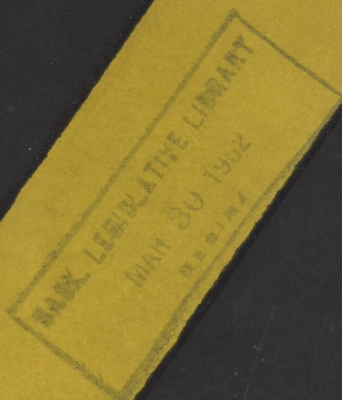




ROYAL CANADIAN MOUNTED POLICE QUARTERLY

OCTOBER
NINETEEN THIRTY-SIX

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Royal Canadian Mounted Police Quarterly

VOLUME 4

OCTOBER, 1936

NUMBER 2

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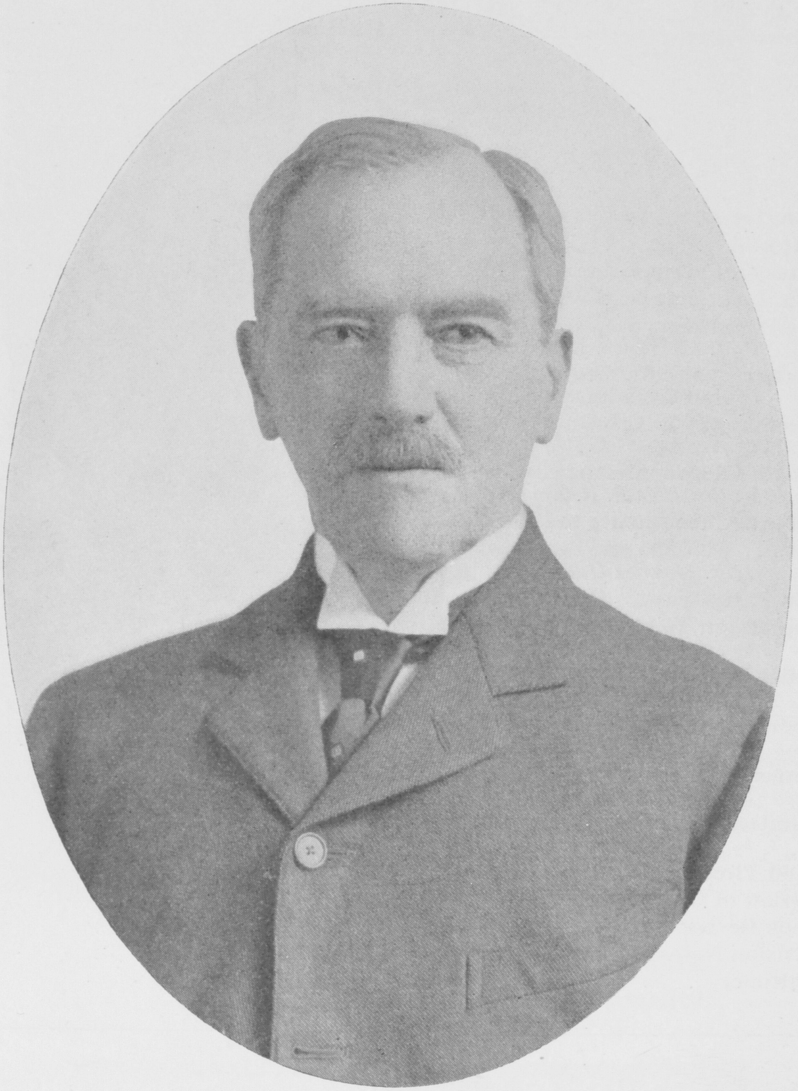
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HON. LIEUTENANT-COLONEL FREDERICK WHITE, C.M.G.
Comptroller, N.W.M.P., 1878-1913

Editorial

Leaving Ottawa on July 5th, 1936, by Royal Canadian Air Force plane and accompanied by Flight-Lieutenant R. C. Gordon and Sergeant Pritchard,

Commissioner's Inspection Patrol

air engineer, the Commissioner recently completed what is believed to be the longest single journey ever made by air in Canada, the route travelled covering approximately two thirds of the total area of the Dominion. Besides visiting detachments of "G" Division situated in the districts of Mackenzie and Keewatin, Sir James MacBrien travelled to Dawson, Y.T., and detachment points in the Yukon.

The flight was made from Ottawa to Northern Manitoba, Alberta, Northwest Territories as far as Coppermine and Cambridge Bay, and thence via Fort Norman to Aklavik situated in the Mackenzie River Delta. Leaving Aklavik on July 24th, the Commissioner proceeded to Dawson and subsequently to Whitehorse, returning to Simpson on the Mackenzie River via the direct route across the mountains. On leaving Simpson the plane flew eastward to Fort Reliance on Great Slave Lake and afterwards to Chesterfield Inlet on Hudson's Bay. Travelling southward to less remote areas via Churchill, the Commissioner reached Fort Frances, Ontario, on August 2nd and Ottawa the next day. The total journey, which covered a distance of 11,000 miles, was made in a period of twenty-five days. A map of the Commissioner's itinerary on the occasion of this patrol appears on page 84 of the magazine.

* * *

Shortly before going to press we hear with sincere regret of the impending retirement of Deputy Commissioner J. W. Spalding, who proceeds on

Deputy Commissioner J. W. Spalding

furlough on October 1st prior to severing his connection with the R.C.M. Police after more than thirty-six years of service. Colonel Spalding's long and distinguished career with our organization is well known to all serving members of personnel and to the residents of Eastern and Western Canada. The best wishes of the entire Force for many years of continued health, success and enjoyment will be extended to the Deputy Commissioner on his retirement to pension. He will be succeeded by Assistant Commissioner G. L. Jennings, O.B.E.

* * *

Announcement was made on September 10th, 1936, of the appointment of Lieutenant-Colonel P. C. H. Primrose to the office of Lieutenant-Governor of Alberta, in succession to the Honourable

Lt.-Colonel P. C. H. Primrose

W. L. Walsh. Lieutenant-Colonel Primrose is one of the best known ex-members of the North West Mounted Police resident in Western Canada. A graduate of the Royal Military College, Kingston, he joined the Force in 1885 as an Inspector and served until April 15th, 1915, when he retired with the rank of Superintendent to accept the position of Stipendiary Magistrate for the city of Edmonton. Lieutenant-Colonel Primrose, during his service with the North West Mounted Police, was recognized as an outstanding authority on law; he resigned as Stipendiary Magistrate of Edmonton in 1935, after twenty years of duty in that capacity.

Vimy Pilgrimage

INCLUDED among the thousands gathered at Vimy Ridge on July 26th, 1936, to pay tribute to Canada's heroic dead was a small detachment, consisting of ten members* of the Royal Canadian Mounted Police who travelled overseas in the capacity of Pilgrims to attend the unveiling ceremony. At the suggestion of L/Corporal L. Warrior of "K" Division, representations were made to the Canadian Legion of the British Empire Service League, that uniform be worn by members of the Detachment when present at the ceremonies.

Lieutenant-Colonel R. de la B. Girouard, a member of the Pilgrimage Committee of the Canadian Legion, in the following article describes the part taken by our personnel at the unveiling ceremony, and, also, on the occasion of the Great Parade of the Canadian Legion to the Cenotaph in London.

"July 26th, 1936, stationed in prominent places on the base of the Vimy Memorial and at the foot of the pylons, members of the Royal Canadian Mounted Police, trim and smart in their scarlet tunics and Stetson hats, against the white background, drew considerable attention and favourable comment. To the ten thousand Canadians assembled there, their familiar appearance brought back to mind their Homeland across the seas, and impressed on us all the fact that we were even then on Canadian soil—the generous gift of a grateful ally.

High officers of state, and military representatives of foreign nations attending the unveiling ceremony, expressed to me their pleasure at seeing (in many cases for the first time) what they were pleased to term, 'members of that famous Canadian Force whose reputation was well known to them'. A representative American remarked with a twinkle in his eye—"What could you expect. They come from our side of the water."

On July 29th, in London, was held the Great Parade of the Canadian Legion, consisting of some ten thousand pilgrims, who, after being addressed by the Prime Minister of England, Mr. Stanley Baldwin, were formed up at Westminster Hall, and headed by the Bands of the Brigade of Guards marched down Whitehall to the Cenotaph, where a short impressive ceremony was held and wreaths were laid. Members of the Force, in full uniform, were given the place of honour and escorted the massed standards at the head of the column during this memorable occasion. They were given special applause and enthusiastic comment by the massed thousands of spectators. The Canadian Legion was proud of the association and a humble member pays this tribute."

*Names of members of the Force who accompanied the Pilgrimage to Vimy are as follows: Reg. No. 11569, Sergt. C. E. J. Widgery; Reg. No. 10437, Corpl. H. Wilkins; Reg. No. 5524, L/Corpl. R. W. Warrior; Reg. No. 11036, Const. R. J. E. Dobson; Reg. No. 11511, Const. B. Dowling; Reg. No. 9972, Const. A. Harness; Reg. No. 10915, Const. S. J. Leach; Reg. No. 10447, Const. P. T. May; Reg. No. 11616, Const. W. V. MacKinnon; Reg. No. 9902, Const. J. Cullen.

Notes on Recent Cases

A CUSTOMS SEIZURE effected during December, 1933, which received considerable publicity due to the somewhat dramatic incidents surrounding the case, was finally brought to a conclusion on September 2nd, 1936, when the Exchequer Court of Canada handed down a decision upholding forfeiture of the vessel "Kromhout" and its cargo of liquor, under Section 207 of the Customs Act.

The case was somewhat unique in that the prosecution of the Master and crew of the rum schooner, and the subsequent proceedings regarding forfeiture of the vessel, hinged to some extent on the policy of "hot pursuit" beyond the territorial waters of Canada as defined by the Customs Act. It was the first case, so far as we are aware, wherein that angle had arisen under the Canadian Customs laws.

The "Kromhout" is of the auxiliary schooner type, with a length overall of 107 feet, a beam measurement of 25 feet, and gross tonnage of 112 tons. A particularly good sea-boat, she was of the class known to the Preventive Service as a "Mother Ship". This type of vessel seldom ventures inside the territorial limits to dispose of a liquor cargo, but rather depends on smaller contact boats to land the contraband. In this manner, the "Mother Ship" remains immune under our Customs laws.

However, on one occasion at least, the "Kromhout" ventured inside the twelve mile limit. During the early morning of December 7th, 1933, she was sighted by our patrol vessel "Number 4", at a point nine miles south-west of Forchu, Cape Breton, N.S. She was called upon to stop in the name of the King, and complied only after three rounds of blank shot had been fired, as a warning, from the three-pound gun carried by the patrol cutter. A dory was launched from the "Number 4" with a boarding party, but before contact could be made the "Kromhout" veered seawards and was soon outside the twelve mile limit.

At this stage, the Master of our patrol vessel, in addition to checking his position by wireless cross-bearings, deemed it advisable to log his distance back to shore, and reported events to Divisional Headquarters at Halifax. Instructions were given to pursue the "Kromhout" beyond the twelve mile limit, and to seize her if it were ascertained that she had a liquor cargo on board. The schooner was finally boarded at a point approximately forty miles from our shores. A prize crew consisting of four ratings from the "Number 4" was placed on board after it was learned that liquor was being carried. A tow line was attached and the patrol cutter commenced the arduous job of towing the "Kromhout" to port through a heavy sea.

Under cover of the darkness which prevailed, the Master and crew of the "Kromhout" overpowered the prize crew and took control of the vessel, cut the tow line and made good their escape.

The "Number 4" at once gave chase, but fired no shots in view of the danger to those on board the fugitive, including the prize crew, from the use of firearms in the darkness. The schooner was soon beyond range of the searchlight of the "Number 4", and vanished out of sight of its pursuers.

The "Kromhout" was next heard of at the port of St. Pierre, in the French colony of St. Pierre et Miquelon situated south of Newfoundland, where she arrived with the prize crew on board. The latter returned on the Furness liner "Rosalind" to Halifax; and the "Kromhout" and crew were detained by the authorities at St. Pierre following representations made by the Canadian Department of External Affairs.

After extradition proceedings had been waived, the crew of the "Kromhout" were handed over to the Canadian authorities and escorted back from St. Pierre to Halifax by the Preventive Service cruiser "Fleur-de-Lis". The "Kromhout" was taken to Halifax where the liquor cargo was checked and found to consist of 4,485 gallons of rum in five and ten gallon kegs, and 93 gallons of assorted liquors.

The crew of the "Kromhout" was composed of the Master and seven other ratings, and all were charged as follows:—

- (a) Theft of vessel "Kromhout" (Sections 386 and 387, C.C.C., as defined by Section 256 of the Customs Act).
- (b) Theft of liquor cargo on board schooner "Kromhout" (Sections 386 and 387, C.C.C., as defined by Section 256 of the Customs Act).
- (c) Obstruction (Section 167, C.C.C.).

The arrested individuals appeared before the Magistrate at Halifax for preliminary hearing, and on February 6th, 1934, the Master was committed for trial on all charges. The remaining persons were dismissed, the Court ruling that they had acted on instructions of the Master (as they were compelled to do under Marine Law), and were consequently not criminally liable for their actions.

The Master appeared for trial at Halifax before Mr. Justice Doull of the Supreme Court of Nova Scotia, sitting with a jury. The trial commenced on April 10th, 1934, and continued until April 13th, when the accused was convicted on all three charges. He was sentenced to three years in the penitentiary on each charge, sentences to run concurrently.

Much of the evidence submitted by the Crown was of a technical nature, which included expert evidence by the Director of the Radio Branch, Department of Marine, regarding the reliability of radio cross-bearings in determining a ship's position. This evidence proved to the satisfaction of the Court that the margin of error possible in determining a position by the method referred to was negligible. Expert evidence was also given to prove that the hemp cable used for towing the seized vessel was deliberately cut and not broken through strain.

An appeal was entered by the defence to the Full Bench of the Supreme Court of Nova Scotia in an attempt to have the convictions quashed on the grounds that seizure action was not effected within the territorial waters of Canada. This appeal was decided on February 18th, 1935, when all convictions were upheld and the sentences confirmed—after the Appeal Court, with one dissenting Judge, found that since it was proved that the "Kromhout" was within territorial waters with liquor on board when first intercepted, subsequent seizure action on the high seas was justified. It was pointed out that forfeiture of a vessel and cargo under the Customs Act

accrues at the time and by the commission of the offence, and is not dependent upon the time or place where seizure action is subsequently taken.

A further appeal was taken to the Supreme Court of Canada, and decision was handed down quashing the appeal; the accused was accordingly escorted to Dorchester Penitentiary to serve his term.

The Defence further contested forfeiture of the vessel "Kromhout" and her cargo, and the matter was thereupon referred to the Exchequer Court by the Minister of National Revenue. The Defence alleged that wrongful seizure action had been taken, since the Customs Act gave no jurisdiction for such action outside the territorial waters of the Dominion. The case was argued before the Exchequer Court, sitting at Halifax, on September 2nd, 1936. The Court, in an order handed down by the Honourable A. K. MacLean, President, ordered that the vessel "Kromhout" with her apparel, rigging, tackle, furniture and stores be (and is declared to have been) forfeited to His Majesty the King since the time of seizure on December 6th, 1933. A similar order covering forfeiture of the liquor found on board was also made.

Much useful experience was gained through the various legal arguments raised in the course of the prosecutions arising from this seizure and the interpretations of the Sections of the Customs Act which are referred to in this case should prove educational and interesting to all members of the Force engaged in Preventive Service work.

* * *

Recently at Montreal, a steamship steward charged with illegal possession and importation of opium was sentenced to terms of five years' imprisonment on each charge, plus a fine of \$1,000 and costs or in default of payment of fine, to serve an additional term of one year's imprisonment.

The accused, who gave his address as Brussels, Belgium, was arrested by members of this Force, as he left the ship, a trans-Atlantic liner, and a search of his person revealed that he was wearing a cloth belt in which was a pound of opium. A further search of his quarters on the ship disclosed an additional fourteen pounds of the drug. The accused stated the seized drug was the first shipment he had brought into Canada and that he had secured his position just before sailing from Southampton.

The trial Judge, however, informed the accused that in his opinion, the position was secured merely to gain a channel of entry into Canada and to effect delivery of the drug. The Judge further stated that it would appear the accused was a member of a European branch of an International group of drug smugglers and that he felt it was his duty to make an example of him and so discourage others in the traffic.

This is one of the largest seizures of narcotics effected recently and the members of the Force in charge of the investigation are to be congratulated on making the seizure at the point of importation. Detection after the successful landing, decking and distribution of the drug, would have entailed endless effort and expense, with the probability in addition that a large portion would have found its way into the possession of unfortunate addicts. About ten thousand decks could be made from the shipment, the retail price of which

depends entirely on the law of supply and demand, and would range between \$2.00 and \$5.00 per deck.

* * *

Information was received by our detectives at Vancouver that three men intended to rob the vault in one of the banks there. One of the three men rented a vacant store two doors from the bank in question, stating that it would be necessary to make a number of alterations to the premises. Surpicions were aroused by the fact that the men frequently worked at night and in spite of the hammering, etc., that was proceeding, no apparent change was made in the appearance of the store.

During the absence of the three men from their premises members of this Force entered the store but despite very careful examination everything appeared to be in order. On flashing a light through a crack in the floor, however, a member of the search party observed a pair of leather mitts on the ground below. A portion of the flooring was removed when it was ascertained that a trench had been dug underneath the vacant store; also below the adjoining property and beneath the bank. On the tunnel being followed to the end it was found that it terminated beneath the vault in the bank. The earth from the trench had been spread under the floor of the two stores.

A watch was placed on the premises by members of the City Police and when the three men put in an appearance—in all probability to either complete the tunnelling or to blow the vault—they were placed under arrest. Subsequent to Preliminary Hearing and committal for trial they appeared in District Court before His Honour Judge J. N. Ellis, on a charge of "Breaking and Entering" and pleaded "Not Guilty".

Evidence for the prosecution was given by members of the Vancouver City Police and several civilian witnesses. The three men gave evidence in their own defence but were found guilty and sentenced to serve terms of three years' imprisonment in the British Columbia Penitentiary.

* * *

Numerous investigations are conducted by members of the Force regarding offences committed by juveniles, usually in connection with infractions of those Sections of the Code dealing with theft, breaking and entering, or mischief. Cases involving the illegal use of firearms are also a frequent occurrence.

The following is an unusual case which was investigated recently in Winnipeg. A grain cheque for \$52.10, also an order for a boy's bicycle and other merchandise, was received by a large Mail Order House. The order was filled and the goods shipped to the customer, together with a Money Order for \$20.00, this amount being the difference between the value of the goods and the grain cheque. However, a later examination of the cheque revealed the fact that it had been tampered with, and our assistance was requested.

Upon investigation it was ascertained that the customer was a boy of twelve years of age, who, on being located, was found to be in possession of the bicycle. He was also endeavoring to cash the Money Order he had received.

Enquiries were made at the grain elevator from which the questioned document was originally issued, and an examination of the duplicate cheque revealed the fact that the sum of \$9.60 had been the amount authorized for payment.

The mother of the youth, on being interviewed, stated that as she was unable to write English she had instructed her son, aged 12, to forward an order for merchandise, enclosing the grain cheque as payment therefor. Subsequently, the boy had included with the order a request to forward a bicycle, at the same time raising the cheque to the value of \$52.10. Upon receipt of the bicycle the boy informed his mother that he was purchasing the machine on the instalment plan and that he intended to work hard to earn the required amount for payment, namely, \$4.00 per month.

* * *

During the last fiscal year approximately one thousand investigations were made by members of the Force in connection with infractions of the various Dominion and Provincial Game Laws. As a result of these activities five hundred persons were convicted for illegally taking game or fur bearing animals. A perusal of the reports submitted by members of the Force conducting the investigations reveals some interesting features concerning wild life in general.

We find that prosecutions have been entered against persons for using poison bait to kill fur bearing animals and destroying beaver houses for the purpose of securing beaver skins. Also for unlawfully killing bear in game sanctuaries and trapping foxes and muskrat out of season.

Prosecutions have also been entered against persons for illegally shooting deer, moose and elk, one man being convicted for shooting a cow and calf moose; and for shooting swans, duck, grouse, pheasant and partridge. An individual who operated a Railway Tie Camp was prosecuted for using moose and deer meat for commercial purposes; it was found that he had used the meat in his dining room to feed his staff.

Many interesting cases are also investigated under the various Fisheries Acts, and result in prosecutions being entered against a variety of offenders. During the course of a recent investigation twelve hundred pounds of illegally obtained fish were found in the possession of two individuals arrested for contravention of the Fisheries Regulations.



Hon. Lieut.-Colonel Frederick White C.M.G.

IF, BY his action in bringing about the inception of the North West Mounted Police, Sir John A. MacDonald can be regarded as "the Father of the Force", Lt.-Colonel Frederick White by his many years of unremitting interest and labour in its service is equally deserving of the title of "Guardian". For it was under the tutelary eye and guiding hand of the Chief Administrative Officer that the North West Mounted Police prospered and grew in efficiency and experience during forty years of service.

While to others fell the lot of executive duty in the field in Western Canada, with its accompanying varied range of interests and the ever-present possibility of active service in such stirring times as the Riel Rebellion of 1885, to Lt.-Colonel White devolved the even more onerous responsibility of holding the reins of the whole organization at Ottawa and of steering a straight course upon the sometimes difficult and rocky pathway of Dominion affairs during his term of service as Comptroller of the Force. How well his hand guided the destiny of the organization which responded to his far sighted judgment can be estimated by a passing survey of the growth of the North West Mounted Police from the early days of its initial beginning to the time when Lt.-Colonel White retired from public service. To those acquainted with the history of our Dominion and the organization which has taken at least a recognizable part in its development, this will readily be apparent. Long after his retirement in fact, the initial policies which Lt.-Colonel White had formed while fulfilling the office of Comptroller remained as an integral part of the Force to whose well-being he had devoted the greater part of his life-time.

