



ROYAL CANADIAN MOUNTED POLICE QUARTERLY

JULY

NINETEEN THIRTY-EIGHT

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Royal Canadian Mounted Police Quarterly

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COMMISSIONER STUART TAYLOR WOOD

Editorial

On March 6th, 1938, Commissioner Stuart Taylor Wood assumed office at the head of the Royal Canadian Mounted Police.

To all of us who, as serving members of the Force, have been associated with the Commissioner during the course of previous service, he is too well known to need introduction. There are others, however, **Commissioner S. T. Wood** in many parts of the world, who are not so fortunately situated. It is only fitting, therefore, that these distant subscribers who have interested themselves in our Force and in our Magazine, should make the acquaintance of the Commissioner through the medium of this editorial page.

Commissioner Wood is the son of former Assistant-Commissioner Z. T. Wood, C.M.G., and was born at Napanee, Ont., on October 17th, 1889. He received his early education at Dawson City, Yukon Territory, where his father was in command of the Royal North West Mounted Police, and later attended Upper Canada College and the Royal Military College at Kingston, where his eldest son, Zachary Taylor, is now a cadet. It is of interest to remark at this point that the Commissioner's son, during June of this year, passed out with highest honours for the third year term at the Royal Military College.

Commissioner Wood was appointed an Inspector in the R.N.W.M. Police on November 1st, 1912, and has had a varied experience in the Force, including five years at the isolated post at Herschel Island in the Western Arctic and, in addition, has been stationed in Saskatchewan, Alberta, Manitoba and British Columbia, during the course of his service.

Upon promotion to the rank of Superintendent in October, 1931, he took over the command of the R.C.M.P. in British Columbia. In 1933, he was promoted to the rank of Assistant-Commissioner and assumed command in Saskatchewan. During the Great War he also saw service in France with the R.N.W.M. Police Squadron.

In 1935, as Assistant-Commissioner, he took a four months course at Scotland Yard and made a study of police methods in France, Belgium and the United States. He was transferred to Ottawa in 1936, and took over the duties of Director of Criminal Investigation for the entire Force.

At the Coronation of King George VI last year, the R.C.M. Police Contingent sent from Canada to the Coronation was in charge of Commissioner Wood, in his then capacity of Assistant-Commissioner. In February, 1938, he was appointed Acting-Deputy-Commissioner, and upon the death of the late Sir James MacBrien, assumed office as Commissioner of the Force.

As the Royal Canadian Mounted Police has grown through the course of nearly seven decades to be, more and more, a national part of Canada, so Commissioner Wood, having been born into the Force, has grown with it and with its traditions until, as a natural course, he has now assumed command of the organization. While the circumstances of his birth and early surroundings alone, with their attendant opportunities for knowledge and experience, would make him more than usually well equipped for office as an administrator, Commissioner Wood also brings to the Force the hereditary capabilities of a family which has not only rendered most notable service to Canada in the person of his father, but also in the past to the

United States of America, of which country Commissioner Wood's great-great-grandfather, Zachary Taylor, was the twelfth President. Commissioner Wood is also a descendant of Dr. Robert Wood—his great-grandfather—Assistant-Surgeon-General of the United States Army, who married Ann, a daughter of Zachary Taylor, Ann's sister Sarah becoming the wife of Jefferson Davis, President of the Confederate States.

As members of the Royal Canadian Mounted Police, we may well congratulate ourselves, therefore, that the future welfare of our organization is in the highly efficient hands of a Commissioner, who, by reason of his general capabilities and qualifications, as well as by hereditary descent, is so eminently suited to the high office he has assumed.

* * *

Since we last went to press, two members of the Editorial Committee of the magazine have left Ottawa, Superintendent A. H. L. Mellor, our Chairman, having proceeded on furlough pending retirement to pension, and Superintendent V. A. M. Kemp having been transferred to Saskatoon, Saskatchewan, for duty.

The Editorial Committee

We take this opportunity, therefore, of wishing them both success and good fortune in the respective spheres of action which they have adopted. While Superintendent Mellor has left the Force, he does not apparently intend to rest on his laurels and has accepted an executive position on the staff of the Ford Motor Company at Windsor, Ont., which will undoubtedly offer scope for his ability and energy.

We also take this opportunity of welcoming our new Chairman, Assistant-Commissioner T. Dann, Director of Training—who has recently been transferred from Winnipeg to Headquarters at Ottawa—to the ranks of the Editorial Committee as well as Assistant-Commissioner C. D. LaNauze who replaces Superintendent Kemp. Assistant-Commissioner LaNauze has been a frequent contributor to the pages of the magazine in the past and his presence on the Committee, and facile pen, will certainly lend it strength. He appears in person in the interesting Esquimaux murder case, *Rex vs. Sinnisiak*, an account of which is published in the present issue. This investigation, which took place approximately twenty years ago when Assistant-Commissioner LaNauze was an Inspector in the Force, will long remain an epic of the endurance and persistence displayed by those members of the R.N.W.M. Police who were finally successful in bringing the guilty aborigines to justice.