Lt.-Colonel Fred White was born at Birmingham, England, on February 16th, 1847, the eldest son of Joseph and Elizabeth White, his father being Traffic Accountant of the Great Western Railway in England.

After receiving his education at Birmingham, Lt.-Colonel White left England in 1862 at the age of fifteen, and came to Canada, entering the service of the Grand Trunk Railway at Montreal. Seven years later he left this employment to take up duty in the Department of Justice at Ottawa in the capacity of an assistant clerk. Five years after entering the Department of Justice, Lt.-Colonel White was appointed a First Class Clerk and in 1876 became Chief Clerk of the Department.

From that time on, the progress of the young Chief Clerk (who was only 29) was rapid. Possessed as he was of keen intelligence, sound judgment, and more than an ample share of tact, Lt.-Colonel White shortly after the inception of the North West Mounted Police was appointed Private Secretary to Sir John A. MacDonald, who, as Premier of Canada, had brought about the inauguration of the organization. In 1878, Lt.-Colonel White was appointed Comptroller of the Force.

Under his administrative control, the N.W.M. Police grew from an original strength of one hundred and fifty men, first to three hundred and later during the turbulent days of the rebellion of 1885 to a total personnel numbering more than one thousand. During his forty years' service with our organization, Lt.-Colonel White was associated with no less than five Commissioners, each of whom, in turn, was appointed, saw service, and re-

tired at the termination of his period of duty, while the Comptroller continued to retain his efficient hold upon the reins of administration. And as the years passed, Lt.-Colonel White's experience and agreeable co-operation with each succeeding executive officer did much to materially assist in formulating and carrying to fruition the plans of organization which later were to bring distinction to the object of his responsibility and incidentally to himself.

Besides his work as Comptroller of the North West Mounted Police, Lt.-Colonel White also took a keen interest in general affairs in Western Canada, and did much to ameliorate conditions in that section of the country.

In 1905, while continuing his duties as Comptroller, he was appointed Commissioner to administer the government of the (at that time) unorganized North Western Territory. At the time of the coronation of King Edward VII, for his meritorious services, he was invested with the Order of "Companion of St. Michael and St. George". During 1883 he had already been accorded the rank of a Deputy Minister by the Government of that date.

As a young man in Montreal, Lt.-Colonel White had served as a private in the Victoria Rifles. After arrival at the Capital he joined the Governor General's Foot Guards, and later was promoted to the rank of Captain. In 1901, in recognition of his services in raising and equipping the Canadian contingent for South Africa, he was made an Honorary Lieutenant-Colonel in the Militia.

In December, 1871, Lt.-Colonel White married Clara Olivia, daughter of Mr. R. W. Cruice, Ottawa. He retired from the R.N.W.M. Police in 1913 at the age of sixty-five.

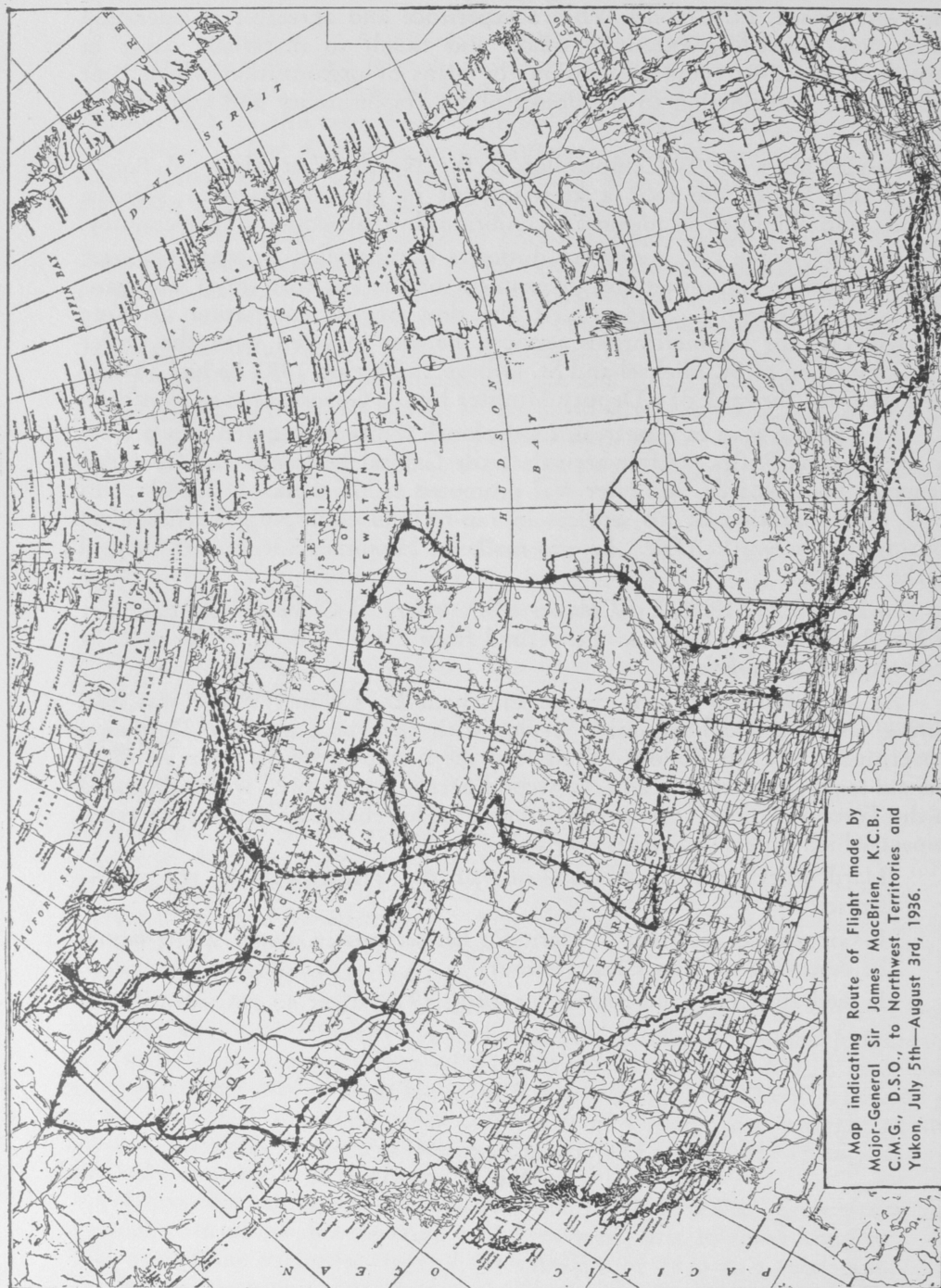
As an indication of the regard in which Lt.-Colonel White was held during his long and honourable service with the Force and the Dominion Government, the two following tributes, the first paid by Sir John A. MacDonald many years before, and the second part of an editorial which appeared in the Toronto "Globe", effectively summarize his character and the universal respect which his achievements merited.

"Hard working and efficient—one of the best officers in the public service."

"If Canada has an Order of Merit for her servants, Colonel White would be deserving of First Class Honours."

He died at Ottawa, on September 28th, 1918, after an extended illness.





*The Commissioner's Itinerary on his Inspection Patrol by Aeroplane to Arctic, Sub-Arctic, and Yukon Territory Detachments,
July 5th—August 3rd, 1936.*

(SEE EDITORIAL)

The Preliminary Hearing

by J. C. MARTIN, K.C.

THE CRIMINAL CODE abolishes in Canada the English classification of crimes into felonies and misdemeanours.¹ Instead, we have indictable offences and offences punishable on summary conviction. This is a distinction of trial procedure which in each case is marked by the Code itself; sometimes it is a distinction without any real difference, since some offences are expressed to be triable in either way. To say that an offence is indictable implies that the offender has the right to trial by jury; it is, in other words, triable on indictment, and an indictment is "a written accusation of crime made at the suit of the King against one or more persons, and preferred to, and presented on oath by, a grand jury."²

By way of modifying this definition, it should be noted that in Alberta, British Columbia, Manitoba, Quebec, and Saskatchewan there is no grand jury.³ In those provinces, a charge as on indictment may be preferred by the Attorney-General or his agent, or by any person with his written consent, or that of the Judge of court, or by the order of the court.

In any case, however, in which it is alleged that an indictable offence has been committed, the machinery of criminal law administration is set in motion by the laying of an information, in writing and under oath, before a Justice of the Peace. Sometimes the Attorney-General will direct the police to make an investigation before an information is laid, or will require them to lay it, where the matter is one of widespread public interest, or when the person directly wronged by the offence is indifferent, or when for some other reason he does not wish to institute a prosecution, but in the great majority of cases the proceedings are begun when a private informant subscribes and swears to an information.

When this has been done, it is for the Justice to determine whether he should issue a summons or a warrant to apprehend the accused, and he may examine witnesses on oath, if he considers it necessary, to guide him to a conclusion on that point. If he is satisfied that a criminal offence has been committed, he will issue either summons or warrant, the object, of course, being to effect the attendance of the accused to answer the charge. In very serious cases, or if it seems doubtful that the accused will answer a summons, it is usual to issue a warrant, but this is a matter wholly in the discretion of the Justice. If a warrant is issued, it remains in force until it is executed, and may be executed on Sunday or on a holiday.

It has been observed previously that, for the purpose of administering the criminal law, the Dominion of Canada is to be considered a unit. It is, therefore, not material to the issue of a warrant that the person accused be within the territorial jurisdiction of the Justice who issues it, provided the offence be one over which he has jurisdiction.⁴ But if, for example, a warrant be issued in Winnipeg for the arrest of a person in Toronto, it would be necessary that the warrant be endorsed by a Justice having jurisdiction in the

¹ Cr. Code, Sec. 14.

² Archbold's Criminal Pleading, p. 1.

³ 1932-33, Cap. 53, sec. 12, amending Code sec. 873.

⁴ Cr. Code, Sec. 653.

latter city. This endorsement, which is called "backing" the warrant, would authorise the execution of the warrant in Toronto, and would be made upon proof that the signature thereto is in the handwriting of the Justice who issued it.⁵

The Justice, however, may have decided to issue a summons rather than a warrant, and this, to quote Seagar's Magistrate's Manual, calls for the exercise of common sense on the part of the Justice. He should not issue a warrant if, under the circumstances, a summons will be just as effective, but he may do so if the accused disobeys a summons. The summons must give the accused person a reasonable time in which to appear, and it ought not to require him to go unnecessarily a long distance from his home." It would be an abuse of the Justice's authority to require such to be done; and a defendant may be unjustly inconvenienced or even prevented from getting bail when far from his friends."⁶ This is a point which it is well to remember in practice, despite the fact that it has been held that it is not a matter which goes to the jurisdiction of the Justice in those provinces in which the jurisdiction of each Justice extends throughout the province.⁷

Service of the summons is to be made by a constable or other peace officer, and is, if possible, to be effected by delivering it to the defendant personally. If that cannot be done, the summons may be left at his ordinary place of abode with some inmate apparently over the age of sixteen years—not with a person who may chance to be there. The constable, if he effects service in this way, should tell the person with whom he leaves the summons, what it is and for whom intended. Moreover, as appears from the following illustration, he should be prepared to prove that the person to be served "could not conveniently be met with":

"I think however that what the constable did was not sufficient to show that the defendant could not 'conveniently be met with'. Simply asking the defendant's wife "if Musial was around", is not enough. Had he made enquiries from the wife he might have learned that Musial had gone to the post office, or to a store, or to some other nearby place and would return in a short time.—To refrain from making an obvious enquiry which if made would elicit information which would enable personal service to be easily made cannot be used as evidence from which to draw the inference that personal service could not conveniently be made."⁸

When the process issued by the Justice has been fulfilled in the appearance of the accused before him, either in answer to a summons or in custody under a warrant, the Justice will proceed to hold a preliminary hearing, and this, it is to be observed, is the only jurisdiction which he may exercise over an indictable offence. This rule, however, is subject to the exception that in those provinces in which there is no grand jury, it is not essential that there be a preliminary hearing before a charge is preferred in the superior court.^{3 9}

Again, an accused person will sometimes wish to waive preliminary hearing, and to have his case sent to trial without it. This is considered to

⁵ Cr. Code, Sec. 662.

⁶ Seager, p. 248.

⁷ Rex v. Roberts, 49 C.C.C. 171.

⁸ Re Musial, 51 C.C.C. 142.

⁹ In re Criminal Code, 16 C.C.C. 459; Maloney v. Fildes, 60 C.C.C. 12.



"How do you manage to keep so kissable, my dear?"

"That's easy—I always smoke Sweet Caps!"

SWEET CAPORAL CIGARETTES

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



be very bad practice. It would result—from the point of view of the Crown—in there being no deposition to read at the trial should a witness who might have been examined at a preliminary hearing be unavailable upon the trial, and—this from the point of view of the defence—in there being no disclosure of the case against the accused in advance of the trial.

The justice who took the information is said to be seized of the case and there is no paradox in saying that, although his jurisdiction is limited, he has very considerable powers in the exercise of his function. It is he who has the carriage of the case, and no other justice "can obtain jurisdiction to intervene and preside on a preliminary hearing except in so far as authorized by statute in special circumstances."¹⁰ This saving clause would cover such a case as that stated above by way of illustration. A Justice in Toronto, endorsing a warrant issued in Winnipeg, may direct that the person accused, when arrested within the territorial division for which he acts, be brought before himself or before some other Justice for the same territorial division. Should it happen that the prosecutor or any of the witnesses for the prosecution are in that territorial division, the Justice in Toronto may take their examination "and proceed in all respects as if he himself had issued the warrant."¹¹

Again, as long as the Justice is acting within the limits of his powers, a superior court will not interfere to direct him as to the way in which he

¹⁰ In re Fraser and Halpin, 1933, 59 C.C.C. 230.

¹¹ Cr. Code, Sec. 663.

should exercise them.¹² He may sit alone, he may, if he wishes, waive his jurisdiction to some other Justice, or he may call in another Justice to sit with him, provided that in either of the two events last mentioned, the other Justice must hear all the evidence. "It is contrary to all my ideas and experience of justice," one Judge had said, "for one magistrate to take up an enquiry commenced before another.

"The proceeding, although not final, is a judicial proceeding, and can only be satisfactorily conducted by one who has heard the case throughout and heard and seen for himself the witnesses and their demeanor. The principle of the common law is clear on the matter."¹³

Besides compelling the appearance of the accused person, the Justice necessarily has the right, by summons or warrant, to compel the attendance of witnesses. The method of service of a summons to witness is similar to that provided for service of the defendant. This summons may require the witness to produce documents. If the witness fails to obey the summons, a warrant may issue upon proof of service; so also a warrant may issue if it be shown that a witness who may give material evidence is keeping out of the way to evade service. In either of such cases the witness renders himself liable to be dealt with as for contempt.

It is to be noted too, that the Justice may issue a warrant for a witness without having first issued a summons; but this right may be exercised only when there is evidence on oath which satisfies him:

1. That the person is within the province;
2. That he is likely to give material evidence;
3. That he will not attend without being compelled to do so.

In this connection it has been held that a further condition is implicit in that section of the Code which makes this provision, viz.:

4. A Justice has no authority to issue such a warrant unless the person accused has been arrested and is "before the Justice" within the meaning of Section 668.¹⁴ In other words, a person may not be apprehended and held as a witness while the accused is being sought.

The following was laid down in a well-known case¹⁵ in which a person apprehended under such a warrant was searched, questioned, and placed in a cell:

"Now there is no evidence whatever of any conduct on the part of the plaintiff which made it reasonable either to search him or to lock him up, before taking him before the magistrate. He was a practising barrister and solicitor and was arrested in his office. He submitted quietly to arrest, and the sole ground of complaint was that after giving his name and address he refused to answer further questions as to his age and other things which were asked of him and which he characterized as impertinence. There is no other complaint whatever as to his conduct or behaviour. Under these circumstances it is quite clear that he ought not to have been searched and ought to have been taken at once before the magistrate without first being locked up; and that he was quite right in refusing to answer further questions after

¹² *Rex v. Martin*, 18 C.C.C. 107; *Rex v. Solloway & Mills*, 53 C.C.C. 180.

¹³ *Re Guerin*, 58 L.J.M.C. 42, quoted 56 C.C.C., at p. 199.

¹⁴ *Ex p. Coyle*, 49 C.C.C. 91.

¹⁵ *Gordon v. Dennison*, 22 A.R. 315.

having given his name and address." Again to put the matter in other words, as the warrant (now Form 14) directed that he be brought before the magistrate *to testify*, he should not have been treated as a criminal.

Once all necessary parties are before him, the Justice may regulate the course of the inquiry in any way which may appear to him to be proper and which is not inconsistent with the provisions of the Code. To be more specific, he may permit or refuse permission to the prosecutor or his counsel or attorney to address him, he may allow the prosecutor to call witnesses in rebuttal if the accused adduces evidence, he may exclude the public and the witnesses, he may adjourn the hearing from one place to another or from one day to another, or, if an adjournment be made, he may call up the case before the period of the adjournment has elapsed.

The subject of adjournment is one which calls for some further mention. The right of the accused to present his full answer and defence is just as much to be remembered upon a preliminary hearing as it is upon his trial; if there is any likelihood that his right in this respect will be prejudiced if the hearing be forced to proceed, an adjournment, if asked for, should not be opposed. It used to be that a remand upon adjournment might be made verbally for three clear days, and upon warrant of remand for a period in excess of that time, but that no remand might exceed a period of eight clear days. Now, however, by an amendment made in 1930, the Justice may make a remand for a longer period, provided the accused is on bail and all interested parties, his sureties included, consent.

Upon a preliminary hearing, all the proceedings must be held in the presence of the accused, and the charge must be prosecuted in the name of the King. This latter point is more than a mere technicality. "These proceedings after the laying of the information, taken in the name of the informant," observed the Judge in a certain case,¹⁶ "constitute serious irregularities, His Majesty the King being alone entitled to prosecute criminal offences and to procure the conviction of persons who may have committed them."

No proceeding at or after a preliminary hearing is affected by any irregularity or defect in the process previously issued, or by any variance between the information and the summons or warrant in the statement of the charge, or between the process and the evidence adduced from the witnesses. It is the Justice's hearing, and it is at large. He is not bound by the information to enquire only into the charge which it sets forth.

"When the accused appears or is brought before the Justice, objections to the validity of the information or warrant cease to be of any importance whatever. The information being required merely to guide and give authority for the Justice in issuing the warrant or summons, and the warrant being merely the means of procuring the defendant's appearance, they have no bearing on the case when these objects have been attained."¹⁷

Authority to the same effect is to be found in Crankshaw's Magistrates' Manual, which adds:

"It necessarily follows that if the evidence taken before the Justice reveals an indictable offence as having been committed by the party sum-

¹⁶ Clark v. MacWorth, 55 C.C.C. 269; Rex v. Woo Tuck, 51 C.C.C. 365.

¹⁷ Seagar, p. 256.

moned or apprehended, though it may not be the same as the one charged in the information or complaint, he is bound to adjudicate upon the evidence and to discharge, bind over, or to commit the accused as directed by sections 668, 679, 686, 687 and 690 of the Code."

There has been, however, some difference of opinion as to the attitude to be taken by the Court when question is raised regarding the method by which the attendance of the accused has been secured. The following is quoted from the judgment of the Court of Appeal in Ontario in one such case:¹⁸

"Whether, were the appearance before the magistrate effected by illegal force, and against the will and protest of the accused, the magistrate would be precluded from proceeding, it is not necessary in this case to decide; were it to call for a decision I should have no hesitation in holding that *Reg. v. Hughes*, (1879) 4 Q.B.D. 614 applied, and that the objection and protest of the accused made no difference. It is unnecessary to quote or criticize the cases in the different provinces on that point, although they were all brought to our attention;—The proposition that the defendant being present in court, the illegality of the process by which he was brought there is immaterial, has long been textbook law: *Snow's Cr. Code*, 4th ed., p. 16; it being our function to find out and declare the existing and not make new law, we should not try to modify what is well established."

In this case the Court refused the application of the accused that his committal for trial be set aside. It may be said that in the majority of the cases in which this question has been discussed, the ruling has been to the effect that "the manner of getting the accused before the Magistrate cannot go to the root of the Magistrate's jurisdiction," but it should be emphasized that the cases are not all in accord.

Again, where several informations for various offences are laid against the same person, the Justice will have jurisdiction to proceed with preliminary enquiries as to all of such charges, although the accused is before him by virtue of a warrant issued upon one information only. This, however, is subject to the right of the accused to ask for a reasonable adjournment.¹⁹

After the court is opened, the information is read but the accused is not asked to plead. The witnesses for the prosecution are then called, examined and cross-examined under oath in the presence of the magistrate and of the accused. In a case ²⁰ in which witnesses were sworn by the magistrate and then taken into another room, where their examination-in-chief was taken by a stenographer out of the presence of the magistrate, the committal of the accused was set aside, notwithstanding that an opportunity had afterwards been afforded to the prisoner's counsel to cross-examine the witnesses in the presence of the magistrate. In another case evidence was taken upon the preliminary hearing of a charge of theft against certain accused. Later, one Lepine was similarly charged. Upon the preliminary hearing of the charge against him, the same witnesses were called, but instead of their being examined anew, their evidence given in the former case was read to

¹⁸ *Rex v. Isbell*, 51 C.C.C. 363; Cf. *Rex v. Bottley*, 51 C.C.C. 387.

¹⁹ *Rex v. Weiss and Williams*, 22 C.C.C. 42.