* * *

In the "Old Timer's Column" of the present edition of the magazine will be found an account of the unveiling Ceremony of the Memorial to the late Sir Cecil Edward Denny, Bt., who, during
Sir Cecil Denny, Bt. 1928, died at Calgary, Alta., after a distinguished career in the West. Sir Cecil Denny, as an Inspector in the N.W.M. Police, took part in the famous "March of '74", and will long be remembered in Alberta for his devoted interest in the welfare of his old comrades of the Force, not only during the time when he was an Officer of the North West Mounted Police, but in the years subsequent to his retirement. A substantial legacy, left by him on the occasion of his death to be administered by the Royal North West Mounted Police Veteran's Association for the benefit of veterans in destitute circumstances, is known as the "Sir Cecil Denny Bequest".

Notes on Recent Cases

WHILE MANY fires of incendiary origin are reported from different parts of the Dominion from time to time, it is fortunately seldom that a deliberate series of outbreaks such as occurred recently at Antigonish, Nova Scotia, come to our notice; for in the short space of eighteen days no less than thirteen fires were reported to the authorities.

Investigations were immediately commenced from the time that the first fire was reported but due to the absence of clues and lack of apparent motive, the matter of determining the identity of the guilty person presented some difficulty.

After elimination of the majority of suspects, the question that had to be decided by the member of the Force investigating the case was whether or not a particular individual could set four fires on a certain night when in fact he was supposed to be undergoing a short term of imprisonment in the local gaol.

After taking into consideration all details as to how the fires were prepared and set, also the location of the various outbreaks, the member conducting the investigation came to the conclusion that an individual named Neil McDonald—commonly known as "Felix the Cat"—was the person who had started the fires, notwithstanding the fact that he was apparently confined to gaol and that the gaoler had stated that he was suffering incarceration on the night in question. Despite this statement, however, the investigator continued his enquiries and decided that a good purpose would be served in interrogating the person he suspected—who by that time was at liberty, having terminated his period of imprisonment. On being interviewed, McDonald at first denied all knowledge of the fires but later admitted his guilt and confessed that he was responsible for twelve of the outbreaks. The mystery surrounding the setting of some of the fires, during the time McDonald was serving his prison sentence, was dispelled when he disclosed how he had been able to escape from the lock-up, light the fires, and then return to his cell! He was subsequently charged with arson and was sentenced to seven years imprisonment at Dorchester Penitentiary.

* * *

In field military training, recruits are always instructed in the importance of taking advantage of "cover" in the form of intervening high ground, when manoeuvres are carried out in the open as distinct from trench warfare.

This same principle was applied by members of Amherst, N.S., detachment, when blockading a roadway along which it was expected two liquor laden vehicles would proceed during the night of June 9th, 1938.

It was ascertained that the loaded vehicles would probably be escorted by a pilot car, the driver of which would signal back if police patrols were encountered, also that the loaded cars would trail each other at considerable distances apart.

The police patrol decided to place their blockade at a point just over the reverse side of a rise in the highway, so that, in the event of the pilot car being first stopped and identified, the driver's signals would not be visible to the loaded cars. In due course the car was intercepted and the occupant was recognized. He immediately got out and waved his flashlight in the

direction from which he had arrived, but the rising ground cut off his signals. He was detained and his car moved into the bush nearby.

Within a short time, a Ford Coupe was stopped and was found to contain 60 gallons of rum in 5 gallon kegs. A little later, a 1937 Ford Coach was intercepted and a search revealed 75 gallons of rum put up in the usual five gallon kegs. Both drivers were arrested and the vehicles and liquor seized under the provisions of the Customs Act.

* * *

An important change was made, during March, 1938, to the line of demarcation in the St. Lawrence River, which defines Canadian Waters as distinct from International Waters, for the purpose of enforcing the Customs Act. Previously, "Canadian Waters" in the St. Lawrence River comprised all territory west of a line drawn from Cap Chat on the North Shore, to Ste. Anne des Monts on the Gaspé Peninsula. Some three or four years ago, representations were made to the Department of External Affairs, that the area of "Canadian Waters" in that locality be extended to include a considerably larger portion of the St. Lawrence River, as difficulties had been experienced with small vessels smuggling alcohol along the entire shore of the Gaspé Peninsula, and to a lesser extent, to settlements on the North Shore. An inter-departmental committee was formed to report on this and other matters relating to coastal boundaries. The committee, late in 1937, recommended that the line in the St. Lawrence River be extended to include all waters west of a line drawn from Cap des Rosiers on the Gaspé Peninsula to the west end of Anticosti Island, to the St. John River on the North Shore. This portion of the committee's report was adopted by Order-in-Council and maps are now being prepared so that advantage may be taken of the change during the coming season.

* * *

Not infrequently complaints are received from the New Brunswick Electric Power Commission that wilful interference with transmission lines has disturbed the service. This may take the form of throwing stones at insulators or throwing sticks or other materials across the wires, thus causing a short circuit, the latter method being the most common. Action of this nature usually originates as a result of a mistaken sense of humour which extracts enjoyment from hearing that all the lights were extinguished suddenly during the course of a country dance or other form of rural entertainment, or that a radio programme was cut short just at the most interesting part. At other times the spark displayed as a result of the short-circuit which takes place is sufficient to provide amusement for the individual, especially when the perpetrator of the offence is a child. Parental correction, in such cases, is all that is necessary to ensure that a repetition will not take place; but in other instances, where persons who have reached maturity are involved, it is necessary to take more drastic action and to bring the culprits before the courts.

Such a situation arose recently, when, on February 19th, 1938, the 66,000 volts transmission line between Grand Lake Plant and Moncton, N.B., went out of commission, causing a complete interruption of the electric service to Moncton and all lines radiating from that point for a period

of two minutes. This break in the current resulted in the loss of \$500 to the Port Royal Pulp and Paper Company at Fairville, N.B.

Investigation by the New Brunswick Electric Power Commission disclosed that the transmission line had been tampered with and our assistance in arriving at a solution of the matter, was requested. The scene of the alleged interference was visited and foot-tracks were noted at a point from which it appeared that some poles had been thrown across the power line. Due to fresh snow having obscured the details of the prints no casts could be taken. However, a piece of burned poplar bark and a burned poplar stick were found close by.

On searching the right of way, a place was discovered where a popular pole had been cut, the stump bearing marks indicating that an axe having a wired edge with a nick in it had been used. It also appeared that this axe had been used by a left-handed person.

Further searching disclosed two birch poles and two pieces of poplar poles hidden in the brush. The pieces of poplar showed signs of having been burned, as if by contact with the power line, and when fitted together it was apparent that they came from the stump bearing the axe marks.

Examination of the wood road indicated that there was only one way to and from the place where the poles were found and this in turn led to a point where further cutting had been going on. Local enquiry established that this wood road was on the property of Herbert Lewis and was used only by him and his two sons, Lawrence, and Phillip. It was also ascertained that on February 19th these three persons mentioned had been seen on this road leading from the direction of the power lines.

A pile of newly cut pulp wood, the property of Lewis, was next examined and identical axe marks to those appearing on the pieces of burned poplar were found. The same axe marks were also discovered on a pile of freshly hauled wood in the yard of Lewis. Near the barn the axe which had made the marks was found.

Mrs. Herbert Lewis was then interviewed and it was found that the father and sons were away. The details of the investigation were made known to her and she was informed that the suspected persons would be interviewed later.

On February 25th, Lawrence Lewis came to the local R.C.M. Police Detachment and stated that his mother had told him of the investigations which were being made. On making a voluntary confession of guilt, his statement confirmed the various points discovered at the scene of the offence.

On information being laid by the New Brunswick Electric Power Company under Section 521 of the Criminal Code—Obstructing Transmission of Electricity—Lawrence Lewis pleaded guilty to the charge, sentence being suspended by the presiding Magistrate.

* * *

An appeal case of interest to this Force came before the Supreme Court of Canada during April this year in connection with a claim of the Dominion Government against Freeman Hatfield for the sum of \$71,267.72, being compensation wrongfully received from the Government of Canada as a result of false evidence given before the Reparations Commission in support of a claim made by Hatfield for the loss of his schooner the "Gypsum Queen".

In the early morning of July 21st, 1915, the "Gypsum Queen", which had sailed from a Canadian port loaded with lumber and was bound for Preston, England, foundered—as the result of an alleged torpedo attack from a submarine—the rescue of the crew being made by the liner "Cymric" of the White Star line.

Notwithstanding the fact the loss of the schooner was sustained during 1915, no claim for the vessel was made until 1929; compensation in the sum of more than \$70,000 being granted in 1931. Subsequent investigations, however, disclosed the fact that the money had been obtained illegally and that the whole story regarding the sinking of the vessel had been fabricated; the loss of the "Gypsum Queen" having been brought about actually by natural causes. The log of the "Cymric" proved, in fact, that the vessel sank over five hundred miles west of Fastnet in an area which, at the time of the sinking, it was established, was not frequented by submarines.