²⁰ *Reg. v. Traynor*, 4 C.C.C. 410.

them and they were asked if it was correct. The committal of Lepine, based upon this procedure, was held to be illegal, as he had not had an opportunity to hear the evidence as it was given and to observe the expression and demeanour of the witnesses during their testimony.²¹

The deposition of each witness must be taken down in writing, which writing must be legible and on one side only of the paper. It is then read over to the witness and signed by him and also by the Justice. The witness may be committed for refusal to sign his deposition, just as he may be for refusing to be sworn or to answer a relevant question.

When the witnesses for the prosecution have been examined, the Justice then asks the accused if he wishes to have the depositions read again. In practice it is unusual for the accused to require this to be done. He may do so, or he may waive this reading—as, indeed, he may waive other points which touch procedure only.

If a stenographer be present to take down the evidence in shorthand, the reading of the depositions is not required at all. The stenographer, however, must be appointed by the Justice and sworn to the faithful performance of his duty, unless he is an official court stenographer, in which event, of course, he will already have been so sworn.

It should be remarked that the Crown is expected to bring forward its whole case upon the preliminary hearing. Prosecuting counsel who holds back material evidence with the idea of presenting merely enough to get the accused committed for trial, has a wrong conception of his duty; and it is likely that this fact will be brought home to him at the trial should he attempt then to call witnesses not examined at the preliminary hearing. Still, in fairness it must be said that this is seldom attempted. The usual course is to present all the evidence which is available at the time. If new evidence comes to light between the preliminary hearing and the trial, counsel for the accused will be notified of it before witnesses are called whom there was no opportunity to cross-examine on the previous occasion. Counsel for the accused, on his part, has the right—and it may be said, the duty—to look upon the preliminary hearing in much the same way as he would look upon the examination for discovery of the opposite party in a civil action. He should regard it, that is to say, as an opportunity to learn everything possible about the case which he is called upon to meet.

The Justice, if at this stage he feels that the prosecution has made out a case which reasonably calls upon the accused for an answer, will address the accused in the terms prescribed by subsection 2 of section 684 of the Code, asking him—to put it briefly—if he wishes to say anything in answer to the charge, and informing him that he is under no compulsion but that if he says anything, his words may be used against him at his trial, whether or not any threat or inducement has been held out to him.²² What the accused then says, if anything, is taken down in writing; if he says nothing, that fact is noted. The accused should not be sworn before making his statement, nor should he be questioned during the making of it. He may be asked, but he may not be compelled to sign it. The present writer recalls vividly a case in which the accused, having been so addressed, spoke for an hour and twenty-five

²¹ Reg. v. Lepine, 4 C.C.C. 145.

²² See *R.C.M.P. Quarterly*, October 1934, p. 8.

minutes. Far more frequent than such a case, however, are those in which the defence is reserved until the trial.

Following this step in the proceedings, the accused may call witnesses if he sees fit to do so, and may give evidence under oath himself. In the latter event, his evidence is not to be confused with the statement just referred to; if he chooses to be sworn, he may be examined and is subject to cross-examination in the same way as any other witness. The procedure in taking the evidence of witnesses for the defence is the same as that already outlined. Then follows testimony in rebuttal, if the prosecution wishes to present it.

The preliminary hearing does not result in a verdict. Even should the Justice hold that no case was made out and discharge the accused, another information may be laid and the proceedings begun again; the accused is not considered to be in jeopardy, because, at this stage, he could not be convicted nor sentenced. The Justice is not trying the case—indeed, it is not too much to say that his attitude should be almost the reverse of that which he would adopt if he were trying it.

It is not his function to give the accused the benefit of doubts, nor, where there is contradictory evidence, to say that he believes one witness or set of witnesses in preference to the other. If the evidence for the prosecution is such that a *jury*, believing it, might convict the accused, the Justice ought not to discharge him. He is, however, justified in doing so if the evidence for the defence explains away apparently damaging facts adduced by the prosecution so as to make it clear that no offence has been committed, or if the case made out by the prosecution is so weak that the prospect of a conviction is remote, as in the case from which the following is quoted. The magistrate there was discharging the accused upon the preliminary hearing of a charge of murder:²³

“My duty on a preliminary hearing is to take the whole evidence on behalf of the Crown and interpret it where there is no contradiction (in this case there was none). If there is a *prima facie* case I must commit, otherwise dismiss. I do not find any evidence of malice. The accused’s attitude towards the deceased, both before and after the fatal act, excludes that idea. I am satisfied from the evidence submitted on behalf of the Crown, together with her statement to the police, that what she did was in self-defence in an effort to save her own life. I do not think, at a trial, that if the defence called no evidence, any jury would be justified in finding a verdict of guilty, but that a proper verdict would be one of justifiable homicide, which means a verdict of not guilty.

The informant may, if the Justice discharges the accused, require the Justice to bind him over to prosecute a charge before the superior Court. But, again referring to those provinces in which there is no grand jury, it has been held that this provision does not apply, since there the informant has the right to apply for leave to prefer a charge himself.³

If the Justice feels that a strong case is disclosed, he will commit the accused to gaol to await his trial. If in his opinion a probable case has been made out, that is to say, a case upon which the accused should stand his trial, but which does not afford a presumption of guilt so strong as to war-

²³ Rex v. Du Guay, 50 C.C.C. 318.

rant a committal, it is within his discretion, except in capital cases and in cases of state offences falling under sections 76-86 of the Code, to bind over the accused, with sureties, to appear and stand his trial. If the offence is one punishable with imprisonment for more than five years, he cannot do this alone, but must call in another Justice to act with him for that purpose. In any case, if bail be not found the accused may be committed. It is not within the powers of the Justice to grant bail after committal, nor may he make any order as to costs upon a preliminary hearing.

After he has made his adjudication, the Justice will certify the depositions in the form prescribed in the Code, or, if they have been taken in shorthand, he will sign the transcript, which will be accompanied by the stenographer's affidavit as to its accuracy. He will then forward the record of the proceedings to the Clerk of the Court, Clerk of the Crown, or other proper official as variously designated in the different provinces, in the judicial district in which the trial is to take place, or would have taken place had the accused not been discharged. This done, his function is at an end, except that the Code makes provision whereby he may cause the accused to be apprehended in the event that the sureties, fearing that the accused is about to abscond, wish to be relieved of their obligation.

In a number of cases there has been discussion as to whether a preliminary hearing could be held when the defendant was a corporation. This, however, may now be considered obsolete, since an amendment to the Criminal Code passed in 1934²⁴ makes it quite clear that a preliminary hearing may be held in such a case. Of course a corporation cannot be arrested, but a summons may be served upon its mayor or chief officer, or upon its clerk, secretary or like officer. It appears by attorney, and the proceedings against it go forward in the same way as if it were a natural person.

²⁴ 1934, Cap. 47, Sec. 18, amending Code Sec. 782.

Brothers in Canada's Vimy—Peace

by Reg. No. 2788 EX-CONSTABLE H. P. E. FRANCIS

*Peace, Canadian Brothers, Peace,
Who sleep in Canada's "Vimy Land"
The memory of your valiant deeds
Shall, with your living ever stand;
The priceless gifts you gave for Peace
Are loving memories, ne'er to cease.
Peace, perfect Peace.*

TORONTO, ONTARIO.

JULY 26TH, 1936

Centenary and Jubilee

by ASSISTANT-COMMISSIONER C. D. LANAUZE

DURING THE early part of the present year, England celebrated in proper form the centenary of its great novelist, Charles Dickens. His Pickwick Coach again rolled through the ancient City of London, historic scenes were re-enacted, the wine flowed, the notes of the coach horn re-echoed past localities immortalized by that great and human author. Mr. Pickwick and his gay companions lived again.

The screen has recently portrayed well and sympathetically some of Dickens' greatest novels. David Copperfield, Oliver Twist, The Christmas Carol, have all delighted the audiences of the world. Dickens lives on.

And yet while the world commemorates the universal distinction won by the father, the centenary celebrations bring to us as members of the Mounted Police, a warmer remembrance, not of the novelist, but rather of his son, Inspector Francis Dickens of the old North West Mounted Police, whose gallant defence of Fort Pitt during the Riel Rebellion of 1885 is inscribed upon the Roll of Honour of our Organization. While the memory of Charles Dickens remains ever fresh within the minds of the public at large, in a smaller sphere, Francis Dickens, prior to his early death, did much to perpetuate the distinction gained by his father. It is, however, only in the annals of the Force that the chronicle of his courage is recorded.

Inspector Francis Dickens was commissioned to the Force in November, 1874, having just missed the westward march across the plains. He had served as an Officer of the Bengal Police in India after the Great Mutiny, so that when he moved to Western Canada, his problems were somewhat similar. He served at Fort Walsh and Fort Macleod, and in the Fall of 1883, was sent to Fort Pitt in command of a force of twenty-five men to maintain law and order in that district.

It was an anxious period for the Police. The buffalo had disappeared and the whole country was filled with bands of restless Indians with whom treaty negotiations had been conducted and who were supposed to live on their new Reserves. It was their period of transition, the North West was no longer "The Great Lone Land", the white settlers were flocking in, the railroad was pushing westward, the half-breeds were suspicious and doubtful. Sullen murmurings were heard in log cabin and tepee. Louis Riel had returned. The stubborn Big Bear, Chief of the Plain Crees, and his five hundred braves were in the vicinity of Fort Pitt and would not settle in the Reserve provided for them. Law and order throughout was being maintained by sheer courage and bluff. Life on the Saskatchewan was rapidly becoming uncertain.

As the winter of 1884-'85 was passing, Dickens maintained steady communication with his outposts and Battleford; he knew to a certain extent what was going on, but, in his isolated position, much of this was by means of "moccasin telegram." The stream of unrest widened to a torrent that only an upheaval could dam. On March 30th, Dickens had his first authentic news of open rebellion in a dispatch telling of the skirmish at Duck Lake, and at once sent word to Indian Agent Quinn at Frog Lake

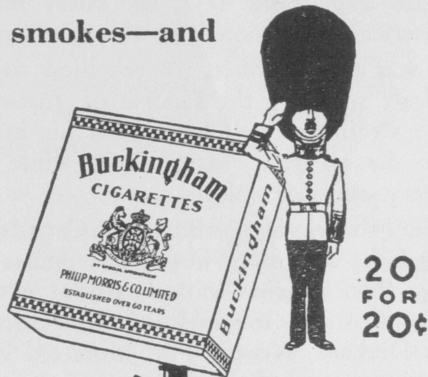
to come into Fort Pitt for safety. It was imperative that Big Bear and his troublesome band should not be permitted to march on Battleford. Quinn thought he could hold his Indians at Frog Lake by food and strategy and refused to come into Fort Pitt.

On April 2nd, gallant Indian Agent Quinn was shot by Indian Wandering Spirit, a hot-head of Big Bear's band, when he refused to obey the orders of the savage. This started the massacre of Frog Lake, and before the sun had set, nine whites were murdered by Big Bear's band and the remainder taken prisoners.

For the next ten days, Fort Pitt and its garrison were in a state of extreme tension, false alarms were frequent, dispatches arrived from Battleford confirming the rebellion and urging that Big Bear be not permitted to march. The Police stables were levelled for better defence, bastions were constructed, red coat and rifle manned the loop holes.

On April 13th, Constables Loasby and Cowan, with Special Constable Quinn, left the Fort, mounted, on a scouting sortie towards Frog Lake. Quinn was the son of the murdered Indian Agent and had escaped from Frog Lake. In the absence of this patrol, two hundred and fifty of Big Bear's murdering band arrived from Frog Lake and camped outside the Fort demanding the withdrawal of the police and the surrender of the garrison. Inspector Dickens refused. On April 14th, W. J. McLean, Chief District Officer of the Hudson's Bay Company, and Francis Dufresne, inter-

● Balance of 62 different tobaccos
means smooth, mild smokes—and
throat-easy.



Buckingham
CIGARETTES "Throat Easy"

preter, entered into a truce parley with the Indians who demanded retirement of the police under complete immunity from attack. Inspector Dickens again refused.

The Indians were in somewhat of a quandary. Big Bear's band had been reinforced by the Woodland Crees who were against attack and massacre, and Big Bear, fearing the determined opposition of the little garrison, was loath to attack and tried to regain his authority which had been usurped by Wandering Spirit. The Indians decided to play false, and McLean and Dufresne were made prisoners by a ruse. This treacherous act had just been carried out when the police scouts of the day before rode right into the camp totally unaware of the presence of the hostile Indians.

The already excited Indians seeing the Police in the open at once attacked and the Police galloped for the Fort. The Indians opened fire and Constable Cowan was shot from his horse, dead. Constable Loasby was shot and his horse shot under him, but rapid fire from the Police garrison at the Fort drove off the attackers and Loasby staggered into the arms of his comrades. Quinn escaped into the brush.

With all this, the Indians were still afraid to attack the garrison but they were seriously aroused, so much so that their prisoner McLean wrote his wife and advised the complete surrender of all the whites in the Fort, some seventy persons, to the Indians. The civilian whites, fearing worse might befall them, took McLean's advice and surrendered, leaving Fort Pitt to the Police.

Inspector Dickens was now in somewhat of a dilemma. The people he had tried to protect had surrendered, he had the safety of his men to think of, nothing was to be gained by staying with the deserted Fort; he decided to evacuate and embarked on the ice-laden waters of the Saskatchewan in a hastily constructed scow, carrying the wounded Loasby. After a hazardous trip of six days, the party reached Battleford, where they were enthusiastically welcomed by the garrison.

It was all soon over, the rebellion was crushed and the massacre at Frog Lake dealt with by the Courts of Justice. Inspector Francis Dickens had felt the strain, as well he might, his health broke down and he resigned, only to die on June 11th, 1886, while visiting Moline, Illinois. He was only forty-one years old.

The Historic Sites Board of Canada has erected commemorative Cairns at Frog Lake and other important points of the North West Rebellion, but old Fort Pitt remains today without even a monument. Charles Dickens lives on, but the memory of his patient and courageous son, Inspector Francis Dickens, North West Mounted Police, is now almost beyond living recollection.



Photography in Criminal Investigations

ACTING-SERGEANT R. M. WOOD

THE CAMERA is now employed in practically every aspect of criminal investigation—fingerprinting, ballistics, questioned documents, etc., and at the scenes of crimes. Its value is recognized to the extent that every police force of any size has its own photographic department. It is not proposed here to deal with photography as employed by experts, but to endeavour to bring home to the man on detachment the invaluable aid that a camera can furnish at the scene of the investigation.

At Scotland Yard, so keenly is this aid to investigation appreciated, a member of the photographic department accompanies detectives to the scene of every crime, to make a pictorial record of the situation before anything is disturbed. Even in such matters as raids on vice dens the photographer has his place; he goes with the raiding party and, if possible, gets a photograph of the "joint" and its inmates at the moment of gaining entry, so that the exact scene as revealed to the police on their arrival can be presented to the court.

In almost every report on the investigation of a crime, the investigator finds it necessary to describe the location and surroundings. He presents a word picture of such of the details of the scene as are permanently recorded in his mind at the time, supplemented, of course, by his notes. But though he makes the most careful observations and complete notes, he cannot hope to have observed, and to recall, every little detail; this the camera will do for him. And no matter how competent a witness he may be, he cannot begin to present to a court as complete and clear a description of the locale as will a photograph. More important still, the most experienced investigator cannot always determine upon his initial visit to the scene, just what details will prove vital. Often the exact location of some small object in relation to others is of material importance, but by the time that this is realized the object has been moved. Invariably it will be found that half a dozen people who saw the object give as many different opinions as to where it was, for the simple reason that, while they saw it, it occurred to none of them at the time that its exact location would have any bearing on the case.

An example of this is a case in which a man who was cutting wood was shot with a rifle. The defence in the murder charge which followed was that the victim had shot himself. Opinions differed among the various civilian witnesses who saw the body before it was moved as to whether the hands were, or were not, grasping the handle of his axe. A photograph taken at the time would have definitely settled this point; the court would not have been called upon to gauge the accuracy and credibility of the witnesses, and the fatal element of doubt would have been eliminated.

The value of photography is, of course, particularly marked in recording things of a changing or temporary nature. For example, in the case of a serious assault the wounds will usually be healed before the case comes to trial at the higher court, and a photograph of the injuries when fresh will offset defence efforts to minimize the attack far more decisively than the oral efforts of witnesses to describe their nature and extent. Again, where a

crime takes place in winter, when snowbanks obstruct the view of certain objects usually quite visible, or when, on the other hand, the absence of leaves from trees renders visible things which in summer cannot be seen, the camera will record the exact degree of visibility and settle definitely the differences of opinion of witnesses when giving evidence, possibly months later, as to what could or could not be seen.

Perishable and easily destructible exhibits should invariably be photographed, as it may not be possible to produce them later in their original state. Before taking a cast of a footprint or tire track it is desirable to take a picture on as large a scale as possible; if your cast is a failure, and in its making you have destroyed the impression, a photograph will at least have preserved any conspicuous identification details. With reference to fingerprints it is necessary, of course, to photograph them. If they are on portable objects they should be properly packed and forwarded for expert examination, and if on immovable objects they should be protected as well as possible until the arrival of an expert with a proper camera.

Photographing of small objects found at the scene of a crime in regard to which it is desired to locate the owner, is often of great assistance. For example, on occasions a handkerchief or other personal article found near the scene of a major crime bears a laundry mark, through which it is hoped to locate the owner. Detachments and other forces can be circularized to check laundries, but how much greater is the chance of success if the investigator is able to produce a photograph of the mark for examination by the laundryman. Those who have had occasion to make such enquiries at Chinese laundries will know how difficult it is to make the average Chinaman understand, but even he is impressed by something he can actually see. The expense involved is by no means prohibitive; large numbers of copies can be printed at incredibly small cost.

A concrete instance of the results secured by this means occurred recently. A man who had, a few weeks previously, been released from Regina Gaol, was found to have sent to a local girl some expensive jewellery. It appeared obvious that he had not come by this honestly, but there were no grounds on which it could be seized. However, we were able to secure temporary possession of a watch and ring, which we photographed. Through these photographs the Toronto City Police located the firm that sold the jewellery. As a result of this identification, the individual who had sent the jewellery to his friend was located and subsequently confessed to having committed a large number of burglaries which had previously remained unsolved.

When fatalities or serious injuries occur in car accidents, photographs speedily settle the invariable arguments that arise as to the respective locations of the cars involved, the condition of the road, line of visibility, whereabouts of broken glass or detached parts, extent of damage, etc., or skid-marks. This is admirably illustrated in a case in which the driver of a large truck which crashed into a milk wagon, killing the driver, was charged with manslaughter. There were no eye-witnesses. The offence was aggravated by the fact that the driver made off without rendering assistance. He was subsequently located, and his story was that he had come upon the wagon (which was travelling in the same direction as himself) without warning, over the top of a rise which had obstructed his view. He said he could not

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Firebrand of the Rockies**Dead Men's Gold**

By Philip Godsell, F.R.G.S.

Jan's Big Idea**The Frozen North**

By Robert Watson

Nice Footwork**O'Brien's Doom****"Kalamazoo, Mich."**

By Joseph Gollomb

No Surrender Island

By Sidney Smythe

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The tragedy that took the lives of three members of the R.C.M.P. between the Manitoba boundary and Banff, Alberta.

The Lost Mountie

By J. D. Higinbotham

Early Qu'Appelle**A Western Police Chief****Robin Hood—1906 Model****Col. James Walker**

By Our Own Staff Writer

Paymaster Murder

By Julien Nash, Reg. No. 4762

Cook at Quebec

By Judge J. A. Forin

The little known and rarely told story of how Capt. James Cook, the great circumnavigator, participated with General Wolfe in the capture of Quebec, and the addition of Canada to the British Empire.

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First official description of proposed Universal civic finger-printing system as devised under direction of Major H. Darling, R.C.M.P.

POLICEMEN OF THE EMPIRE:—**Jamaica Police**

By Inspector W. P. C. Adams

B. C. Provincial Police

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Australian Mounted**Policing Cannibals****Tiny Borneo Police****Hongkong Gunmen**

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avoid hitting it, as, while the road was wide, it had recently rained and he had to follow the beaten track made by other cars. He also said that he did not realize that the wagon had been struck with sufficient force to injure anyone. Three photographs were sufficient to dispose of these claims. Number one proved the surface of the road to be excellent. Number two proved that the wagon had been practically demolished. Number three showed the line of visibility.

The manner in which this latter point was established may be of some interest. A framework replica of the rear of the milk wagon was constructed and placed on the highway at the point of impact. The accused was then asked to sit at the wheel of his truck and the exact height of his eye in that position was measured. A surveyor then determined the lowest point on the highway on the side of the rise from which the truck approached—this being the point of the truck driver's least visibility over the rise. The camera was then placed on a platform at this spot, so that the lens was at the exact height of the driver's eye. From this position a picture was taken of the framework representing the milkwagon, showing that notwithstanding the intervening rise, a substantial portion of it was in full view at all times. In his charge to the jury the judge remarked that the photographs rendered their task comparatively simple, furnishing incontrovertible proof of facts which in most cases they would be called upon to determine from a mass of contradictory evidence.

When it is intended to use photographs of this nature as exhibits, or for that matter any photographs where the relative locations of objects is germane, it is essential that the exact place from which they were taken be marked and proved. For this purpose it will be necessary to prepare a plan showing the location of the camera in relation to some main object in the picture. In major cases, and where profiles or measurements of considerable distances are to be taken, it is usual to request the services of a surveyor, but in other cases plans made by the member investigating, provided he can testify to the accuracy of the measurements, are usually quite satisfactory. In any case, a plan accompanying photographs will be of assistance. For example, where photographs are taken in various rooms of a building, a plan showing the respective locations of the rooms will clarify the situation.