An exhaustive investigation in respect to this case was conducted in England, Canada and the United States, and conclusive evidence of fraud was secured. Hatfield was finally extradited and returned to Canada, where he was sentenced on September 23rd, 1937, to serve a term of eighteen months' imprisonment for an infraction of Section 405 of the Criminal Code.

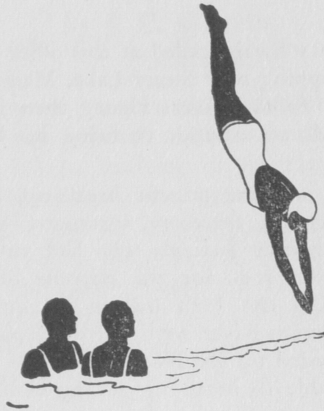
* * *

Information was received by our Officer Commanding at Edmonton from the Fire Underwriters Investigation Bureau that over a period of years extending from 1932 to 1936 the following property owned by members of the Zukowski family had been destroyed by fire and insurance collected:

<i>Location</i>	<i>Insurance Collected</i>
House at Wildwood.....	\$1,209.87
Bungalow at Wildwood.....	1,053.45
1928 Chevrolet Coach.....	200.00
Bungalow in Edmonton.....	1,067.60
1935 Dodge Sedan.....	1,005.00
2 Barns and Implement Shed, burnt.....	Not paid

The suspicious circumstances surrounding the burning of the barn and implement shed were the cause of a request for a thorough investigation by the Fire Underwriters. During the investigation of this last fire, it was found that the Zukowski's were indebted to the Swanson Lumber Company to the extent of slightly over three thousand dollars. This Company had offered to cancel the debt upon payment of one-third of the total sum; which meant that if the Zukowski's could raise slightly more than one thousand dollars, they could pay off their three thousand dollar debt. It was found that Walter and his brother Nick Zubowski, particularly Walter, had made several attempts to obtain insurance during the closing months of the year 1935 and during the early part of 1936, and that each time they had made application and had paid a deposit on the premium, their application was refused when it reached the Insurance Company's head office. As a result the policies were never issued.

It would appear that Walter Zukowski decided to attempt a different tactical approach, when, on April 28th, 1936, he went to a local Company and obtained insurance protection for all his farm buildings. The fire occurred



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 "You ought to see her dive for a Sweet Cap!"

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a few days later and before the Insurance agents had time to have the application forwarded to their Company's head office, where the applicant's record could be checked.

During the course of the investigation which continued for several months, evidence was secured that Serge, Walter, and Nick Zukowski, had misrepresented the value of numerous articles destroyed; had sworn to articles being destroyed which, in fact, were not; had claimed one of the houses was painted white when it was not painted at all, etc. It was in an effort to prove that this house had been painted that the mother, Mrs. Anna Zukowski, approached various people with the request that they substantiate her story and also state that the house had double windows when, in fact, this was not the case.

At the conclusion of a long investigation, evidence was secured resulting in the arrest of Mrs. Zukowski and her three sons, all of whom later appeared for trial and upon conviction were sentenced as follows:

Walter Zukowski—Arson and False Pretences—5 yrs. and 6 mos.

Serge Zukowski—Arson and False Pretences—6 mos. on 3 charges.

Nick Zukowski—Arson—3 years.

Anna Zukowski—Arson, Fabricating Evidence and Attempting to defeat Justice—30 days.

* * *

While great advances have been made in methods of transportation in the North country, the opportunity for the more lowly forms of personal

exertion and enterprise have not entirely passed, as the following report received from Lance-Corporal Calcraft of Berens River Detachment, Manitoba, will testify:

"On April 17th, one Henry Swain called at this office and informed me that his brother, William, who was trapping near Stony Lake, Manitoba, had become quite ill and was unable to return to Berens River. Henry then informed me that he had walked overland and had made an attempt to bring his brother but had found it impossible.

"Owing to bad weather and the present break-up, I considered it useless to request a 'plane for this purpose. I, therefore, instructed S/Cst. Everett to proceed with Henry Swain and several other Indians, who had volunteered to help. On the 18th instant, all parties left on foot for the purpose of packing William Swain overland as far as possible. On the 19th instant, accompanied by hired Indians F. Berens and J. Japan, I left Berens River with Indian Department canoe and supplies loaded on a jumper, and proceeded up the North Etomami River. This was necessary as the ice on the river was liable to break up at any time. All that day the canoe was dragged over the ice into open water and out on to the ice again. Several times members of the party fell through the ice when pulling the canoe but each party was strapped to the canoe when pulling so that they would only drop to the waist line. The Patrol camped on portage road overnight.

"On the 20th instant, the patrol continued travelling on the river and portaging when necessary. Very little open water was encountered during the day. The Patrol camped at Sucker Falls overnight.

"On the 21st, 22nd, and 23rd instant, the patrol continued on up the river, but travelling was very slow. In the p.m. of the 23rd instant, the patrol met S/Cst. Everett and several Indians with William Swain coming overland to the river. Here a number of helpers went back to their trap lines and accompanied by S/Cst. Everett, F. Berens and J. Japan, I proceeded down river with Wm. Swain, as it was impossible to travel overland. A good deal of ice had moved during the afternoon and we were able to pole and line the canoe along the shore. The Patrol camped at Berens Falls overnight. On the 24th and 25th instant the ice moved considerably and the patrol continued on to Berens River, arriving this p.m. Swain, upon our arrival at Berens River, was given medical attention by the Rev. J. W. Niddrie and since that time is improving slowly. From enquiries made it appears he was suffering with rheumatism. During the whole of the patrol he had to be carried as he was unable to walk or crawl. Transportation was by foot and Indian Department canoe. Mileage covered by patrol: 161 miles on foot and 87 by canoe.

* * *

Arthur J. Davis made a complaint to Shelbourne Detachment that some unknown person shot at him one day in the woods, while he was cutting logs. He gave a perfectly round ball-shot to the Police, claiming that he had dug it out of a log, after it had passed through his sweater. His sweater was torn and smelled of powder or some other burnt substance.

Investigation led to Davis' story being doubted and after several statements had been taken from him, he eventually gave one stating he had fabricated the whole story and had rubbed some burnt matches on his sweater. His motive for this, it is believed, was to become reconciled with his wife who had intended to leave him. He was charged with "Effecting a Public Mischief" sentence being suspended for two years upon his entering a plea of "Guilty" to the offence.

Summary Convictions

by J. C. MARTIN, K.C.

(Continued)

THE STEPS necessary to procure the attendance of the defendant and of the witnesses are, in general, the same as upon a preliminary hearing.⁵⁴ This is true also of the backing of warrants,⁵⁵ but it must be observed that if the charge is laid under a provincial statute, the process based thereon does not run beyond the border of the province in which it is issued. With this qualification, the justice may issue a summons to a witness who resides out of his jurisdiction, and such a summons may be served by "the constable or other peace officer to whom the same is delivered or by any other person."⁵⁶ The Code seems clearly to authorise the service of a summons beyond the jurisdiction of the justice who issued it, but within Canada. However, the opinion has been expressed^{56a} that the relevant provision is meant to apply only within the province and that, if it is desired to effect service outside the province, the proper course is to make application to a judge, under the provisions of Section 676, for the issue of a subpoena.

If a material witness resides out of Canada, a Judge of any Superior or County Court may appoint a commissioner or commissioners to take his evidence on oath. The appointment is made in a manner similar to that provided for a trial on indictment, except that it may not be made without the consent of the Attorney-General.⁵⁷

If the justice issues a warrant to apprehend instead of a summons, he is required under Part XV to see that a copy of it is served upon the accused when the arrest is made.⁵⁴ But whether he issues the one rather than the other is wholly in his own discretion. Not long ago—as these lines are written—a magistrate dismissed a charge under the Excise Act. On appeal by the informant this decision was reversed, and the case was referred back to the magistrate. He issued a summons to the defendant, service of which could not be effected within the jurisdiction. He was then asked to issue a warrant, but refused and issued a second summons. Upon an application for a writ of mandamus to compel him to issue a warrant, the Supreme Court of Nova Scotia refused the writ upon the following ground:

"The Magistrate takes the ground that his discretion as to whether to proceed by the issue of a summons or by the issue of a warrant should not be interfered with by this Court. That contention should, I think, prevail. It is a matter for the magistrate to decide. The direction of this Court is that he should dispose of and determine the charge, and as I understand the order, it is left to him to determine the better way to bring the defendant before him. There is no refusal on the Magistrate's part to proceed; if there were, the case would be different. He is to act according to the procedure of his own Court, and he has a discretion, which should not be interfered with, to take such regular steps as in the circumstances commend themselves to his judgment."⁵⁸

⁵⁴Sec. 711.

⁵⁵Sec. 712.

⁵⁶Sec. 713.

^{56a}Tremear's Code, notes to Sec. 713.

⁵⁷Sec. 716.

⁵⁸Rex v. Hobbs, 65 C.C.C. 67.

The hearing must be in open court, subject to the right of the justice to regulate it as he may a preliminary hearing, insofar as the public is concerned. The informant may act in person, or he may be represented by counsel or attorney; the accused may be represented by counsel, solicitor or agent. It is, too, imperative that the accused "be admitted to make his full answer and defence."⁵⁹

The opinion has been expressed that the accused should receive a fair, almost indulgently fair trial; but it has been said also that all that he is entitled to is a trial according to law, without reference to whether or not it may seem fair to the justice. In this connection again, it is relevant to refer to the case of *Rex v. Roach*, already cited,³⁴ and to quote therefrom some general observations.