No rule can be laid down as to what photographs to take, but the individual requirements of each case must be considered. Generally speaking, a picture of the immediate scene of the crime is desirable, and any scene connected with the case, in which anything of importance appears, and concerning which there is likely to be a conflict of evidence. In addition, objects of which the appearance is material to the case, and which cannot be preserved in their present state, should always be photographed.

As yet our equipment for this work is limited, and, as far as Saskatchewan is concerned, is confined to the Photographic Department at Regina, which is too remote from many detachments to be of assistance at the scene of the crime, but which can be of service in developing and printing, copying, photographing exhibits, etc. However, many members have their own cameras and are quite proficient in their use, at least as far as outdoor daylight photography is concerned, and those who wish can undoubtedly employ these to some advantage. Those who have made any study of indoor and

flashlight photography will no doubt be capable of taking any pictures required in ordinary cases. In cases of special importance, when night pictures or views of the interiors of buildings are necessary, it would perhaps be safer to employ a commercial photographer or one thoroughly familiar with this class of work, except, of course, at points sufficiently close to make use of our own Photographic Department.

For the lower courts the ordinary small camera sizes of pictures will often be quite satisfactory, but in cases where small details are of importance, and particularly in those before the superior courts, it will generally be necessary to have enlargements made. They should at least be of sufficient size that small details can be plainly seen. The Metropolitan Police use 8" x 10" pictures for court purposes, printing them with 1½" margin for notes.

The number of prints required for courts will vary with the circumstances. In the lower courts three will usually suffice; one to be filed and one each for the prosecutor and defence counsel. For jury trials more will be necessary. The practice in the English courts, where the introduction of photographs is now quite common, is to enter one as an exhibit, and provide one for the judge, one for each counsel, one for examination by witnesses, and one between each two jurors. However, as such cases will be in the hands of the Agent of the Attorney General, he will advise on this point. At coroners' inquests the jury should also be provided for.

As to proof;—while in some cases it is not necessary, it will usually be safer to prove continuity of the exhibit from the time the picture was taken until it was developed and printed, and for this purpose it will be necessary (in the case of amateur photographers who do not print and develop their own films) to take the films personally to the photographer and accompany him in the dark room while they are developed and printed. In the alternative, he should be called to prove that the pictures are true prints of the films received from you. In the English courts, I am informed, this proof is strictly insisted on, possibly due to the degree of development reached in the field of fake photography and the art of retouching. Should a commercial photographer be employed in the first instance it would be advisable to warn him as to the necessity of proving continuity, as it may be his practice to hand the films or plates to an assistant for development. Many photographs are, of course, quite admissible in themselves, provided their identification does not depend on time, or on the position from which they were taken. For instance, anyone could identify a general view of the house in which he lives, even though he were not aware when, or by whom, it was taken.

In conclusion, I am certain that photography, which is the least expensive and most accessible of scientific aids to criminal investigation, will before long assume to us even greater importance than it has in the past. Eventually, I have no doubt, qualified members with proper equipment (of which very little is required) will be available at all strategic points to assist in the investigation of crime. In the meantime, anyone interested in photography and with no other equipment than a vest pocket camera can easily prove to his own satisfaction its definite value as an aid to investigation.

Aircraft Reconnaissance

by CONSTABLE R. R. HOLMES

SINCE THE Force extended its activities in 1932, by taking over the policing of the Provinces of Manitoba, Alberta, New Brunswick, Nova Scotia and Prince Edward Island, and also by assuming the task of enforcing the Customs and Excise Acts throughout the Dominion, patrolling by aircraft has been added to the lengthy list of forms of transportation already used by our organization; this has been made possible by the co-operation of the Royal Canadian Air Force and its personnel who pilot and maintain the serviceability of the planes used in this work, members of the Force acting in the capacity of observers.

In the past, individuals who sought to swell the coffers of their nations evolved the idea of taxing goods entering their countries; this gave birth to the ancient practice of smuggling, a form of occupation that has maintained its popularity through the ages. Our own extensive coastlines, particularly as they are somewhat sparsely populated, greatly favour persons who attempt to land their goods in Canada without being compelled to contribute to the national revenue. The magnitude of the task confronting those whose duty it is to combat this state of affairs can easily be appreciated. It is for this reason that aircraft have taken their place as a patrol medium and have become essential in counteracting the activities of individuals who seek to defeat the purpose of the Customs laws.

Aircraft patrols are made to keep track of the movements of Rum-Running Schooners that hover around the coast, usually just outside the twelve mile limit. Though, owing to their foreign registration, they themselves are immune from seizure when outside the three mile limit, the speed boats that contact these schooners from the shore are registered in Canada, and as a result prefer to be clear of the twelve mile limit when heaving to in order to take delivery of their cargo.

The aircraft at each base make patrols taking advantage of good or reasonably good flying weather. These patrols are made at irregular hours and follow varying courses in an endeavour to keep the best possible check on the activities of rum-runners in the territory.

In the early days, the aeroplanes set out from their bases, identified the schooners and suspicious speed boats observed, and on returning, telegraphed the information obtained to the Headquarters from which the flying operations were controlled. The substance of these telegrams was the time of taking off and landing the plane, the points patrolled and vessels observed, giving their location and course. If the vessels were riding at anchor, the fact would be noted. This information would then be passed on from the Headquarters for the benefit of the Marine Section.

There was, however, a more direct method of communication with our Cruisers, one of which would often be sighted during the course of a patrol. The method followed on such occasions was to drop messages advising the personnel of the Cruisers of the location of suspected schooners in their territory. The containers were made of wood and in them were holes sealed by corks, in which the messages were placed. Long coloured streamers attached to the containers marked their position in the water and wire rings

attached to the top enabled the crews of the Cruisers to gather them in by means of hooks. This method was also used when the observer thought it necessary to inform the coastal detachments direct.

In 1933, aircraft were equipped with wireless transmitters and receiving stations were established at the bases, otherwise there was very little change from the procedure followed during the previous year. If no report was received for an unreasonable length of time, it would be presumed that the patrolling machine had encountered difficulties and another plane would set out in search of it.

Occurrences of this nature did not as a rule cause much alarm at the base, in view of the fact that the weight at the end of the aerial sometimes snapped the wire in bumpy weather, thereby throwing the radio set out of commission. When the wireless apparatus was first installed, the possibility of such breakages occurring had not been fully realized, and sometimes an extended period of time would elapse before the broken aerial wire would be noticed by the occupants of the plane flapping along behind without any weight to hold it down. Later on, of course, a more frequent check was kept and the relative time that elapsed between the last report from a plane and the appearance of the plane itself became reasonably short.

The first time that a wireless set went out of commission there was quite a stir. About an hour after taking off, we ran into some bad weather and lost our aerial. It had snapped quite near to the weight, and, finding that we had a certain quantity of wire left, we hit upon the brilliant idea of rigging it around the cabin. Having done this, we proceeded merrily on our way reporting our position at regular intervals. Approximately four hours later when we were one and one-half hours flying time from home, we saw the "Ulna"—one of our cruisers, operating in the Gulf of St. Lawrence at that time—and came fairly low to drop the usual message. We wondered at the time why there seemed to be so much excitement on board, having noted that even the Chef, with white apron and cap complete, had turned out to take a good look at us. No sooner had the message been dropped when we caught sight of another aeroplane from Gaspe flying at a considerable height and taking a short cut over the hills. Suspecting why this second plane had turned out, and, having first made sure that its pilot had seen us, we lost no time in turning our nose towards home. Apparently the long wave transmitter we were carrying was ineffectual without a straight aerial, and ours being draped around the cabin was anything but straight. Owing to our long silence and non-appearance, it was feared we had come to grief and all shipping in the Gulf had been warned by Fame Point to keep a look out for us, while a search was also made by air. Thus was the strange behaviour of the Cruiser's Chef accounted for.

The last two seasons have seen the effectiveness of aircraft reconnaissance patrols greatly increased by the installation of transmitters at the base wireless stations. Since the establishment in 1934 of a Central Headquarters in the Maritimes, from which the immediate activities of the aeroplanes and cruisers are controlled, great changes have been made. There is no longer any necessity to report observations made by wire, though the practice of dropping messages still has its uses. The observer now reports his position and latest observations to his base every ten minutes and repeats this infor-

mation at half hour periods. If the plane reporting is operating from a location other than the central base, the information is immediately relayed to that point and instructions are sent to the cruisers by wireless so that information is available with immediate dispatch. There is also the distinct advantage of having all units controlled from the one point, in that urgent and concerted action can be taken by both land and sea forces, upon receipt of information from the planes.

Recent Amendments to the Criminal Code

DURING THE last Session of Parliament, a number of amendments to the Criminal Code were passed. These received assent on the 23rd of June and became effective on the 1st of September, 1936. The following are of interest to Peace Officers:—

Section ninety-eight, which contained the provisions with respect to unlawful associations, was repealed.

Section one hundred and thirty-three was amended by the addition of sub-section four, the object of which is to make the provisions of Section one hundred and thirty-four (Sedition) applicable to persons who advocate the unlawful use of force as a means of accomplishing any governmental change within Canada.

Section one hundred and eighteen now makes it an offence to be in possession of a sawed-off shotgun or rifle with a barrel of less than twenty inches in length without having a Permit. This amendment was made at the request of Police Officers.

Section one hundred and twenty, which describes persons who may issue and obtain pistol and revolver permits, now allows the issue of permits to persons who may require such weapons in connection with their profession or occupation, i.e. veterinary surgeons, trappers, etc.

Paragraph (b) of Section two hundred and thirty-eight has been amended. The old section reads, in part:—" . . . maintain himself *and* family." The "and" has now been changed to "or", the object being to make provision as to Vagrancy in this respect, applicable to single men.

Sub-section three of Section two hundred and eighty-five has been repealed. The new section includes the words "or street, road, highway or other place". The object of this amendment is to permit a charge to be laid for taking a motor car from a street without consent of the owner in addition to the section applying to the taking of a car from a garage, etc. This amendment will permit of conviction for "joy-riding" whereas under the old law, if a car was so taken from a street, the charge was one of theft, and difficulty was experienced in obtaining convictions in many cases of joy-riding, owing to the severe penalty for the more serious offence.

Section four hundred and sixty-four, which deals with the possession of house-breaking instruments, has been amended to include safe-breaking or vault-breaking instruments in the same category. This will also include materials used for disguise.

Amendments have also been made to Part XVI of the Code in connection with trials in Prince Edward Island. Minor amendments have also been made to Appeal sections.

Cavalry Guidons and Standards*

by R. MAURICE HILL

HIS MAJESTY the King has recently consented to the carrying of Guidons by the New Zealand Mounted Rifle Regiments, so that these corps might in future have somewhere to display their well-earned Battle Honours.

Every soldier knows, or should know, what the "Colours" of an infantry regiment are like, but knowledge of cavalry flags is less widespread. The Household Cavalry and the regiments of Dragoon Guards carry "Standards"—square flags of crimson damask, with the regimental badges and Battle Honours emblazoned thereon. The Regiments of Dragoons carry Guidons, which are swallow-tailed flags, usually crimson in colour. Those Yeomanry regiments which are classified as "Dragoons" also carry Guidons, many of which were presented by H.M. King Edward VII. at Windsor in 1909, in the early days of the territorial force. The Lancers and Hussars of the British Army were deprived of their Guidons nearly a century ago, and now display their badges and Battle Honours on the Drum Banners, which adorn their kettle drums.

There are now only two Regular Dragoon regiments in the British Army, the 1st Royal Dragoons, whose Guidon, presented by H.M. The King when he visited Aldershot at Whitsuntide in 1924, is embellished with the Imperial Crown and also a French Eagle, in memory of the capture of the Eagle of the 105th French Infantry Regiment at Waterloo, together with the proud motto of the Regiment "*Spectemur Agendo*" ("Judge Us by Our Deeds"). The Guidon of the 2nd Dragoons (Royal Scots Greys) also shows a French Eagle, a trophy of Waterloo, together with the Thistle and the motto "Second to None." The remaining Dragoon regiment of pre-war days, the old 6th Inniskilling Dragoons, is now amalgamated to form part of the 5th (Inniskilling) Dragoon Guards. The crimson Guidon of Canada's crack Dragoon unit, the Royal Canadian Dragoons, has in the first and fourth corner the Royal Cypher; the initials R.C.D. in the 2nd and 3rd corners, and a Springbok (in memory of the regiment's service during the Boer War), within a wreath of Maple Leaves, surmounted by a crown in the centre, with a dozen Battle Honours.

The Guidons borne by the Yeomanry Dragoon Regiments at home are all of crimson cloth and some of them bear very interesting devices. For instance, that of the Berkshire Yeomanry bears a White Horse in the centre—a very emaciated, hungry-looking specimen it is, too. But this is not the well-known White Horse of Hanover, as borne by many regular regiments. It is a replica of the White Horse carved on the hillside in Berkshire nearly a thousand years ago, in memory of a victory over the Danes whose Viking hordes used to ravage England. The figure of the Horse shown on the Guidon and cap badges of the regiment follows the type of the one somewhat crudely carved out as a landmark, to give its name to "The Vale of the White Horse", so many centuries ago, hence its somewhat unconventional appearance. Memories of the Wars of the Roses are aroused by the sight of the Red Rose of Lancaster in the Guidon of the Duke of Lancaster's Own Yeomanry ("The

* Reprinted from the "*Springbok*".

Devil's Light 'Orse"), and the White Rose of York on that of the Queen's Own Yorkshire Dragoons. The English Rose is also a prominent feature on the Guidon of the Derbyshire Yeomanry, who are said to have been the first British troops to enter Bulgaria during the Great War. "A Hart crossing a Ford" is the central device on the Guidon of the Hertfordshire Yeomanry, who are among the units claiming to have been first to enter Baghdad in 1917. The Norfolk Yeomanry (The King's Own Royal Regiment) proudly display the Royal Arms on their Guidon, while the Scottish Horse show the Thistle and St. Andrew's Cross. The Lothians and Border Yeomanry (first raised as the Royal Edinburgh Light Dragoons, largely owing to the efforts of the famous author, Sir Walter Scott) show a "Garb" or Wheatsheaf, while the Guidon of another famous Scottish corps, the Fife and Forfar Yeomanry, whose war service in Egypt, Gallipoli, Palestine and France, is of a very notable nature, has in the centre what is described as "A Thane of Fife", in other words, the figure of a mediaeval knight in full armour, mounted on his war-horse, a very distinctive and appropriate badge.

In the early nineteenth century, each squadron carried a Guidon, instead of one per Regiment, as is now the custom. In the Royal United Service Museum at Whitehall, London, may be seen a set of four Guidons issued to the 19th Light Dragoons in 1781, and carried by that Regiment for 25 years. They were found in the hay-loft of an Irish farm in 1885. The 19th had been disbanded after the Napoleonic Wars, and re-formed at the time of the Indian Mutiny. In the same Museum may also be seen four Squadron Guidons of the 23rd Light Dragoons, which are believed to have been carried at the Battle of Talavera. If so, they witnessed one of the tragedies of the Peninsular War, for the 23rd, along with a regiment of Dragoons of the King's German Legion rode out to attack the enemy, starting at a canter and increasing speed as they went. In front of them yawned a sunken road, unseen by any until they were almost on top of it. "I will not kill my young mens" (*sic*) the German Commander halted his regiment, but the 23rd went "full speed ahead", plunged down into the hollow, men and horses rolling over each other in dreadful confusion. The survivors scrambled up the opposite bank, and went for the enemy, twos and threes, braving the fire of a French infantry column, but finding themselves overmatched by a whole brigade of French Chasseurs. The regiment lost over two hundred officers and men in this unfortunate affair. The 23rd Light Dragoons became Lancers in 1816 (they had fought at Waterloo the year before), and were disbanded in 1817.

* The Guidon of the Royal Canadian Mounted Police, presented to the Force on April 13th, 1935, at Regina, Saskatchewan, by His Excellency the Earl of Bessborough, then Governor-General of Canada, bears the crest of the Force in the centre in blue and gold on a scarlet background, the Guidon itself being fringed with an edging of gold. In addition to the Royal Cypher of His Late Majesty King George V in the top left and lower right hand corners, the letters R.C.M.P. are inscribed on the Guidon in the top right and lower left spaces opposite to His Majesty's Cypher. Battle honours of the Force descriptive of the part taken in North West Canada, 1885; the South African War, 1900-02; France and Flanders, 1918; and Siberia, 1918-19, appear to right and left of crest. A recent photograph of the Guidon and Escort taken at "Depot" Division, Regina, is reproduced on page 107.—EDITOR.

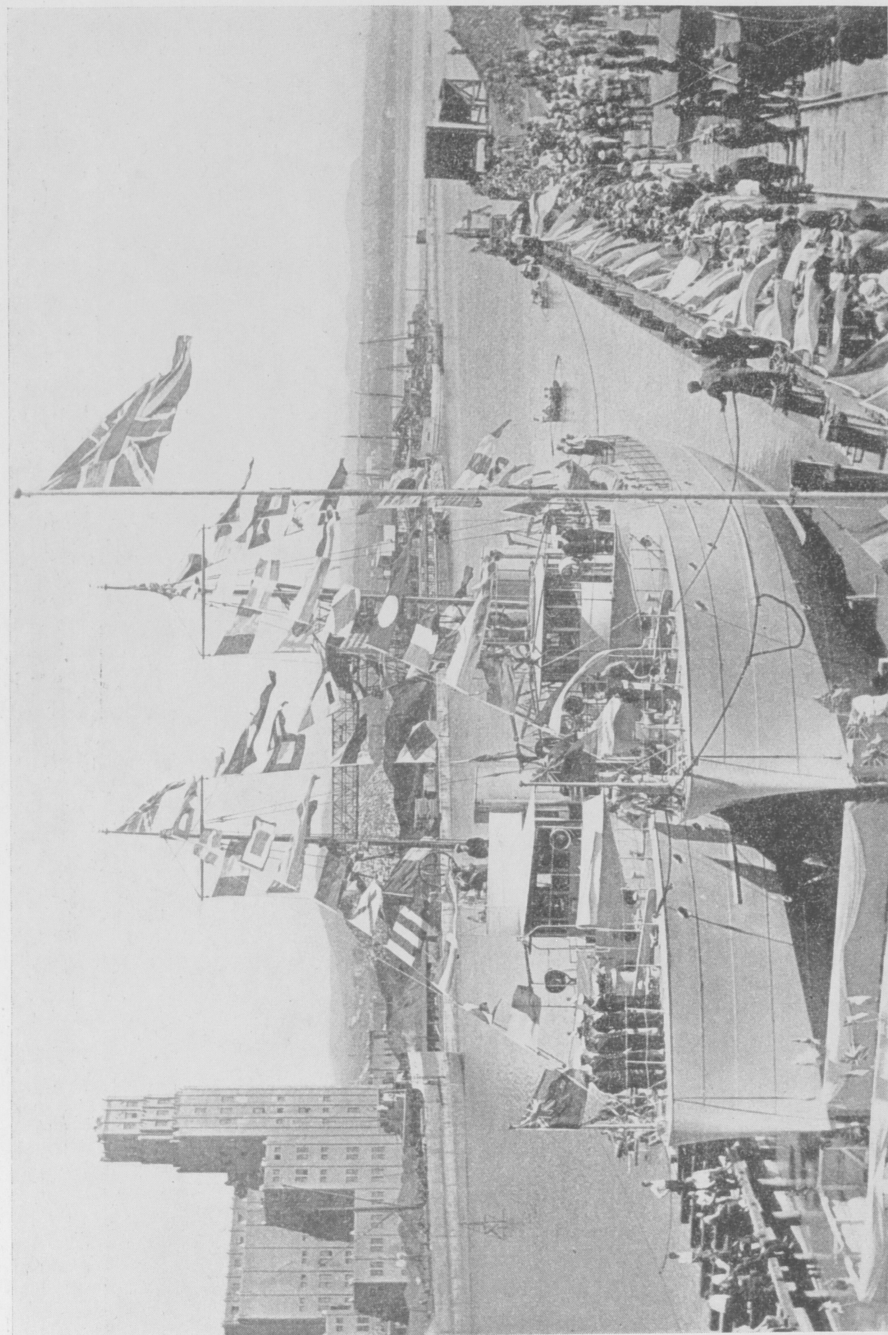


ROYAL CANADIAN MOUNTED POLICE GUIDON AND ESCORT
 "Depot" Division, Regina, Saskatchewan

Reg. No. 8773
 Sergeant J. Leatham

Reg. No. 5426
 Sergeant-Major G. F. Griffin

Reg. No. 7930
 Sergeant F. Stoot



NEW PATROL VESSELS FOR PREVENTIVE SERVICE

Launching of "R.C.M.P. LAURIER" and "R.C.M.P. MACDONALD" at Quebec, on June 25th, 1936

(See page 109)

New Patrol Vessels For Preventive Service

ON JUNE 25th, 1936, the two latest additions to the Royal Canadian Mounted Police fleet of sea-going patrol cruisers were launched from the Dock Yards of the Morton Engineering and Dry Dock Company, Limited, at Quebec.

These vessels, which are exactly alike, represent the embodiment of modern patrol boat development and reflect great credit on the Naval Architect, Major Cuthbert A. Harrison, O.B.E., Chief Engineer of the firm of Lambert and German, Naval Architects, designers of the boats; on Eng. Lieut.-Commander C. Stephen, R.N. (retired), Technical Advisor to the Marine Section of the Royal Canadian Mounted Police; on Commander G. M. Hibbard, R.C.N., Commanding Marine Section, R.C.M. Police at Halifax, N.S.; and on the builders of the vessels, the Morton Engineering and Dry Dock Company, Limited, of Quebec.