In that case the accused was not informed in any formal way of the charge against him. The evidence of the witnesses, who were school-girls, was not taken under oath. This evidence, moreover, was not given openly, but was whispered into the ear of the magistrate. When the accused asked for an adjournment in order that he might get counsel, the magistrate told him that a lawyer would do him no good, and refused his request. When these proceedings came to be reviewed on appeal, the Court expressed itself in the following terms:

"It ought not to be, and it may not be, necessary, even if excusable, to repeat again the oft-quoted words of the Lord Chief Justice of England upon this subject, (i.e., the right of the accused to make his full answer and defence), so forcibly expressed in the case of *Martin v. Mackonachie* (1878), 3 Q.B.D. 730, 775, but I do so lest we justices, whether of superior or inferior Courts, forget; and because that case is in point upon the main question involved in this case, as the first words I intend reading shew: 'It seems to me, I must say, a strange argument in a court of justice, to say that when, as the law stands, formal proceedings are in strict law required, yet if no substantial injustice has been done by dealing summarily with a defendant, the proceedings should be upheld. In a court of law such an argument a *convenienti* is surely inadmissible. In a criminal proceeding the question is not alone whether substantial justice has been done, but whether justice has been done according to law. All proceedings in *poenam* are, it need scarcely be observed, *strictissimi juris*; nor should it be forgotten that the formalities of the law, though here and there they may lead to the escape of an offender, are intended on the whole to ensure the safe administration of justice and the protection of innocence, and must be observed. A party accused has a right to insist upon them as a matter of right, of which he cannot be deprived against his will; and the Judge must see that they are followed. He cannot set himself above the law which he has to administer, or make or mold it to suit the exigencies of a particular occasion. Though a murderer should be taken red-handed in the act, if there is a flaw in the indictment the criminal must have the benefit of it. If the law is imperfect, it is for the Legislature to amend. The Judge must administer it as he finds it. And the procedure by which an offender is to be tried, though but ancillary to the application of the substantive law and to the ends of justice, is as much part of the law as the substantive law itself.'

Amendments by the Legislature, from time to time, to the law have made escapes from substantial justice on mere technicality few and far between, if they ever need occur. And I may add that, as the provisions of the law exist for the purpose of making a case so plain that substantial justice can be done, how is it

⁵⁹Sec. 714 and 715.

⁶⁰Sec. 722.

possible to assert that justice has been done when some of the means the Legislature has deemed necessary in reaching that end have been disregarded?"

Despite the truth of these vigorous expressions, it is still necessary to say that not every contingency is covered by definite legal rule. Some are covered only by broad principles, within which there remains wide scope for the exercise of discretion. The matter of adjournments affords an excellent illustration in support of this statement. The Code says⁶⁰ that an adjournment must be made in the presence of the parties or their representatives, and that it shall not be for a period longer than eight days, but obviously it would be impossible for the Code to lay down rules, for or even to specify all of the circumstances under which an adjournment may be asked. A material witness may not be available, the prosecution may amend the information in a material part, the accused may wish to consult counsel—these situations are common enough. In such circumstances the justice must exercise his discretion, and it should be unnecessary to add that it is his duty to be fair to the prosecution as well as to the accused. But, bearing that in mind, it may be said that, within limits and as a general rule, he will exercise a wise discretion if he grants the adjournment, more especially if the summons is before him for the first time. It has been observed with regard to a preliminary hearing that a superior court will not interfere with the exercise of a justice's discretion upon an application for adjournment, but this is not true of summary convictions, and not uncommonly, convictions have been set aside because adjournment was refused.

For example,⁶¹ a summons was served upon the defendant on the 8th day of October, requiring his appearance on the next day. He answered the summons, but pressed for an adjournment on account of the absence of his solicitor. This request was refused, and he was convicted. It is unnecessary to state the surrounding circumstances in detail, beyond saying that they drew from a superior court Judge this scathing comment:

"I have rarely heard of magisterial authority being more arbitrarily and unfairly exercised than it appears to have been by the police magistrate in this case. His course was entirely contrary to the spirit which happily pervades the administration of justice in this country."

That case was followed later⁶² in a situation which appears in the following excerpts from the reported judgment:

"The police magistrate says that, in his opinion, the application by the defendant was made for the purpose of delay. It certainly was, but for such delay—reasonable, reduced to a minimum—as would be enable the defendant to get the evidence of one or more of three named persons believed to be then within a short distance of the place where the trial was proceeding, and, as it turns out, upon the evidence of the prosecutor, one of these named persons was present in court, although not to the knowledge of the defendant or magistrate."

The judgment proceeds:

"It is, subject to the question of depriving a defendant of a fair trial, for the magistrate to say what is reasonable time after service for a defendant to appear and stand trial, and further what is reasonable service. Here the defendant did appear; and, under all the circumstances of the case, should he be held to depend simply upon his own denial, or should, upon terms that would prevent any possible mis-

⁶¹Rex v. Farrell, 12 C.C.C. 524.

⁶²Rex v. Lorenzo, 16 C.C.C. 19.

carriage, an adjournment have been granted? No harm, as it seems to me, could have resulted from such adjournment. Upon his arrest in the morning he had given bail to the satisfaction of the magistrate himself, for his appearance at 5 o'clock. He then appeared. Had an adjournment been granted until a later hour that evening, or until some convenient time a little later, the defendant would have been obliged to renew his bail or remain in custody. At such cost, can it be said that for the purpose of fair trial the defendant was not entitled to an adjournment? It is reasonable, if a person plead not guilty before a magistrate and requires time for his defence and to produce his evidence, that he should get it."

A strong case to the same effect was one⁶³ in which the accused was a foreigner with an imperfect knowledge of the English language. He was arrested and, when taken before the magistrate on the same day, he asked for an adjournment in order that counsel whom he had retained might be present. Counsel also sent a telegram to the magistrate making the same request, which, however, was not granted. The accused was released upon application for a writ of *habeas corpus*.

"To refuse an accused under such circumstances," said the Judge, "a reasonable remand in order that he might have the benefit of counsel's advice and conduct of his defence is simply to disregard one of the strongest safeguards which our law has provided for persons accused of crime.—"

I think the whole proceedings before the magistrate were an instance of undue haste in railroading the prisoner (if I may use the expression) into Court on the afternoon of the day on which he was arrested, and notwithstanding the protest of the accused and the telegram received from his counsel, proceeding with the case and sending this man off to jail."

Still, as has been observed, there are limits beyond which the justice need not go to exercise his discretion in favour of the accused, and the two cases now to be cited are instances in which refusal to grant an adjournment was held, upon review, to have been justified. In the first,⁶⁴ the Court said that "inasmuch as she (the accused) gave evidence on her own behalf, and in plain terms shewed that the charge was well founded, it does not appear that any injustice was occasioned by the refusal of the adjournment." In the second,⁶⁵ the Court merely observed upon this point, that: "The prisoner did not ask—for an adjournment at any stage of the case, nor did he ask for the assistance of counsel until after the evidence was in, and the magistrate had intimated that he would find him guilty."

Both these decisions were based upon an English case which, in the former, was cited in the following terms:

"In *Reg. v. Biggins* (1862), 5 L.T.N.S. 605, it was held upon a similar enactment, the origin of that found in our Code, (i.e., that the defendant shall be admitted to make his full answer and defence,) that it did not touch the discretionary power of the magistrate in the conduct of the trial, and that he was not bound to adjourn to enable the accused to procure counsel, and that, although the accused had the absolute right to the assistance of counsel, if he could obtain it, he was not entitled as of right to an adjournment for the purpose of enabling him to do so. Cockburn, C.J., said: 'The intention of the statute was that it should not be in the power of the justices to refuse a party legal assistance upon a summary hearing, when he desired it, but where the matter resolves itself into the question of an adjournment, though it would be proper in the justices to adjourn under the circumstances, yet the statute does not touch his discretionary power on that subject.'

⁶³*Rex v. Hallchuk* (Elchuk), 1928, 1 W.W.R. 646.

⁶⁴*Rex v. Irwing*, 14 C.C.C. 489.

⁶⁵*Rex v. Pfister*, 19 C.C.C. 92.

'The magistrate,' said the Chief Justice, 'must have a discretion as to adjourning. The Act does not put the right in such case higher than that of a person tried for felony. Suppose that a person in the dock says that he wants counsel or attorney. It may be very proper to postpone his trial, but you cannot say that if the Judge chooses to try him at once he has no jurisdiction.'

Lest the reader feel that these two groups of cases are in conflict, it should be noted that there is no real inconsistency. The gist of the remarks of Cockburn, C. J., is in the words "it would be proper in the justices to adjourn under the circumstances." If they refuse to do so, but proceed with the hearing, the resultant conviction may be set aside if there is any reason to believe that the accused has not had a chance to present his full answer and defence; and if the conviction is quashed, it will not be because the justices lacked jurisdiction, but because their denial of that inherent right of the accused was "contrary to the spirit"—and here the letter is but the expression of the spirit—"which happily pervades the administration of justice in this country."