The two cruisers have an overall length of 122' 3", and a breadth of 21', with a moulded depth of 11' 6", and an extreme draft of 7' 6". All the latest inventions of modern nautical science have been called upon to render them safe, comfortable and efficient, their equipment combining not only long and short wave wireless sets but also an echo sounding machine, direction finder apparatus, two searchlights and a three-pounder gun. They are intended to carry a total crew of seventeen, and considerable thought and ingenuity has been displayed in allotting most comfortable and spacious accommodation for the personnel, without in any degree impeding the efficiency of the vessels.

The new patrol boats were christened "R.C.M.P. Laurier" and "R.C.M.P. Macdonald" by Mme. Lapointe and Lady MacBrien respectively in the gaily bedecked Ship Yard at Quebec, the ceremony being witnessed by a distinguished complement of visitors, including members of the immediate family and staff of His Excellency the Governor-General of Canada, and a distinguished party from Government House at Quebec. His Excellency the Governor-General had graciously signified his intention of being present at the launching of the vessels, but unfortunately was obliged to cancel his engagement due to illness.

Before the launching, which was performed by christening the vessels in the time-honoured nautical manner, the little son and daughter of Robert Morton, Esq., Vice-president of the firm which built the boats, presented beautiful bouquets of crimson roses to the sponsors, who acknowledged the gifts in their usual charming manner.

The cruisers were launched without mishap of any kind, and it is interesting to note that this is the first time in Canadian Marine History that two vessels have been launched simultaneously into the water side by side. Following the launching, the guests were conducted through the vessels so as to provide an opportunity for inspection of all the special features included for the purpose of ensuring efficiency, safety and comfort of members of the crews. Shortly afterwards, the invited guests repaired to the mold loft where light refreshments were served, Mr. Robert Morton taking the opportunity

during this pleasant interval to present Mme. Lapointe and Lady MacBrien each with a silver tray suitably engraved as a memento of the interesting and unique occasion.

It is confidently expected that the replacement of older vessels by these modern patrol cruisers will save some \$70,000 per year for the Government of Canada, as mentioned by the Commissioner during a short informal talk given at the luncheon.

Skipper-Lieut. H. W. Coffin and Skipper-Lieut. J. P. Fraser, together with Chief Engineer J. M. Sharpe and Chief Engineer C. M. O'Leary, who have been appointed to these vessels, attended the ceremony; it is felt that all readers of the Quarterly Magazine and everyone interested in the Royal Canadian Mounted Police will wish these officers and their new commands snug harbours and safe anchorages after each long day's work is done.

R. C. M. Police Essay Competition

**Discuss the Advantages and Disadvantages of Placing the
Various Police Forces in the Dominion of Canada under a
Common Administration.**

The following is the Finding arrived at by a Board of Officers appointed by the Commissioner to act as Judges in the R.C.M. Police Essay Competition:

First Prize

Reg. No. 11302—A/Lance-Corporal R. H. BARKER.

Reg. No. 11742—Ex-Constable J. R. MACBRIEN.

Third Prize

Reg. No. 11587—Constable E. G. NORMAN-CROSSE.

Honourable Mention

Reg. No. 12199—Chief Petty Officer R. A. S. MACNEIL.

In view of a tie having resulted for first place, the Commissioner has instructed that, following the customary procedure in such cases, the First and Second Prizes be pooled and divided equally, the winners to receive \$42.50 each. In addition to the Third Prize of \$15.00 won by Constable E. G. Norman-Crosse, the Commissioner has also directed that a Special Prize of \$10.00 be awarded to Chief Petty Officer R. A. S. MacNeil for his contribution to the Competition.

Essays submitted by A/Lance-Corporal R. H. Barker and Ex-Constable J. R. MacBrien will appear in the January issue of the Quarterly Magazine.

The Yukon Territory

by INSPECTOR G. BINNING

A SHORT TIME ago I read a newspaper article in which the Commissioner, Sir James MacBrien, was quoted as follows: "Young men enlisting still like the Yukon. It offers them adventure, the open country and solitude, and it is a pretty fine life up there." As it would thus appear that members of the Force still have an inclination for service in the North, a short historical resume of the Yukon may be of general interest.

In the year 1670, King Charles II, by Royal Charter granted to the Governor and Company of Adventurers of England trading into Hudson Bay, brought about the incorporation of what is now known as the Hudson's Bay Company. This Charter constituted the Company "The True and Absolute Lords and Proprietors" of the territory then designated as Rupert's Land.

A supplementary license was granted to the Company in 1821 (renewed in 1838) conferring upon the Honourable Adventurers the exclusive right to trade in the Indian Territories West of the Rocky Mountains. The exploration of the Yukon watershed is thus part of the record of the Hudson's Bay Company, whose intrepid officers first explored and occupied that part of the North American continent now known as the Yukon Territory.

In 1789, Alexander Mackenzie, a representative of the Hudson Bay Company, explored the Great River which now bears his name, and during 1793 crossed the Rocky Mountains and reached tidewater at the mouth of the Bella Coola River. By approximately the year 1788 British sailors had explored the islands and the Western coast of what is now British Columbia, and also part of Alaska, while representatives of the Fur Companies had also reached the Pacific Coast and the Arctic Ocean.

As early as 1741 Russia had been trading in furs with the natives of the Alaskan Coast and in 1799 the Emperor Paul placed the control of the Russian possessions in that part of the hemisphere in the hands of the Russian Fur Company.

As a final result of negotiations between Russia and Great Britain, a treaty was signed in 1824 by which the boundary was fixed at latitude 54° 40' N.; in the following year a further treaty was concluded whereby Russia relinquished to Great Britain the whole of the interior occupied by the Hudson's Bay Company up to the Frozen Ocean. This, however, was not the end, for in 1867 Alaska was purchased from Russia by the United States, and as a consequence, trouble arose regarding the proper boundaries, the question being finally settled in 1903 by the findings of the Alaska Boundary Commission.

In 1895 a detachment of the North West Mounted Police was despatched to the Yukon under the command of Inspector Constantine, who was authorized to represent the Dominion Government in all its different departments as required in the district. This detachment came in by way of St. Michael, Alaska, proceeding up the Yukon River until the Forty Mile

River, situated approximately fifty-two miles north of the present city of Dawson, was reached.

On arriving at Forty Mile, which was one of the original sites at which gold was discovered in the Yukon, the Police landed on the south side of the Forty Mile River and there erected the first Police Post in the Yukon. This Post was known as Fort Constantine and it is of interest to note that the remains of some of these buildings can still be seen today.

In the following year, the mining industry had developed to such proportions that Inspector Constantine was unable to deal with the full amount of business which he was called upon to transact and to lighten his duties an officer was appointed to take charge of the collection of Customs. During 1897 a Gold Commissioner was appointed, the recording office being transferred to the site of the present city of Dawson. This move was occasioned by reason of the great gold strike which had been made on the Klondike during the preceding year. All recording of claims in regard to this discovery of gold had to be dealt with at Forty Mile, this being the only Mining Recorder's office in the Territory at that time.

In 1898, the Yukon was created a separate Territory by an Act of Parliament (The Yukon Act) provision being made for a local Government composed of a Commissioner and a legislative council of six members, to be appointed by the Governor in council. In 1908 the Act was amended, the appointed council was abolished and provision was made for a wholly elective council of ten members to be elected for three years. This council of ten members was continued until 1918, when a further amendment to the Yukon Act was made, reducing the council to three members. This is the number at which it stands today, Dawson, Mayo and Whitehorse districts each sending one member to the council. The office of Commissioner has also been abolished, the holder now being designated as the Comptroller. At the present time, therefore, the Government of the Yukon consists of a Comptroller appointed by the Governor in council and three elected members.

The Yukon Act provides that the Comptroller shall administer the government of the Territory under instructions from time to time given him by the Governor in council, or by the Minister of the Interior.

The Comptroller in council has authority to make ordinances for the imposition of taxes within his jurisdiction, for the summoning of juries for the trial of civil and criminal cases, for control of liquor, preservation of game, schools and other matters of a local nature.

The Territorial Court is presided over by a single judge, and it has civil and criminal jurisdiction, the Court of Appeal for British Columbia is a Court of Appeal for the Territory while, for the purpose of Part XIX of the Criminal Code, the Court of Appeal from the judgment of the Territorial Court is the Supreme Court of Canada.

The Judge of the Territorial Court and the commissioned Officers of the Royal Canadian Mounted Police, while in the Territory, have all the powers of one or two Justices of the Peace, under any laws, civil or criminal, in the Territory, and all persons having the powers of two Justices of the Peace can act as Coroners in the Territory.

Although it is the general belief that the North West Mounted Police did not come into the Yukon until the time of the gold rush in 1898, this is not so, as it will be noted that Inspector Constantine and his party arrived in the Yukon in 1895, although at that time the Yukon was part of the North West Territories.

In 1898 when the main body of the Police arrived in the Territory, Divisions were established at Dawson and Whitehorse, Dawson being known as "B" Division, while Whitehorse was "H" Division. Detachments were established at approximate distances of twenty miles apart down the Yukon River between Whitehorse and Dawson, while other detachments were established on the creeks where mining operations were being carried on, as well as on the route used by the gold seekers into the Klondike. Later, as the operations of individual miners decreased, "H" Division was withdrawn and many detachments were closed down, so that today the Police in the Yukon consist of "B" Division Headquarters at Dawson and fourteen detachments scattered throughout the Territory. In view of the fact that the Yukon Territory covers an area of over 207,000 square miles, is bounded on the north by the Arctic Ocean, on the south by the Province of British Columbia, on the east by the North West Territories, and on the west by the State of Alaska, U.S.A., it will be easily seen that a Constable on detachment in the Yukon has a great deal of ground to cover if he is to patrol his detachment area with efficiency.

A few words about the climate of the Yukon may not be out of place. The winters are long and cold, the Yukon River usually freezing up early in October and remaining frozen until the break-up in May. During the winter the temperature drops as low as sixty-eight degrees below zero at Dawson, while other parts of the Territory are reported as being even colder. From approximately the middle of May until the commencement of August, daylight is continuous for the whole twenty-four hours and during this period conditions are delightful. Unfortunately, however, the summer season is all too short.

The population of the Yukon Territory is in the neighborhood of 4,000, nearly half of whom are Indians. This is a great decrease from the boom days of '98 when it was estimated that Dawson alone had a population of nearly 30,000 people.

The Indians, who were the original inhabitants of the Yukon, are of a different type from those found in other parts of Canada; those in the northern area of the Territory are part of the Takudln tribe; those in the centre are Stick Indians; while those in the southern region belong to the Tlingit tribe. Three different languages or dialects are spoken and the Indians of the Northern region are unable to converse with those of the Southern area for this reason.

The Yukon Indians are not Treaty Indians, but the Department of Indian Affairs makes grants of money for the relief of the older Indians who are unable to hunt and also of school material to assist in the education of the younger members of the bands. Looking after the welfare of the Indians is one of the duties of the Police and the man on detachment will find that a large percentage of his time is taken up by this duty.

Of course, the excitement of the gold rush days of '98 have vanished, but nevertheless, a member of our organization on detachment will always find plenty to do in the Yukon Territory as all laws, Federal, Territorial, and Municipal, are enforced by the Royal Canadian Mounted Police.

If one is interested in hunting, the Territory may justly be described as a sportsman's paradise. Moose, caribou and mountain sheep abound, while grayling and trout are to be found in the rivers and streams.

The botanist will find delight in the flowers of the Yukon. Hundreds of types of flowers, plants and shrubs grow wild on every hill and in every valley, while, if one is not interested in any of these pursuits, the "Northern Lights" flashing across the skies in their many brilliant colours during the winter time are well worth coming to the Yukon to see.

International Association of Sourdoughs

THE HISTORIC events of the Yukon Gold Rush were re-lived recently when veterans of the "Trail of '98" attended the Stampede of the International Association of Sourdoughs which has just been concluded at Vancouver, B.C. According to press reports the meeting was the most enthusiastic in the record of the Sourdough Association the delegates with members of their families numbering more than two thousand.

The Grand Banquet was held in the Crystal Room of the Vancouver Hotel with addresses of welcome from the Premier of British Columbia and the Mayor of Vancouver. The oldest guest present was Mrs. Service, aged 82, mother of Robert W. Service, the Yukon poet.

The guest speaker was Mr. M. A. Mahoney, of Ottawa, who dealt at length with the characteristics of the veteran Yukon miners and traced the development of the efforts of those early pioneer days to the enviable position mining now occupies among the industries of Canada. Other speakers included Mr. Henry McCauley, President of the Vancouver Yukoners, and Dr. Alfred Thompson, ex-M.P. of the Yukon Territory.

For the first time in the history of the International Association of Sourdoughs, the 1937 Stampede is scheduled to be held in Eastern Canada, Toronto having been chosen for the meeting next year.

Police Dogs and Their Training

by R. ARUNDEL

Ex-Supt. Yorkshire W. R. Constabulary

Training Exercises (*Continued*)

Exercise 4.—"Sit", "Stop" and "Come" when fastened to the line. Words of command: "SIT", "STOP" and "COME" and a low whistling.

The object of this exercise is to train the dog to obey and come instantly when ordered "Come", or when called by whistling. THIS EXERCISE HAS TO BE PRACTISED THOROUGHLY AND COMPLETELY MASTERED. IT IS ABSOLUTELY NECESSARY AND OF THE GREATEST IMPORTANCE THAT THE DOG SHOULD GIVE UP FOLLOWING HIS QUARRY, AND STOP SHORT IN THE ATTACK WHEN ORDERED "COME" OR WHEN WHISTLED FOR.

Method: Take the dog in leash into the middle of the exercise room and order "Sit" then change leash for line, order "Stop" and proceed close up to the wall. Now order "Come" and give a low whistle, and since the dog knows nothing yet of what he has to do, pull him gently by the line, repeating "Come", and also whistling. When the dog reaches you, pet and praise him. Take the customary turns round the exercise room, then repeat the exercise, and by the third day the dog should come like lightning. A short, sharp pull with the line will soon teach him and bring him to perfection. After the third day only order "Come" or whistle alternatively in order that the dog at your pleasure will obey either of them. Always give the orders and the whistle as low as possible, thus forcing the dog to give all his attention to you.

Exercise half an hour with three repetitions.

Exercise 5.—Practice of three first exercises in the open.

The object of this exercise is to properly prepare the dog for the real Police work by doing in the open what he has learnt to do between four walls and alone.

Method: Take the dog to a secluded spot and repeat the Exercises 1, 2 and 3 in the same manner as in the exercise room. Increase the distances and, on and off, get into hiding for a short time, but never take your eyes off the dog, and also do not omit to treat him to a turn or two round the place between the exercises.

Exercise half an hour with five repetitions.

Exercise 6.—"Sit", "Stop" and "Come" when ordered "Come", or when whistled for in the open.

Method: Take the dog to a secluded place. Take off the leash and put on the long line. Order the dog "Stop". Of course, you ordered him "Sit" before changing leash for line. Recede from the dog to a distance of half a length of the line, and make the dog come alternatively by "Come" or by whistling. Be careful to give the order in a low voice and if the dog does not come quickly, give a short, sharp pull with the line. After one or two exercises increase the distance to the full length of the line. On the second day take your distance both to the right and left of the dog, and on the third

day behind the dog. Look well to sharpness in obeying the order "Come" or the whistling, and censure all shortcomings in that direction by a short, sharp pull with the line. AMONGST ALL YOUR FUTURE EXERCISES PRACTISE THIS ONE ON AND OFF, AND DO NOT LET THE DOG DO THIS EXERCISE WITHOUT HAVING HIM ON THE LINE, AS IT MIGHT EASILY RUIN HIS FUTURE TRAINING. Directly the exercise is over walk him back into his kennel and let him have his customary walk or romp during the afternoon.

Exercise half an hour with five repetitions.

Exercise 7.—To lie down in the exercise room. Word of command: "Down".

The object of this exercise is to teach the dog perfect obedience to his master, and it is at the same time the necessary preparation for the "Creeping" exercise.

Method: Take the dog for a few turns round the exercise room, then stop in the middle and order "Sit". Standing in front of him, bend down and order "Down", and at the same time pull his front feet forward with your right hand and with your left hand press down his head in such a way that it lies flat between his paws, and leave him in this position for a few minutes. Should the dog try to lift his head give him a *slight* tap with a tiny cane or switch across his back and order "Down". After this, to relieve him, order "Come" and take a few turns round the exercise room. Repeat as before, and when the dog lies down and keeps still on command of the order "Down" alone, improve his position so that his nose is exactly between his paws. Afterwards step over the dog and walk round him, and always let him lie a few minutes in the down position. As soon as the dog obeys perfectly to the command "Down", commence lifting your right arm sharply when ordering "Down", and afterwards give the command in a gradually lowering voice, so that in the end the dog obeys and lies down when you give the signal by your left hand alone.

Exercise half an hour with five repetitions.

Exercise 8.—To lie down in the exercise room after the trainer leaves.

Method: As soon as the dog sits, order "Down" in a very low voice, and at the same time quickly lift your right hand, holding the tiny cane. If the dog hesitates, give him a slight stroke; after he lies down see that he is in the right position with his head. Slacken the line and walk round him, step over him and go right up to the wall, but always watch the dog most closely and do not permit him to move ever so slightly. Go as far as the door and finally leave the room, but watch him through the spyhole. Return quietly and without any fuss, then walk up to the dog, order "Come", pet and praise him, and take a few turns round the exercise room. Again order "Sit" and repeat the whole of exercise. Lower and lower give the command "Down" until it is a mere whisper, but always with energy lift your right arm with cane in hand.

Exercise half an hour with three repetitions.

Exercise 9.—To lie down by signal inside the exercise room.

Method: Proceed as in the foregoing exercise, but after ordering "Sit". No longer give the order by voice when wanting the dog to lie down, but

simply give the signal "Down" with the right arm, having the cane in hand. Watch that the dog obeys promptly and keeps the proper position.

Exercise half an hour with three repetitions.

Exercise 10.—To lie down whilst walking in the exercise room.

The object of this exercise is that the dog may learn to stop behind when ordered and to bestow all his attention upon his master.

Method: Take a few turns round the room, stop suddenly and signal and at same time order "Down". Keep the dog down a few minutes and meanwhile walk round and step over him. Then order "Come" and repeat the exercise, but only by signalling "Down" in the ordinary way. Then change by ordering "Down" and signalling alternatively. Walk quickly and watch that the dog goes "down" quickly.

Exercise half an hour with two repetitions.

Exercise 11.—To lie down by signal, then to come when called or whistled for in the exercise room.

The object of this exercise is to teach the dog to watch his master constantly and to be ready to obey order or signal promptly and without any delay.

Method: After having changed the leash for the long line in the exercise room, take a few turns round, then suddenly stop and raise your right arm for "Stop", then recede a few paces and order "Come", but in a very low voice, and if the dog hesitates ever so little, give him a short, sharp pull with the line. Repeat this, now ordering "Come" and now whistling for him, and also changing your position from right to left or from front to rear when giving the command. Give the short, sharp pull with line quickly after the command; the dog will not feel it if he is prompt, if not, it will punish him. If the dog does his work well with quickness of execution, be sure and be lavish with your praise, which will be found a great incentive.

Exercise half an hour with three repetitions.

Exercise 12.—To lie down on signal; to come when whistled for, then down again on signal when given in the exercise room.

Method: Exercise with the dog as in No. 11, but when the dog is in the act of obeying to the whistling for "Come" and has taken a few leaps, suddenly lift your right arm and order "Down". Should the dog not understand he has to lie down before he reaches you, give him a slight hit with the cane and continue the exercise. After a while change from ordering "Down" to signalling, and take plenty of turns round the room between the signal practices, otherwise the exercises will be too fatiguing for the dog. If afterwards, that is, when the dog has been fully trained, he should refuse or be slack in obeying either the command or signal for "Down" put him on the collar and the long line, and let him go through his exercise twenty times in succession, which will bring him up to the standard form for a long time after.

Exercise half an hour with five repetitions.

Exercise 13.—To lie down in the open.

Method: Take the dog to a secluded spot and repeat the Exercises 7 to 11. Watch that the down position is correct and give the order more by signalling than speaking. Walk forward, then turn about, now quickly, now

slowly, or leisurely, and leave the line loosely, but be ready to use it for the short, sharp pull in case the dog is not prompt in the execution of his duty. After exercise take the dog into his kennel, but give him the customary walk during the afternoon.

Exercise half an hour with five repetitions.

Exercise 14.—To sit, to lie down, to come, then to lie down whilst coming, on the long line and in the open.

Method: This is to accustom the dog to perform in the open what has already been done in the exercise room under No. 12. Give all the commands, whether by speaking or whistling, very low. Let the commands and the pull at the line be almost simultaneous. Walk about and practice alternately.

Exercise half an hour with five repetitions.

Exercise 15.—To follow on the long line amongst obstacles.

The object of this exercise is to bring the dog to perfection in following his master without trouble when in line or leash.

Method: This exercise has to be taken where there are plenty of trees, posts, etc. Hold the line very loosely and run towards a tree or post in such a way as though you wished to pass it on the left, but in reality you pass it on the right, but get close to the tree or post with your left arm. If the dog, out of carelessness or for convenience sake, runs past the tree or post on the left side, he naturally gets a sharp pull by the collar, and thus a punishment. Do not stop yourself if the dog should be on the wrong side of the obstacle, and repeat this exercise frequently even days afterwards, as it will teach the dog to regulate all his movements according to yours.

Exercise half an hour with repetitions on and off at all times.

Exercise 16.—To lie down, then creep forward in the exercise room. Words of command: "DOWN" and "CROUCH".

The object of this exercise is twofold. In the first place it is a punishment without doing any harm, and secondly it completely brings the dog under obedience. To beat or thrash the dog makes him timid and shy, and more often than not spoils him. If later on the dog should do some mischief (for instance, if without having been ordered he attacked a man, cat, game or hens), here is the cure: Put on the training-collar and the long line, and make him creep round in circles for a distance of about 50 to 80 yards until he has reached the place where he committed his bad deed. After that he will never repeat the offence.

Method: Give order "Down" and having the line in your left hand, the tiny cane in your right hand, give the order "Crouch" and at the same time pull the line with little jerks. If the dog tries to rise, give him a slight stroke with the cane, and at the same time order "Down" and continue step by step to make the dog crouch towards you. After a time give up repeating "Down", but give the dog a slight touch with the cane instead, and after about ten trials let him have a turn round the room, as this exercise is very exhausting.

Exercise half an hour with three repetitions.

Exercise 17.—To lie down and creep alongside his master inside the exercise room.

Method: Make the dog creep towards you as in Exercise 16, then walk backwards, step to the right side of his head, but take the line in your left hand. Change from right side to left side of head on and off, and whenever the dog tries to rise on his legs give him a slight stroke with the cane. If he does well, show your satisfaction by praising him lavishly and do not omit the few walks round the room.

Exercise half an hour with three repetitions.

Exercise 18.—To lie down and creep when behind the dog and following him in the exercise room.

Method: Fasten the long line to the collar and pass it through a ring fastened to the floor at the end of the room and in front of the dog, then take the end of the line in your left hand and place yourself behind the dog. Now order "Down" and as soon as the dog is in his proper position give the order "Crouch" and pull the line at the same time. If the dog grows restless because he cannot see you and tries to get up, give him a slight tap with the cane so that he understands that you can see him though he does not see you, and although not seen, his mistakes and disobedience get punished. After the dog creeps well when on the long line and through the ring, practise the exercise by holding him only with the leash, but always be ready to pull it sharply at any sign of disobedience.

Exercise half an hour with five repetitions.

Exercise 19.—To lie down and creep when free from leash or line inside the exercise room.

Method: Leave the dog with the collar on only and practice as in the foregoing (18) exercise, but always stand behind the dog, and for every order badly executed put him on the long line. If the dog does well, let him only have one creep the length of the room. Immediately afterwards place yourself alongside the dog and order "Come", and let the dog follow you without leash or line. If the dog tries to be too much forward step slightly on his toe and walk closely to the wall, your left arm touching it. At first only take straight walks, then make turns and twists. After a few turns about the room order "Down", step behind the dog and order "Crouch".

Exercise half an hour with five repetitions.

Exercise 20.—To creep in the open and when on line.

Method: Take the dog into a green meadow and drive your iron with ring into the ground at some convenient place, pass the line through the ring, then exercise as in No. 18. Keep about a yard behind the dog and censure all shortcomings. If the dog does well, gradually slacken the line so that the dog begins to believe he is doing it without being tied to the line.

Exercise half an hour with five repetitions.

(To be continued)

Thoughts on Discretion and Good Manners

by SUPERINTENDENT M. H. VERNON

THERE IS no quality in a good policeman's equipment, for which he can be more grateful, than discretion, and it is a difficult quality to teach. Our motto "Maintiens Le Droit" may be deeply embedded in each man's make up, and he may do and die, but if he chooses the wrong moment to do either, it will not do the Force, himself or his family, if he has one, any good at all.

Those of us who have read the book "Les Miserables" or seen it portrayed on the films, must have been impressed with this quality or the lack of it, when the Gendarme always turned up, just as the hero with great courage was beginning to be re-established, and through his stubborn adherence to the letter of the law, crushed that unfortunate afresh.

Assumption of the duties of the Preventive Service by this Force, has given us plenty of opportunity to observe and study this quality of discretion, frequently noticeable in various degrees of real quality and very obvious when absent.

The practice of guarding the Nation's pocket may easily justify in the mind of a conscientious public servant, a perfectly legitimate line of conduct, which is unwise, and positively injurious in its effect.

In this connection, a non-permanent resident tourist visiting Canada had a permit to enter his automobile for health and pleasure while staying at his summer cottage in Canada. It was discovered that the cottage required some repairs, and so the visitor did what any of us would have done, drove to the nearest town and purchased the necessary material to make the repairs.

The visitor, one of a colony, was caught by a constable with a rigid sense of duty who saw in the occurrence, a visitor violating by carrying merchandise, Canadian customs regulations which allow him to use his car for health and pleasure only. Now it may have been in the constable's mind that others of the colony were doing the same sort of thing and that if he stopped one person, the others would see the point, and it may be fairly asked if a warning to them all would have sufficed.

It is obvious that the point of our regulations is to protect the business of the Canadian carrier, and automobile dealer, and that reference to the Officer Commanding the District would have produced instructions, before our visitor normally left the country or the cottage was repaired.

The outcome of the incident was very unfortunate, because the visitor badly upset, and his holiday spoiled, decided to give up his visits to Canada and tell his friends in the colony and at home, of his experience, with the result that others left and they together became a negative influence in the process of encouraging tourists to Canada.

On another occasion a destitute farmer by some means, perhaps by doing a days work, was able to obtain a load of potatoes for his hungry family, and drove his equally hungry team across the International Boundary Line to fetch them home, and was caught. The letter of the law says he is

a smuggler, and so he is. Was the constable right in using discretion and reporting, rather than seizing? Probably most of us agree upon this.

So many different problems of this nature confront us at all times, that we would like to record them and let everyone in the Force know how they turn out, but many of them while amusing to others are embarrassing to those concerned, and it would not be living up to our Motto to do so unnecessarily.

Reports from time to time reveal that quite well known people in our own country indulge in a bit of smuggling, and that when some of them are caught, they become unpleasant to say the least of it. These are the kind of people who make it so necessary for policemen to have good manners and to be unruffled by abuse or threats. There is a famous school in England the Motto of which is "Manners maketh man", and there is no doubt but that many of the young men who have passed through that school have unconsciously lived up to that Motto in the most trying experiences, because they had learned to live it.

There are times too, when discretion and patience are only different ways of expressing the same thing, instanced by action taken in connection with the finding of two different stills.

In one case seizure was made by the constable finding the still without waiting to find persons operating it, whereas in the second case, the constable thought through every detail necessary for maximum action, to the extent of watching in discomfort, day and night, but the results were much more effective. The process of handling investigations into smuggling or illicit manufacture or distribution of liquor requires a great deal of careful thought always, because technicalities of the law and the human sympathies of most people do have a way of working against the investigator.

Information is sometimes received, that a still is in operation in an imposing house, in a residential area, or that such a place under cloak of eminent respectability is used for distributing illicit liquor.

Needless to say it is desirable to be careful in acting upon such information, and the source of the information and other attendant circumstances, have to be carefully examined.

Experience has shown that houses in residential districts have contained very large stills, the tidiness of the driveway and the garden, the maid's smart appearance at the front door and the hallway's polish, being the veneer of respectability. The same means have been found to have furthered the process of distribution. It can be easily understood that such discoveries will in some measure, reward a conscientious investigator, but if the boot should be on the other leg, as has happened, and a thoroughly respectable householder or his family be disturbed, they are not always so ready with a sense of humour or tolerance as a constable might wish.

Speaking of tolerance, it might be remarked that a constable is supposed to be tolerant, even if others are not, and we do know how trying people can be, and be won with a smile.

The apparently ridiculous questions which some people ask, and strange requests they make, have to be listened to and satisfied with a courtesy reserved for a Mother.

Instances occur from time to time of what seems to be laxity on the part of some other official which on consideration turn out to be just a chance for co-operation, service and making friendships, and there is no dearth of experiences like this in the records, on both sides of the ledger. For example, a constable finds a person driving a few miles over the Canadian side of the International Boundary with smuggled goods cleverly concealed in his car. The suspected person says he was properly passed through Customs. It would be easy to make a seizure under such circumstances and sometimes it would be right, but we know that a constable took a smuggler, his car and seized goods, back to the Customs officer who passed the car in the first instance and was fooled, and together they planned the necessary action. The constable gained the confidence of the Customs officer, and carried out his instructions in a constructive way, and laid the foundations for co-operative service on future occasions.

Now we remember that some farmers from time to time indulge in a bit of smuggling for personal or family needs, and it is in such cases that insight into the details and discernment of the people concerned, insures action being taken in proportion to the motive, and deeds of the accused people. There is difference in motive between poor people who smuggle necessities of life and those who smuggle for gain, but the country requires protection against them both and men of character to give it justly.

North West Association of Sheriffs and Police

ON THE occasion of the Annual Meeting of the North West Association of Sheriffs and Police, held at Portland, Oregon, U.S.A., during June of the present year, an address on the subject of "Presentation of Evidence" was delivered by the Honourable James T. Brandt, Circuit Judge of the Second Judicial District, Oregon.

The following extract from this address will undoubtedly be of interest to members of the Force.

"The conduct of the witness while testifying is of great importance. In my opinion the organization of the State Police in Oregon has resulted in immense improvement in this respect but there is still room for progress. Anyone who has observed the conduct of Officers of the R.C.M. Police on the witness stand will appreciate this fact. They are models of the quiet, impartial, accurate and efficient witness."

The kind remarks of the learned Judge might well be used as a text to be remembered by all members of the R.C.M. Police when giving evidence in Court, or on any other occasion when strict impartiality is essential to the proper performance of duty.

Finger Prints and Their Value as Evidence

by STAFF-SERGEANT H. R. BUTCHERS

IT is my purpose, in this article, to draw to the attention of Peace Officers generally, the part that finger prints found at the scenes of crime have played in solving cases which would otherwise have been lost, or have entailed a great deal of additional investigation, on the part of the individual assigned to the case.

It is a well known fact among the various Police Departments in Canada that incalculable benefits have been received by obtaining the criminal records of wrongdoers simply by taking the finger prints of arrested persons and forwarding them to the Criminal Identification Bureau of our organization. Many a criminal has bitter cause to regret that finger print identification was ever installed in this country; their liberties have often been curtailed by this means of identification and society has been protected against their nefarious operations when they were again safely behind prison walls.

Finger prints found at the scene of a crime, however, form a separate species of identification and to deal successfully with an investigation of this nature requires special training quite apart from a thorough knowledge of finger prints generally. Correct use of the different powders necessary to develop latent prints can only be perfected by constant practice; many impressions of identification value have been ruined by inexperienced treatment.

Photography also plays an important part; the finger print expert must possess more than an elementary knowledge of photography to enable him to advise persons engaged commercially in this work in regard to the method which will give the best results in dealing with this form of photography in cases where the expert is unable to perform the work personally, or is handicapped by lack of equipment, in an emergency.

No matter how efficiently expert evidence is given in Court relative to the identity of finger prints found at scenes of crime, it is nearly always rendered null and void if the photographic exhibits are not of high standard. The jury will listen with much interest to the oral testimony of the expert but are liable to bring in a verdict of "not guilty" due to the fact that they cannot be convinced of the identity of the impressions found at the scene of a crime with those of the accused, for the reason that the characteristics so essential to prove identity are not sufficiently clear to corroborate his oral evidence.

Identification of finger prints is based on the identical sequence of the characteristics appearing in the impressions under scrutiny. What is meant by "characteristics"? Characteristics as applied to finger prints are the abrupt ending of ridges, the bifurcation of ridges either in an upward or downward direction, and small lakes which appear more or less frequently in all finger prints. The finger print expert must, by means of photography, show these characteristics clearly in order to demonstrate to the Court the definite fact that here, at least, is evidence which cannot be disputed. His case is lost, however, if defence counsel is able to obtain an admission from

him that there is some doubt about the characteristics being identical, due to the poor photographs on exhibit.

The writer has had concrete evidence on more than one occasion to realize the importance which photography plays when presenting finger print evidence in Court, the following example specifically illustrating this point:

"A young man was on trial before the Ontario Supreme Court for burglary of a store. The only evidence the Police had was a thumb impression left on the window glass. At the trial great stress was laid by defence counsel on the photographic exhibits; he requested the jury to take the photographs to the jury room and 'If', he said, 'you gentlemen of the jury can distinguish the points of similarity as the witness claims he can, I have lost my case'. The jury brought in a verdict of 'guilty', proving that they, laymen to the system of finger print identification, could clearly follow the identical sequence of the different characteristics shown in the exhibits."

In the majority of cases where finger prints are found at the scene of a crime, only single impressions are available for identification purposes. This fact alone renders it essential that the individual presenting the case should, in all fairness to the accused, be in a position to show clearly and without hesitation, the different points of comparison appearing in each impression. It is a well known fact that the British Code of Law demands if any doubt exists, that doubt must be on the side of the accused.

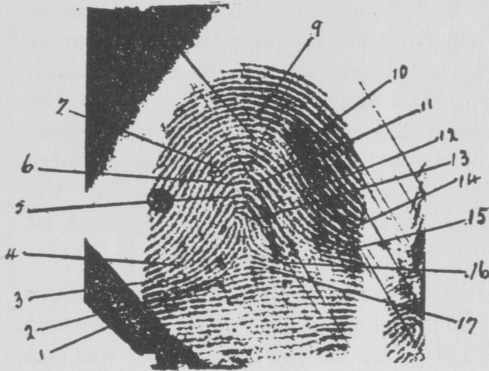
Experience is another factor that has great bearing when finger print evidence is presented in Court. In cases where finger prints alone constitute the evidence for the Crown, the finger print officer is often questioned at great length as to his experience and qualifications. This is as it should be, as from my own personal experience, I have come in contact with many persons claiming they were fully qualified in finger print identification, whereas their evidence would not be taken as that of an expert witness through lack of proper training. The witnesses, especially those who give evidence of a technical nature, should be complete master of their subject in order to avoid comment from the Court in regard to lack of knowledge. It is difficult to imagine anything more damaging to the case for the Crown than comment from the Court relative to the inexperience of the finger print officer and the confusion and humiliation of the witness by defence counsel when his lack of experience is shown.

The value of finger prints found at the scene of a crime to Police authorities can best be demonstrated by the illustration of certain cases which the Criminal Identification Bureau has undertaken and brought to a successful conclusion. The first example in the history of the Bureau, where finger prints were the means of obtaining a conviction in Canada, occurred on April 9, 1914.

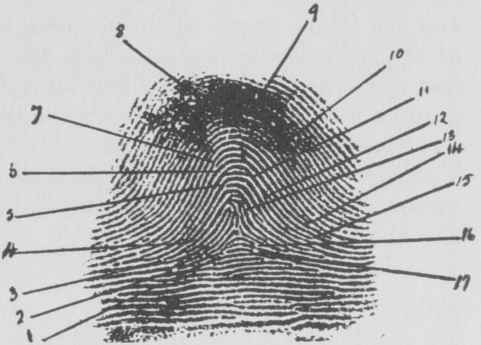
During the early morning hours of the date given, the Canadian Pacific Railway station at Petawawa, Ontario, was entered by breaking the window of the ticket office. Two Russians were detained approximately forty miles east of Petawawa, their finger prints, together with pieces of broken glass from the window, being brought to the Bureau by the C.P.R. investigation officer. On one of these pieces of glass was a finger impression which, when photographed and compared with those of the suspects, was found to be identical with the left thumb print of one of these individuals. The Russians were brought to trial and on the evidence submitted by two members of the

Bureau, the Magistrate accepted the finger print evidence as conclusive proof of the prisoner's guilt and sentenced him and his associate to a term of two years' imprisonment less one day.

Another illustration of the value of finger print evidence was demonstrated when on July 31st, 1918, the C.P.R. station at Levack, Ontario, was broken into and a sum of money stolen from the cash drawer. Entrance



Photograph of Finger Print found on glass at scene of crime.



Photograph of right middle Finger Print of accused.

PHOTOGRAPHS OF FINGER PRINTS PREPARED FOR COURT PURPOSES

Note points of comparison:—(1) Bifurcation of ridge in upward direction; (4, 14, 16) Abrupt ending of ridges; (6, 10) Small lakes or enclosures; (12) Bifurcation of ridge in downward direction.

These illustrations are slightly larger than normal size. For actual production in Court they would be enlarged seven diameters from normal.

had been gained to the premises by the removal of a small pane of glass from the upper half of a window at the back of the station and by then removing the screws which were holding down the lower half of the window. The following morning a man was arrested at Cartier, Ontario, on suspicion of being concerned in the burglary and his finger prints, together with the pane of glass, were sent to the Bureau for examination. A finger print impression was found on the glass which proved to be identical with that of the suspect. At his trial before His Honour Judge Kehoe, the accused pleaded "not guilty", thereby necessitating evidence being given by two members of the Bureau to testify as to the identity of the finger prints. He was convicted, but due to his youth, being only twenty-two, he escaped with a light sentence for a crime of this nature.

His Honour Judge Kehoe paid the following tribute to the identification value of finger prints during the hearing of the evidence: "We have read enough about finger prints and heard enough about them from those who make a special study of the science. They are accepted by the Courts everywhere as positive evidence of identity and I will not have the slightest hesitation in accepting them as such." This comment, coming from one who had risen to a high position in the Judicial profession of our country, was a worthy acknowledgment of the value of finger prints as a means to positive identification.

Another of the many instances in which the Bureau has been of material assistance was a case of arson which formed a further illustration where finger prints proved to be the criminal's Nemesis. A farmer's barn was burned and investigation pointed to incendiarism. A small bottle that had contained coal oil was found near the burned building bearing finger prints which confirmed the suspicion of fire underwriters. A person known to have made threats against the farmer was arrested on suspicion, his finger prints being taken. On comparison of the impression found on the bottle and the finger prints of the accused, it was found that the right thumb print of the suspect was identical with the imprint discovered on the bottle which had contained coal oil and had been discovered at the scene of the fire. The accused was found guilty of arson and received a sentence befitting the crime. Favorable comment was made on this occasion, both by His Honour Judge Tudhope, who tried the case, and also by the Crown Attorney, on the importance of the finger print evidence produced during the course of the trial.

I have dealt so far with individual cases and will now show how finger prints found at the scenes of various crimes linked up one man with several safe robberies. The city of Ottawa, during the summer of 1935, was, on several week-ends, visited by a gang of safe robbers; no clues were left by the criminals until the fourth burglary had been committed. On a piece of glass taken out of the window in the rear of the premises entered, were found three impressions of a right hand. No record existed at the Bureau in regard to the owner of the finger prints, although much time and labour were expended in an effort to ascertain his identity from the files. The city of Hull was next visited by the burglars and again finger print clues were left. Next the establishment of a brewery company was burglarized at Joliette, Quebec; finger prints were left again by the criminal and in each case they were found to belong to the same person. All these impressions were filed at the Bureau for future reference and several months later information was received that a man had been arrested at Toronto for house-breaking. On comparing his finger prints with those taken at the scenes of the safe robberies, in each case his finger prints established that he was the individual who had left these tangible impressions of his presence, at the scenes of the crimes.

The Ottawa City Police were able to arrest the entire gang of safe robbers, the individual whose finger prints had been identified pleading guilty and giving evidence against the others at the trial.

In conclusion, I will quote one more case where finger prints found at the scene of a crime were the means of identifying the criminal. In 1932 a service station at Britannia, a suburb of Ottawa, was entered by way of a window, the cash drawer being opened and a sum of money taken. The only clue to this crime was the impression of four fingers of the right hand on one of the broken pieces of glass. On receipt of the glass at the Bureau, photographic copies were taken of the finger prints and a search was made through the finger print files. The work of identifying these prints was, in 1932, a task presenting extreme difficulty, with only three legible prints to work with, but at the end of one week the search was successful, resulting in production of the duplicate prints. These showed the finger prints of the

**MACDONALD'S***Smoke a FRESH cigarette*

BRITISH CONSOLS

**COSTLIER
MILDER
TOBACCOS**

PLAIN OR CORK TIP

person whose record appeared on our files to be identical with the prints found on the broken pieces of glass found at the scene of the crime at Britannia. At the time of identification of these prints, the culprit was under arrest at St. Catharines, Ontario, on a charge of house-breaking.

This case showed the necessity for the adoption of some other form of identification relative to finger prints found at the scene of a crime and shortly afterwards the Battley system of single finger print identification was installed. By this system it is now possible to identify the single finger print, or finger prints, found at the scene of a crime with celerity, providing the owner possesses a previous criminal record, and its exceptional value to Police Forces throughout Canada has already been satisfactorily demonstrated.



Admissibility of Confessions in Criminal Cases*

by H. A. POWELL, K.C.
(Continued)

McKeown, C.J., in his judgment in *Rex v. Godwin*, [1924] 2 D.L.R. 362, very aptly says:—

"The question whether or not a statement is voluntary must be determined in relation to the mental attitude of the accused when he made the statement in question, rather than from the standpoint of his hearers or questioners, who, in this case, testify they made no threats to him nor did they hold out to him any inducement to speak. No doubt that is so. The officers speak very clearly upon this point and I believe what they say; but that does not throw much, if any, light on the decisive question, which is—How did the accused himself regard the inquiry, or what result did he think his answers or silence might lead to?"

So long as the law remains as it is and the question of whether a statement be voluntary or not is left exclusively to the judgment of a trial Judge, lack of uniformity in judicial decisions must be expected. The same incongruity is to be found in the exercise of judicial discretion in other matters, for instance in the imposition by wise Judges of penalties on convicted persons. It is his duty to look at all the circumstances of the case before him and form his own judgment in view of those facts and circumstances. While this is true the decisions of other Judges, while not binding upon him may serve as somewhat of a guide, if not a strengthener, in formulating his own course. A few of the many cases apposite will be quoted from.

In Taylor on Evidence, 8th ed., vol. 1, s. 872 it is laid down:—

"As the admission or rejection of a confession rests wholly in the discretion of the judge, it is difficult to lay down particular rules, *à priori*, for the government of that discretion; and the more so, because much must necessarily depend on the age, experience, intelligence, and character of the prisoner, and on the circumstances under which the confession is made."

Hawkins, J., in *Reg. v. Miller* (1895), 18 Cox C.C. 54, says at p. 55:—"every case must be decided according to the whole of its circumstances."

In *Rex v. Booth* (1910), 5 Cr. App. Rep. 177, at p. 179:—Darling, J., quoting Channell, J., in *Rex v. Knight*, 20 Cox C.C. 711, says:—"the moment you have decided to charge him' (the accused) 'and practically got him into custody, then, inasmuch as a judge even can't ask a question or a magistrate, it is ridiculous to suppose that a policeman can. But there is no actual authority yet that if a policeman does ask questions it is inadmissible—what happens is that the judge says it is not advisable to press the matter'."

This judgment is cited with approval apparently in *Ibrahim v. The King*, [1914] A.C. 599, and Lord Sumner proceeds to add, at p. 613, after the quotation, "and of this Darling, J., delivering the judgment of the Court of Criminal Appeal, observes the 'principle was put very clearly by Channell, J.'"

* From Vol. XLII, C. C. Cases.

In *Yeovil Murder Case* (1877), 41 J.P. 187, Cockburn, C.J., said:—"the law did not allow a man under suspicion and about to be apprehended to be interrogated at all."

Reg. v. Bobkin (1863), 9 Cox C.C. 403. This case was before the Lord Chief Baron of Ireland. A police constable arrested a prisoner and having given the usual and proper caution proceeded to search his home; having found the prisoner's coat, which was wet from washing, the constable asked the prisoner why he had washed his coat. Counsel for the prosecution proposed to give the answer in evidence, prisoner's counsel objected.

The Chief Baron ruled that the answer could not be given in evidence and said that "where a constable arrests a party he ought to abstain from asking questions; he ought to leave that duty to the magistrate, who alone has the power to reduce to writing what is said by the prisoner."

In a case tried before Pollock, C.B. [*Reg. v. Laughner* (1846), 2 Car. & Kir. 225] it appeared that the husband in the presence of a police constable told the prisoner, his wife, who was charged with stealing, if she knew anything to tell the truth. Afterwards she showed the constable certain articles of dress which she produced and which she said had been purchased with the stolen money. The Chief Baron refused to admit the evidence.

Rex v. Gardner (1915), 11 Cr. App. Rep. 265. In this case a police sergeant, for the purpose of eliciting admission, had read to Hancox statements implicating him. The Court held that the admissions were strictly admissible but that the trial Judge if satisfied of the purpose ought to exclude them.

Avory, J., says at p. 270:—"when such a position as that which was created here arises, we think that the judge at the trial ought to refuse to admit evidence of the fact that the statement was read over to the prisoner, when once he is satisfied that it was read over for the purpose of obtaining an admission or confession from the prisoner."

Reg. v. Hassett (1861), 8 Cox C.C. 511. In this case conversation between the accused and the police officer after the prisoner had been cautioned were attempted to be put in evidence. Christian, J., at p. 512, said he "objected to the police questioning persons while in their custody on a criminal charge, and he thought the counsel for the Crown ought not to press this particular evidence."

Rex v. Kay (1904), 9 Can. Cr. Cas. 403, Duff, J., at present of the Supreme Court of Canada says at p. 404:—

"The general principle governing the receivability of statements made by accused persons to persons in authority is stated by Mr. Justice Cave in delivering the judgment of the Court of Crown Cases Reserved in *Reg. v. Thompson* [1893] 2 Q.B. 12, 17 Cox C.C. 641, at p. 645:—

"If these principles and the reasons for them are, as it seems impossible to doubt, well founded, they afford to magistrates a simple test by which the admissibility of a confession may be decided. They have to ask: Is it proved affirmatively that the confession was free and voluntary—that is, was it preceded by an inducement held out by a person in authority to make a statement? If so, and the inducement has not clearly been removed before the statement was made, evidence of the statement is inadmissible."

"In this case the statements were made after the arrest of the accused in answer to questions put by the chief constable. In such a case it is not, in my opinion, sufficient for the prosecution simply to show that no inducement was put forward by way of threat or promise, express or implied. The arrest and charge are in themselves a challenge to the accused to speak; an inducement within the rule."

Duff, J., failed, apparently inadvertently, to recognize the distinction between dealing with evidence of a fact and dealing with a conclusion of law. But the judgment is an important one inasmuch as it is the opinion of an able Judge of our Dominion Court of Appeal on the impropriety of the course pursued by the police and as indicative of what he himself would have done had he been the trial Judge.

Rex v. Grayson (1921), 16 Cr. App. Rep. 7. Grayson was arrested and while in the custody was interrogated by the police without any warning being given. Lawrence, L.C.J., in delivering the judgment of the Court says at p. 8:—"We do not think that the conviction can be upheld. The appellant, with two other men, Yeoman and Marshall, was convicted for shopbreaking. The police improperly, and without warning, interrogated the appellant before trial and accepted statements by Yeoman and Marshall—both of whom pleaded guilty at the trial—implicating the appellant. The police had no right to examine Grayson, or to invite statements against him from other persons in custody whose sole aim was to throw blame upon the appellant."

This extract lacks the power and analysis and lucidity of statement of the judgments of Earle Cairns, and it is not clear whether the examination of Grayson was of itself sufficient in the mind of the Court to invalidate the conviction. In the light of other judgments of Lawrence, C.J., the contrary would appear to be the case; while the second ground—the admission of the incriminating statements of Yeoman and Marshall, would of themselves be sufficient to upset the conviction.

The condition of the decisions being very unsatisfactory the Judges in England in 1912 at the request of the Home Secretary drew up four rules as guides for police officers in respect to communications with prisoners or persons suspected of crime. These rules signed by Alverstone, C.J., are as follows:—"Memorandum by H.M. Judges of the King's Bench Division.

"1. When a police officer is endeavouring to discover the author of a crime there is no objection to his putting questions in respect thereof to any person or persons whether suspected or not from whom he thinks that useful information can be obtained. 2. Whenever a police officer has made up his mind to charge a person with a crime he should first caution such person before asking any questions or any further questions as the case may be. 3. Persons in custody should not be questioned without the usual caution being first administered. 4. If the prisoner wishes to volunteer any statement the usual caution should be administered. It is desirable that the last two words of such caution should be omitted, and that the caution should end with the words 'be given in evidence'."

(Here follows a form of caution to be used by the police officers).

It is not claimed that the rules drawn by the Judges have the force of law, but they embody the views of eminent jurists and set forth general

principles for the guidance of officers to secure the dignity of the legal machinery of the country.

The Court, consisting of Lawrence, Lush and Salter, JJ., in *Rex v. Voisin*, [1918] 1 K.B. 531, says at pp. 539-40:—"they are administrative directions the observance of which the police authorities should enforce upon their subordinates as tending to the fair administration of justice. It is important that they should do so, for statements obtained from prisoners contrary to the spirit of these rules may be rejected as evidence by the judge presiding at the trial.

It would be most incongruous if the action of the police in evoking statements was opposed to "the fair administration of justice" and yet the trial Judge should submit to the jury the very statement which had been improperly made to them by a prisoner.

The trial Judge in arriving at a conclusion should pay proper respect to the principles of the common law and to the policy of the Legislature in safeguarding persons against being inveigled into admitting criminal responsibility. By common law a person charged with crime cannot on his trial be forced to give evidence against himself. A witness in any trial could not be forced to answer questions, the answers to which might incriminate him.

While the Legislature has no judicial functions, and its views of the rules of law are not binding on Courts yet a trial Judge should pay attention to its action as voicing the sentiment of the public. On a preliminary examination of an accused person the Magistrate is obliged to give the accused an opportunity to make any statement the accused may desire; but while he is obliged to give the prisoner this opportunity he is obliged at the same time to caution him, and the statute (Cr. Code s. 684) has prescribed the manner in which the caution shall be administered—"Having heard the evidence do you wish to say anything in answer to the charge? You are not bound to say anything, but whatever you do say will be taken down in writing and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise or favour and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of guilt; but whatever you now say may be given in evidence against you at your trial notwithstanding such promise or threat."

In some of the cases attention has been called by the Judges to the absurdity which would result if a Police Magistrate presumably unbiased and competent should be tied down in the way that this statute ties him down while every constable or police officer could interrogate at his pleasure and without caution.

Especially absurd it would be when the police officers are performing detective work.

While Parliament has modified the Rules of the Common Law in respect to witnesses not being obliged to make incriminating answers when giving evidence in any trial in which the witness is not a party, it has also at the same time provided that on the trial of the criminal charge against a party that admissions which the accused may have been compelled to make as a witness in some other trial, are not admissible against him.

A few words may be said on another proposition which many Judges have shown a disposition to consider a rule of law, namely, that statements made by an accused in answer to police officers, or made by accused persons to police officers without proper caution are inadmissible in evidence. This matter is referred to by Lord Sumner in *Ibrahim v. The King*, [1914] A.C. 599. He says at p. 610:—

"The appellant's objection was rested on the two bare facts that the statement was preceded by and made in answer to a question, and that the question was put by a person in authority and the answer given by a man in his custody. This ground, in so far as it is a ground at all, is a more modern one. With the growth of a police force of the modern type, the point has frequently arisen, whether, if a policeman questions a prisoner in his custody at all, the prisoner's answers are evidence against him, apart altogether from fear of prejudice or hope of advantage inspired by a person in authority."

The latest decision of the Supreme Court of Canada on the admissibility in evidence of a statement of the accused is *Prosko v. The King* (1922), 66 D.L.R. 340, 37 Can. Cr. Cas. 199, 63 S.C.R. 226. The decision in this case has been misinterpreted in some quarters. The S.C.R. headnote is as follows:—"Held that the evidence" (meaning the evidence of admissions made by Prosko) "was inadmissible, as the statements made by the accused were 'voluntary' within the rule laid down in the case of *Ibrahim v. The King*, [1914] A.C. 599, Mignault, J., *dubitante*."

Certain statements had been made by Prosko to the United States Immigration Officer who intended to take up his case and have him deported to Canada.

Chief Justice, Sir Francois Lemieux, the trial Judge, received these statements in evidence, subject to the objection that they were not voluntary. He reserved, however, the question of the correctness of his judgment for the opinion of the Court of Queen's Bench of Quebec. That Court decided that Lemieux, C.J., was right and upheld the conviction. The case then went on appeal to the Supreme Court of Canada.

Anglin, J., saw no reason to differ from the opinion that the evidence was admissible.

Davies, C.J., says [66 D.L.R. at p. 343]:—"Under these circumstances I feel bound to answer the second question in the negative." That is that the trial Judge was not in error in admitting the testimony.

Idington, J., after reciting the facts and circumstances of the case, says at p. 345:—"I think, therefore, the trial Judge's ruling was right and that the question raised anent same must be answered in the negative." Mignault, J., notwithstanding the trial Judge's finding on the facts says at p. 350:—"I have serious doubts whether this evidence should have been allowed" but as a majority of the Court were of the opinion that the evidence was admissible he stated he did not enter a formal dissent.

To sum the case up:—

There was evidence before the trial Judge on which he could find that the statements of the accused were voluntary, and he found they were voluntary; and the Courts of Appeal did not see fit to interfere with the

exercise of the trial Judge's discretion there being evidence before him to support it.

So far as the point we are considering is concerned the case was fully and completely disposed of by Anglin, J., in three lines at pp. 347-8:—"At all events the discretion exercised by the trial Judge in receiving it could not properly have been interfered with."

In many of the cases cited the language of the Judges taken at its face value would lend great support to this proposition as a rule of law, but in the most of cases it is evident that the Judges only meant to approve of the decision of the trial Judge and had no idea of usurping his office.

(FINIS)

Open Dominion Police Championship

Royal Canadian Mounted Police Revolver teams took both Senior and Tyro Championships recently in the Open Dominion Championship match in which they competed against teams from City Police Forces of the various Provinces of Canada.

The "K" Division team, Edmonton, Alta., which had previously taken first place in the R.C.M.P. Dominion Championship (an inter-Divisional Competition between R.C.M.P. teams from Divisional Headquarters points throughout the Force) won the Senior Open Dominion Revolver Championship by defeating the Montreal City Police team with a score of 1403 out of 1500 against a score of 1394 made by members of the City Police team.

The Open Tyro Championship was captured by "C" Division, Montreal, P.Q., the winning team making a score of 1358 out of 1500 against 1162 scored by the Calgary City Police.

The Competitions, which are an annual event and are sponsored by Dominion Marksmen, consist of both rapid and deliberate fire. The following scores were made by competitors on the winning teams.

Senior Open Dominion Championship "K" Division, Edmonton, Alta.

Corpl. D. Mighall, deliberate 182, rapid 96, total 278; Const. R. J. Blair, deliberate 186, rapid, 95, total 281; Const. H. Warren, deliberate 177, rapid 94, total 271; Sergt. D. E. Forsland, deliberate 184, rapid 97; total 281; Sergt. A. Ford, deliberate 193, rapid 99, total 292; total deliberate 922. Total rapid 481. Grand total 1403.

Open Tyro Dominion Championship "C" Division, Montreal, P.Q.

Inspector H. R. Gagnon, deliberate 172, rapid 94, total 266; Inspector J. A. Wright, deliberate 182, rapid 94, total 276; Sergt-Major W. Mulhall, deliberate 182, rapid 96, total 278; Corpl. J. A. Churchman, deliberate 195, rapid 96, total 291; Const. J. B. Osborne, deliberate 173, rapid 74, total 247. Total deliberate 904. Total rapid 454. Grand total 1,358.

"Old Timers" Column

EX-SUPERINTENDENT and Mrs. J. Moodie have left Maple Creek, Saskatchewan recently to proceed to Victoria, B.C., where it is understood that they will reside in the future.

Since retiring to pension in 1917, Superintendent Moodie and Mrs. Moodie have lived at Maple Creek where they possess a wide circle of friends. Superintendent Moodie first joined the North West Mounted Police in 1885 as an inspector and is well known to a large number of serving members of the Force who will wish him and his wife many years of enjoyment in their new home at the Pacific Coast.

* * *

A recent visitor to Headquarters, Ottawa, was Regimental Number 6417 ex-Corporal C. A. B. Richards, who first joined the Royal North West Mounted Police on May 13th, 1915. Mr. Richards during his service with the Force was stationed at Moose Jaw, Saskatchewan. Leaving the R.N.M.P. on May 12th, 1918, he proceeded to Florida, U.S.A., where he took up residence. His present address is 2569 Trapp Avenue, Coconut Grove, Florida.

* * *

Discussions are heard from time to time regarding the length of service in the Force of various ex-members who have been associated with our organization for a greater number of years than the average.

Recently a correspondent wrote requesting this information. As particulars will undoubtedly be of interest both to "Old Timers" and to present members of the R.C.M. Police, the names of the thirteen ex-members with the longest service are as follows: Late Commissioner Cortland Starnes, 45 years, 153 days; Ex-Staff-Sergeant L. F. Deslauries, 45 years, 91 days; Ex-Inspector W. A. Cunning, 45 years; Late Inspector C. R. W. Stuart, 42 years, 201 days; Ex-Inspector E. Foster, *42 years, 181 days; Late Staff-Sergeant A. Dorion, 42 years, 91 days; Late Inspector H. Giroux, *41 years, 262 days; Late Sergeant F. Littlefield, *40 years, 265 days; Ex-Inspector J. A. MacDonald, 40 years, 125 days; Ex-Commissioner A. Bowen Perry, C.M.G., 40 years, 42 days; Ex-Staff Sergeant A. Robinson, 39 years, 96 days; Late Superintendent R. E. Tucker, 39 years, 13 days; Ex-Deputy-Commissioner T. S. Belcher, 39 years.

* Includes service with Dominion Police.

* * *

Pensioned

The following members of the Force have recently retired to pension. Their present addresses are given in each case:

Reg. No. 4565, Sergt. Major Capstick, J. E., May 31st, 1936, P.O. Box 137, Winnipeg Beach, Man.
Reg. No. 4708, Sergt. Rose, P., May 31st, 1936, Suite 30, Cambridge Apts., Furby Street, Winnipeg, Man.
Reg. No. 6375, Corpl. McRae, W., May 31st, 1936, General Delivery, North Battleford, Sask.
Reg. No. 9190, Const. Lavender, D., June 24th, 1936, Victoria, B.C.
Reg. No. 8608, Corpl. McInnes, F., July 15th, 1936, c/o Bank of Montreal, Bank Street, Ottawa.
Reg. No. 5569, Sergt. Wood, J. S., August 11th, 1936, 1813 Crescent Road, Gonzales Bay, Victoria, B.C.
Reg. No. 9131, Const. Smith, A. R., August 13th, 1936, 181 Louisa Street, Ottawa, Ont.
Reg. No. 11319, Const. Valder, P. A., August 4th, 1936, c/o R.C.M. Police, Whitemouth, Man.
Reg. No. 4794, Sergt. Withers, D., August 15th, 1936, Nelson, B.C.

Review of Contemporary Publications

"The Springbok"—July, 1936

The Quarterly Magazine of the Royal Canadian Dragoons, previously entitled *"The Goat"* has recently changed its name to *"The Springbok"*. This change, which is in conformity with the emblem of a springbok appearing on the Regimental Badge, as described in the Editorial Section of the Magazine, was made after a consensus of opinion regarding the re-naming of the Quarterly had been taken from all members of the Regiment.

It is interesting to note the origin of the "Springbok bounding", the badge of the R.C.D.'s, which is also described in the Magazine. During the South African War the Boers were stealthily approaching to attack when a number of springbok were noticed bounding in the air with more than their usual activity. Considering the circumstances suspicious, the officer in charge of the British Forces ordered a stand to. No sooner had this been done when the concealed Boers launched an attack which was repulsed. As a result of this incident, authority was requested from Her Majesty Queen Victoria to perpetuate the event in the Regimental Badge.

Many interesting articles are included in past and present issues of the Magazine, one of which, entitled "Cavalry Guidons and Standards" by R. Maurice Hill, is reproduced in the current edition of the *R.C.M. Police Quarterly* by kind permission. In the July issue of the *"Springbok"* the subject of "Famous Horses and Famous Men" is covered very effectively and contains some entertaining material for all who are concerned with or interested in the subject of horses.

The article, as the name implies, describes various famous individuals and their mounts throughout the ages and, dealing with modern times, summarizes the history of Sir Percy Laurie of the Metropolitan Police and more particularly his equine associate "Quicksilver" who accompanied his master in France throughout the Great War, being wounded by shrapnel at the Somme. This, however, did not act as a deterrent of any consequence to the gallant animal, which, after the Armistice, proceeded with the Army of Occupation to Germany. After leaving the Army in 1919, Sir Percy Laurie joined the Metropolitan Police and took "Quicksilver" with him to London where his horse, the next year, was awarded first prize for the best trained Police mount. Later in 1934 at Olympia at the age of twenty-four, "Quicksilver" was judged the fittest of the War Horses on parade.

"The Springbok" contains thirty-two pages of material effectively illustrated and published at Regimental Headquarters, Stanley Barracks, Toronto. An attractive cover depicting the crest of the Regiment in gold on a scarlet background sets off the quality of the contents of the Magazine to pleasing advantage.

"The Canadian Police Gazette"—September, 1936

"The Canadian Police Gazette", a monthly publication devoted to the explanation of Police Activities in Canada, in its subject matter deals with duties performed by the various police forces of the Dominion and includes, (with other material) items containing current comment upon police affairs in Canada published in the press. As a summary of topical information having reference to police forces from Atlantic to Pacific and their activities in general, the contents of this publication are not only most interesting but also possess an extremely beneficial informative value for law enforcement officers who desire to add to their knowledge of what is happening in the police world outside their own immediate sphere. The Magazine also deals in part with affairs in police circles in the United States.

The September issue of the Gazette quotes a speech made by Mr. B. C. Bridges, Superintendent of the Bureau of Identification, Alameda, California, before the Twentieth Annual Convention of the California State Division of the International

Association for Identification held in Stockton, California, U.S.A. Mr. Bridges' remarks on this occasion dealt with the subject "The Romance of Finger Prints". Extraordinary as it may seem, finger prints were apparently discovered on a small island named Gavriní off the Northern Coast of France in 1832 which, upon examination, were conservatively estimated as being not less than 30,000 years old. It must be stated, however, that the prints appear in the form of rock carvings and are not the usual species of impression with which modern law enforcement officers have to deal!

A further article contained in "*The Canadian Police Gazette*" entitled "More trouble for Crooks" deals with the latest development in finger print identification as devised by Scotland Yard and provides information that a system has now been invented which reveals any microscopic mark left by a glove on wood or metal so that the glove which has made the mark can later be identified. It is also believed that the method by which finger prints can be traced even though the hand which made the print is wearing a glove can be developed far beyond what is now possible in this direction. Several cases have already been recorded in Great Britain and abroad, it is said, where identification has been made of prints taken under circumstances such as that described.

Lack of space precludes further description of the contents of this very interesting magazine which also refers, in part, to the activities of our own organization in various parts of Canada. It is published at Vancouver, B.C., (P.O. Box 174) at the reasonable subscription rate of \$3.00 per annum for twelve monthly editions.—R-C.

Book Review

The Elements of Crime, by BORIS BRASOL, M.A. Published by Oxford University Press, New York City. Price \$5.00.

Boris Brasol is the author of a number of books on the theory of law and criminology. Having graduated with an M.A. degree from the St. Petersburg Imperial University and having passed his Bar examinations at the St. Petersburg Supreme Court, he was placed in charge of the Third Judicial District in that city. Later he was one of six individuals selected by the Russian Department of Justice to receive additional instructions along the lines of scientific investigation of crime, and for this purpose was sent to Switzerland and France. In 1925 he was nominated an honorary member of the Advisory Board of the Bureau of Criminal Science in New York.

What is a crime? Is it caused by some physical weakness of the delinquent? Is it due to any specific economic system? Can its origin be traced to a single factor or group of factors? Boris Brasol takes the stand and undertakes to prove that crime is the compound function of morbid environmental influences and psychic tendencies due to the destruction of religious ideals and beliefs, disintegration of the family, perverted education and inadequate legislation.

According to the Marxian dogma, crime is merely the functional result of economic inequality, so that the abolition of the capitalistic regime would automatically eliminate crime. However, statistical data gathered in Soviet Russia where capitalism has been abolished prove the fact that criminality in general and juvenile delinquency in particular, instead of disappearing, have penetrated all the pores and fibres of the nation. Therefore crime cannot be the result of any one particular economic system.

In dealing with juvenile delinquency the author quotes figures obtained from fifteen institutions operated for the care of girls. Of three hundred and ninety-seven cases investigated where it was found that girls became mothers before reaching the age of sixteen, one hundred and thirty-seven attributed their difficulties to auto

flirtations. In many cases it was ascertained that they had been picked up on the way to or from school by men in cars and had been induced to go on parties with dire results. It has been found that there are very few deliberately and consciously bad women in the institutions, the greater majority being girls who are good at heart, most of whom come from good homes, but who, as the result of indifference toward parental control of any kind, have allowed themselves to be led astray.

It has been asserted that delinquency in the parents is most likely, in one way or another, to manifest itself in their children; that among habitual criminals there are many whose parents were also criminals. A quotation by Professor H. S. Jennings rather disproves this theory:

"... Characteristics are not inherited at all; what one inherits is certain material that under certain conditions will produce a particular characteristic; if those characteristics are not supplied, some other characteristic is produced."

The book discusses the scientific prevention of crime rather than its scientific investigation; nevertheless, a great deal of valuable information is contained therein.

A number of copies of this work have been purchased for the use of members of the Force and it is considered that the volume would be a suitable one for inclusion in our Police libraries.—R. A.

News of "Old Timers"

We were very pleased to receive a letter recently from Reg. No. 925, ex-Constable C. M. Loasby who joined the North West Mounted Police on July 12th, 1883, and left the Force four years later, having been seriously wounded in the defence of Fort Pitt when that Post was attacked by Indians. Mr. Loasby's letter was of particular interest in view of the fact that, by a coincidence, an account of the events leading up to and of the defence of Fort Pitt itself appears in the present issue of the Quarterly Magazine. In the article, which is entitled "Centenary and Jubilee", Assistant-Commissioner C. D. LaNauze describes the heroic defence of the Fort and the part taken by Inspector Francis Dickens, Constable Loasby, Indian Agent Quinn and others associated with the defeat of the besieging Indians. After resigning from the North West Mounted Police, Mr. Loasby acted as Yard Master for the Canadian Pacific Railway in East Kootenay, B.C., for a period of twenty eight years, subsequent to which he retired to pension and is now residing at 1823, Charles Street, Vancouver, B.C.

Mr. Loasby, who is Vice-President of the North West Mounted Police Veterans Association at Vancouver, tells us that he had the pleasure of a week's visit last August with an old comrade, Reg. No. 1465, ex-Constable W. Fowler, who during his service with the Force from 1885 to 1890, was stationed at Edmonton, Fort Saskatchewan, Battleford and Regina. Mr. Fowler, who is 74 years of age, resides at Avolea, B.C., where he is the owner of a hotel and restaurant named "The Avolea House". Since retiring from the N.W.M.P., Mr. Fowler has lived in the Yukon among other places and at the end of September will also have completed twenty five years' service as Postmaster at Avolea.

We express our thanks to Mr. Loasby for his interesting letter and wish him and Mr. Fowler the very best of good fortune and many years of continued well-being amid the scenic and climatic attractions of the Province which they have chosen for their place of residence.

Division Notes

"A" Division

THE INTER-DIVISIONAL Softball League season was brought to a successful conclusion early in September. For play-off purposes the nine teams in the League were divided into two sections, the four "Headquarters" Sub-Division teams and the "A" Division team comprising No. 1 Section and the four "N" Division teams grouped as No. 2 Section.

The "N" Division Team No. 2, winners of Section No. 2, met Headquarters Sub-Division Team No. 4, Section No. 1 winners, in a best two-in-three game series for the League Championship and possession of a handsome Trophy presented for annual competition by Mr. J. Emile Lauzon, Jeweller, of 137 Rideau Street, Ottawa. "Headquarters" Sub-Division Team No. 4 won this series in two straight games, the scores being 7 to 2 and 12 to 7 respectively, thereby gaining possession of the Trophy for 1936.

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On July 3rd, the annual picnic of the Division was held in the Arboretum at the Central Experimental Farm. The Entertainment Committee arranged a very interesting programme of events, particularly for the children. There was a very good attendance, but during the afternoon a heavy shower of rain interfered for a time with the proceedings. During this interval most of the children assembled in the refreshment tent and appeared to thoroughly enjoy the interruption. The programme was resumed later and it was found necessary to cancel only a very few of the events.

While one picnic only has been held in previous summers, this year the Committee decided on a second one, the event taking place on August 8th, on the same grounds. This time the weather was all that could be desired. It was also arranged that those who had been unable to attend the first event due to their hours of duty, would be free for the second picnic. The attendance at both events clearly showed the keen interest taken in the picnics by the families of members of the Division.

One interesting item on the program at the second picnic was a race open to members with more than twenty years' service and it was surprising to witness the degree of celerity attained by the competitors who participated!

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Two members of "A" Division were married recently—Constable H. D'Aoust, of Brockville detachment, on June 23rd, to Miss Geraldine Mathew of Brockville, Ontario, and on July 11th, A/Lance-Corporal C. W. Bishop of Kingston detachment, to Miss I. Graham, of Ottawa. The best wishes of all members of the Division are extended to our erstwhile bachelor comrades and their brides.

"F" and "Depot" Division

On August 11th, His Excellency, the Governor General of Canada accompanied by Lady Tweedsmuir and members of the Vice Regal Staff, visited the Barracks at Regina. After a tour of inspection, His Excellency very kindly presented the various Messes with photographs of himself and Lady Tweedsmuir. During his stay in Regina, escorts and Guards were provided by members of "Depot" Division, on the occasion of formal visits made by Lord Tweedsmuir to the Provincial Government.

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A Musical Ride from the Barracks was one of the chief evening attractions at the Regina Fair this year. The ride was well turned out and was most favourably received by the public.

The three new Tennis Courts at the Barracks are now in full use and are much appreciated by members of personnel. With the large number of men in Barracks, the courts are well patronized and have proved of great benefit to the many individuals interested in this form of recreation.

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The Annual Sports Day of "Depot" and "F" Divisions was held on Wednesday, August 26th. Notwithstanding some rain which fell prior to the festivities, the weather cleared for the Sports Day allowing the many visitors present to enjoy the various competitions in sunshine.

At the termination of the days proceedings, the Honourable J. W. Estey, Minister of Education, presented Long Service and Good Conduct Medals to Regimental Number 6452, Sergeant E. Cameron, Regimental Number 6366, Sergeant B. D. Fryett and to Regimental Number 6463, Constable A. W. Holtman before presenting the prizes won by the successful competitors in the events of the afternoon.

An attendance of approximately two hundred and seventy five persons at the dance in the evening concluded an excellent day and the Sports Committee deserve congratulations for the efficient arrangements made which assisted very materially in providing a most enjoyable entertainment.

"G" Division

On July 14th the R.M.S. "Nascopie" sailed from Montreal, P.Q., en route to the Eastern Arctic. During the voyage the vessel will visit all Trading Posts and settlements as far North as Craig Harbour on Ellesmere Island. On board were Inspector K. Duncan and seven other members of the R.C.M. Police, destined for duty at Eastern Arctic detachments. On return of the vessel to Montreal in October she will bring with her members of the Force who have concluded their period of service at Arctic points.

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Superintendent T. H. Irvine, commanding "G" Division, during the early summer period completed an inspection of all detachments in "G" Division except those located on the Western Arctic and Eastern Arctic coasts. The journey was made by rail, Hudson's Bay steamer, aeroplane and motor boat, and covered a distance of many thousands of miles.

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The R.C.M. Police Schooner "*St. Roch*" which wintered at Cambridge Bay, N.W.T., during the 1935-36 season, arrived at Coppermine on August 10th. Reports indicate that unusual ice conditions have completely disrupted freight arrangements on the Arctic Coast and that the M.S. "*St. Roch*" proceeded to Pearce Point to take supplies over from freighting vessels in order to assist in delivery of cargo to Trading Posts in Coronation and Queen Maud Gulfs.

After encountering heavy ice and dense fog, the "*St. Roch*" later returned to Coppermine on September 1st en route to Peterson Bay, King William Land, where the vessel will be stationed during the winter months of 1936-37.

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Life in the wide open spaces appears to appeal to brides of members of the Force, as during the past few years no less than five brides have accompanied their husbands to detachments located in the Mackenzie River area.

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Congratulations are in order to Inspector G. J. M. Curleigh, Sergeant J. H. Pepper and Corporal H. Kearney, who are the proud fathers of newly arrived daughters, each and every one of whom is reported to be a "howling" success!

"J" Division

During August the Recreation Club provided a very interesting program of water sports for members of the Force and their families. The St. John river was calm, and although rain interfered to some degree with the proceedings, every event was thoroughly enjoyed and keenly contested. Space does not permit a detailed account of the sports being given, but the "Tub and Tire" race for officers and non-commissioned officers would have provided some excellent shots for the Pathe Weekly News! Due to continued rain, the program was shortened to a certain extent. After supper and the presentation of prizes, an impromptu dance was held. It has been decided to make this event an annual one, a Challenge Cup having been offered for competition by a Non-Commissioned Officer, stationed at Division Headquarters.

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Regimental Number 9072, Sergeant J. D. O'Connell is to be congratulated on his splendid showing at the various Rifle Meets he attended during the last two months. He won a place on the New Brunswick team which took part in the Inter-Maritime Shoot which was held at Charlottetown, P.E.I., and was also a competitor in the New Brunswick Provincial Match at Sussex, where he tied in two matches and in an aggregate score. In the shoot-offs, he lost the tie matches but won the aggregate. In this Meet he won the Prince of Wales Trophy and also captured the Grand Aggregate Medal. This placed him first on the Provincial Team going to Ottawa. It is interesting to note that two years ago Sergeant O'Connell was also successful in winning the Prince of Wales Trophy.

At the D.C.R.A. Meet at Ottawa, as a member of the Provincial Team, Sergeant O'Connell came within three points of qualifying to go to Bisley.

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The new shooting gallery at Division Headquarters will be completed and ready for use in the immediate future. This addition to the buildings at Headquarters will undoubtedly be a very material benefit and the additional facilities it will provide for marksmanship should prove an inducement to those whose keenness just requires a little sharpening to persuade them to enter the various competitions to be held.

"K" Division

July has been an interesting month in many ways. On July 1st, the Fiftieth Anniversary of the arrival of the first Canadian Pacific Trans-Canada Railway Train at Calgary, was celebrated. A Guard of Honour was supplied by members of the Calgary Sub-Division on this occasion. It is interesting to note that a Guard of Honour was also provided by the Force in 1886, when the first trans-Canada train arrived at Calgary en route to Port Moody, B.C.

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On July 4th and 5th, the celebrations in connection with the establishment of Waterton-Glacier International Peace Park took place at Waterton, Alberta, His Honour, W. L. Walsh, Lieut-Governor of Alberta being present. Other distinguished guests included His Lordship the Bishop of Montana, and the Bishop of Calgary, together with the representative of the President of the United States, and Government officials from the State of Montana. This interesting event was to a great degree brought about by the foresight and energy of The Reverend Canon Middleton of Cardston, Alberta, who conceived the idea some years ago, of having the two Parks established as one International Peace Park, commemorating the peace between the United States and the Dominion of Canada. As a result of Canon Middleton's labours, together with the assistance of the Rotarians of Canada and the United States,

and of the Governments of the countries concerned, the final dedication of the Peace Park took place during the first week of July as described.

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On July 13th, the Commissioner of the Force opened the Edmonton Exhibition and Stampede, having arrived by air from Eastern Canada on the preceding day. Subsequent to officiating at the Stampede, Sir James MacBrien left on July 15th, by plane, on his inspection patrol of Detachments in the North West Territories and Hudson's Bay area.

"N" Division

During July and August, Wednesday afternoons have been devoted to sports, etc., the various members of the Division taking part in tennis, softball, and swimming. Such mounted sports as tent-pegging and wrestling on horseback were also engaged in, a very keen interest being taken in the various forms of recreational amusement by all members of the Division. Several tennis tournaments were also arranged and completed.

The spirit of friendly rivalry which exists between our neighbours, the R.C.A.F. and this Division, was demonstrated in the form of a softball game recently; an Association football game was also played between members of the R.C.A.F. and "N" Division and resulted in a win for the former team. In the softball game the "N" Division team was successful in winning after a closely contested struggle. It was hoped that further competitions of this nature could be arranged but various unexpected duties have so far prevented these.

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After serving for some fourteen years as a Barracks for "N" Division, the old building has now been vacated and the new modern structure taken into occupancy; accommodation has also been provided for members of "Headquarters" Sub-Division as well as for "N" Division. The move had been eagerly anticipated by personnel of the Division and the new quarters have quite fulfilled their expectations. The old building is now being demolished and the grounds surrounding the new Barracks are rapidly being put into excellent condition.

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The Musical Ride which was presented in New York in 1934 apparently proved so popular that a request has been made for another Ride to be exhibited this year. The personnel who will take part in the Ride are now in course of training for the event.

A Musical Ride has also been prepared for the Aylmer Horse Show and another will be demonstrated at the Military Tattoo which will take place in Ottawa during October. Plans are also being made for a Gymkhana to be held at "N" Division during the early part of the same month.



Obituary

Regimental No. 280—Ex-Constable John Herron

Mr. John Herron, one of the oldest members of the North West Mounted Police, died at Pincher Creek, Alberta on August 19th, 1936, aged 82 years.

Mr. Herron first joined the N.W.M.P. on November 24th, 1874 and served until May 7th, 1878, when he took his discharge. During his service with the Force Mr. Herron was one of the members of the escort which accompanied Major General Sir Selby Smythe to the West in 1875 when the site of Fort Calgary was chosen. He was also present at the Signing of Treaty Number 7 at Blackfoot Crossing in 1876 and after severing his connections with the Force also assisted, in 1896, in the arrest of Charcoal, the Indian murderer responsible for the death of Sergeant Wilde.

Born in Carleton County, Ontario, in 1853, after completion of his service in the N.W.M.P., Mr. Herron returned east to Ottawa where in 1879 he married Miss Ida Lake. Returning to the old North West Territories two years later, Mr. Herron took part in arranging travelling facilities for the Marquis of Lorne, then Governor General of Canada who wished to visit the West. Later Mr. Herron ran as Conservative Candidate for MacLeod in five Dominion elections and was successful in two, being first elected to the House of Commons in 1904 and remaining as a member of the Federal House until 1911. During the Riel Rebellion he was a Captain in the Rocky Mountain Rangers.

Subsequent to his marriage and return to the West, Mr. Herron became manager of the Stewart Ranching Company in the Pincher Creek District and remained in Alberta until the time of his death. In addition to his vocation as a rancher he also fulfilled the offices of a License Commissioner and Stock Inspector.

Mr. Herron was one of the last surviving members of the Old Originals of the North West Mounted Police and his death will be greatly mourned, not only by the many friends he possessed in Alberta, but also by the serving members and ex-members of the present organization who were acquainted with him and who remember his achievements in Western Canada.

Regimental No. 8789—Constable Clive Drysdale Holbrook

Constable C. D. Holbrook died at Edmonton, Alberta, on September 14th, 1936, following a short illness.

Constable Holbrook first joined the Force on October 1st, 1919 and served until October 17th, 1921, when he purchased his discharge. On November 16th, 1932 he re-engaged in the R.C.M. Police and during the majority of his service was stationed in Alberta.

Constable Holbrook was born at Ottawa, Ont., in 1900 and was educated at the Ottawa Model School and at Trinity College School, Port Hope, Ontario. He joined the Royal Canadian Air Force in 1918, as a Cadet and subsequent to the signing of the Armistice, left the Air Force with the rank of Second Lieutenant. He was also a member of the Ottawa Flying Club while residing in the Capital.

Constable Holbrook was very well known in Ottawa where he is survived by his parents and his sisters, the Misses Prudence and Grizel Holbrook. Our deepest sympathy is extended to his family in their sad bereavement.

Regimental No. 5148—Ex-Constable Charles Bernard Alexander

Mr. Charles Bernard Alexander passed away on January 25th, 1936, at Toronto, Ontario, aged forty-three years.

Mr. Alexander first joined the Royal North West Mounted Police on November 18th, 1910, and he took his discharge from the Force on August 29th, 1914, to proceed Overseas at the outbreak of the Great War. During his career on active service

in the Army, he served in France and Macedonia with the Dragoon Guards, and Argyle and Sutherland Highlanders; was promoted to the rank of Captain; and was granted the Military Cross for distinguished conduct.

On being demobilized from the Army, Mr. Alexander joined the Royal Irish Constabulary, subsequently leaving this organization at the expiration of his service in 1921. He then returned to Canada, where, on November 23rd, 1921, he re-engaged in the Royal Canadian Mounted Police.

On leaving the Force in 1925, Mr. Alexander was appointed an Inspector in the Department of Customs and was stationed at Toronto, Ontario, where he resided until the time of his death.

Mr. Alexander was well known in Toronto and his passing will be mourned by many friends.

Regimental No. 10260—Constable Joseph Samuel George Leclair

Constable J. S. G. Leclair died on September 15th, 1936, at Hull, P.Q., aged thirty-nine years.

Constable Leclair joined the Force on April 7th, 1927, and served continuously in "A" Division, Ottawa, until the time of his death. He possessed a wide circle of friends in Ottawa and Hull who will sincerely mourn his passing. Constable Leclair leaves his widow and family, to whom we extend our sympathy.

Regimental No. 497—Ex-Constable Achille Rouleau

Mr. Achille Rouleau an ex-member of the North West Mounted Police died at Pincher Creek, Alberta, on June 15th, 1936, aged 79 years.

Born at St. Romauld, P.Q., in 1857, Mr. Rouleau joined the N.W.M. Police on September 22nd, 1880, and served until 1885, when he took his discharge from the Force. Mr. Achille Rouleau was very well known in the Pincher Creek District where he had resided for a great many years prior to his death. He is survived by a brother, Mr. John Rouleau of Quebec, to whom we extend our sincere sympathy.

Regimental No. 10484—Constable John Patrick Hartnett

Constable J. P. Hartnett was drowned at Carmacks, Y.T., on September 7th, 1936, as a result of a canoe accident.

Constable Hartnett first joined the Force on September 5th, 1928, at Regina, having previously attended the University of Saskatchewan as a student. During 1928 he proceeded to Dawson, Y.T., on Northern duty and after three years' service in the Yukon Territory was transferred to "E" Division, Vancouver, B.C.

During the summer period of the present year Constable Hartnett again returned to the Yukon. He is survived by his mother, who resides at Big River, Saskatchewan, and to whom we extend our sincere sympathy. Constable Hartnett was twenty-eight years of age at the time of his death and was unmarried.

Regimental No. 1090—Ex-Constable Roland D. Baugh

On June 24th, 1936, Mr. Roland D. Baugh, one of the earliest pioneers of Moosomin District, Saskatchewan and an ex-member of the North West Mounted Police died at Moosomin in his 75th year.

Born in India on July 4th, 1862, Mr. Baugh went to England while still young and there became a Diploma member of the Royal College of Surgeons. In 1882 he left England and came to Canada joining the N.W.M. Police on September 27th, 1884. While stationed at Battleford, Saskatchewan he saw service with the Force during the Riel Rebellion and later took his discharge on December 8th, 1886. Rejoining the Force on June 29th, 1888, Mr. Baugh served until June 2nd, 1892,

when he finally left the service to take up farming five miles west of Moosomin. In 1897 he married Miss Helen Christina Kerr and resided on his farm until 1902, when he retired to settle in Moosomin. Mr. Roland Baugh was a son of Major-General C. W. Baugh, late of the Bombay Staff Corps.

Mr. Baugh leaves his widow and family, consisting of seven sons and four daughters to whom our sincere sympathy is extended in their tragic loss.

Regimental No. 3253—Ex-Constable Arthur Leslie Howden

Major A. L. Howden died at Toronto, Ontario, on August 21st, 1936, aged 63 years.

Major Howden first joined the North West Mounted Police on April 6th, 1898, and after three years service took his discharge from the Force on April 22nd, 1901. During the greater period of time he was with the organization he was stationed in the Yukon Territory when the "Gold Rush" to the Klondike was at its height.

At the time of the Great War, Major Howden proceeded overseas and served with the Railway troops in Russia and France, subsequently returning to Toronto where he resided until his death.

Regimental No. 297—Ex-Constable James Sutherland

On September 3rd, 1936, Mr. James Sutherland of New Westminster, B.C., passed away at St. Mary's Hospital, aged eighty-six years.

Mr. Sutherland arrived in Canada from Scotland in 1874 and two years later joined the North West Mounted Police. After six years' service with the Force in Western Canada he retired on March 5th, 1882, to take up duty with the Canadian Pacific Railway. Later, for twenty-eight years, Mr. Sutherland was Government Instructor in mechanics and farming at Cree Reservation, Crooked Lake, near Regina. He was also a Justice of the Peace at Grenfell, Saskatchewan, until 1920, when he resigned and proceeded with his family to New Westminster, B.C., where he resided until the time of his death.

Mr. Sutherland leaves his widow and four children, to whom our deepest sympathy is extended in their bereavement.