In many districts in Canada the responsibility of the courts in this respect is the greater by reason of the fact that a large proportion of the people who come before them are foreigners not well acquainted with the English language. And as the responsibility is the greater, so also is the difficulty of discharging it. Often one hears it said of a foreign-born witness or defendant, "Oh, he understands English just as well as you or I;" sometimes one may be amused—or annoyed—to hear a witness who has asked for an interpreter, answer a question, put to him in English, before it can be interpreted. It is probably true that at times the foreign-born witness or defendant will hide behind the fact that English is not his native tongue, and will endeavour by that means, to give himself more time to answer, or otherwise to hamper cross-examination.

From a strictly legal point of view, "there is much to be said in favour of the view that there is no inherent right in any foreigner that the proceedings taken in our Courts shall be made wholly intelligible to him, even though he should be charged with crime. It might be impossible, within a reasonable time, and at a reasonable expense, to procure a person who could explain the proceedings to a foreign defendant. The cases in which a contrary doctrine is laid down are all upon some statutory or constitutional provision."⁶⁶

These observations were made incidentally in a case in which objection was taken to the qualification of an interpreter, not at the trial, but afterwards by way of appeal. It will be noted that there *had been* an interpreter; and it may be said, without entering upon legal controversy, that it is the usual practice to permit an interpreter to be sworn if such a course will facilitate the hearing. That this is true, as between the Court and the accused, is borne out by the following extract from a reported judgment:

"I venture to make a suggestion for the consideration of magistrates who have foreigners before them who do not understand English and who are charged with an offence described in technical terms of the law. There ought to be the very greatest care to ascertain that the accused understands before a plea of guilty is accepted. Particularly is this the case when it is apparent, as it must have been here, that the interpreter was having considerable conversation with the accused and that the interpreter might be making inferences of his own instead of translating

⁶⁶Rex v. Maceklette, 15 C.C.C. 17.

literally everything that was said. Indeed, the interpreter should be instructed to tell the Magistrate exactly what he himself has said to the accused and to interpret each answer separately and exactly as it was given so that the Magistrate would hear in English absolutely everything that was asked and said and so make his own inferences and not risk the possibility of having merely the interpreter's inferences reported to him. Indeed, in such a case, wherever there is the slightest possibility of misunderstanding it would be far safer and far more in accordance with the fairness demanded in judicial proceedings to enter a plea of not guilty and let the prosecution prove its case which, of course, it always comes prepared to do.—Whatever may be the duty of a prosecuting policeman it is not the Magistrate's first duty to get a quick conviction. Rather it is his duty to see that absolute fairness is observed between the Crown and the accused, and, if the accused must be convicted, that his conviction is made only after he is plainly shewn to be guilty beyond all reasonable doubt."⁶⁷

Concerning a witness, it has been laid down that:

"Where a witness is unable to speak English or is dumb, it is the practice to swear some person who understands the language or gestures of the witness, to interpret his evidence to the Court."⁶⁸

The law has its own formulae, and these are designed to achieve precise expression and certain proof. It may be that a person of foreign birth, while he understands English well enough to carry on his ordinary affairs, will yet hesitate to trust his knowledge of the language to carry him, with complete understanding, through the technical procedure and special vocabulary of the Courts.

Another contingency which falls within the principle now under discussion, appears in the following words written by a Judge of the Supreme Court of Alberta⁶⁹:

"There is no statutory provision requiring a charge to be laid (before) or dealt with by the nearest justice, nor is there any other law that I am aware of requiring this; though I have no doubt that if it appeared that there was gross abuse of the authority of a magistrate by, for example, compelling the attendance of the accused at a place extraordinarily far from his home and the place where the offence was alleged to have been committed and where all the witnesses resided, while a competent and impartial justice was available near the place of the alleged offence, this Court would have power to intervene and prevent the abuse of the process of the inferior Court on the ground that the defendant was prejudiced in his right to 'make his full answer and defence'."

Upon the return of the summons, any one of these situations may confront the justice:

1. The accused may not appear;
2. The accused may appear by counsel but not in person;
3. The prosecutor may desire to withdraw the information;
4. The prosecutor may not appear;
5. A witness may not appear;
6. All parties may appear.

If the accused does not appear, the Code⁶⁹ provides that the justice may, at his own discretion, follow either of two courses:

a. He may issue a warrant, and adjourn the hearing until the defendant is apprehended; or

⁶⁷Rex v. Mlaker, 40 C.C.C., at p. 297.

⁶⁸Amer. & Eng. Encyc. of Law, Vol. VII, p. 40, citing Taylor on Evidence, s. 1376.

⁶⁹Sec. 718.

b. He may proceed with the hearing in the defendant's absence just as if he had appeared.

However, his adoption of either is subject to the condition that there be evidence from which it is a reasonable inference that the summons reached the defendant. This condition, it has been held, was not met by proof that the summons was left with an adult person at the defendant's house, without further proof that that person was an inmate thereof, and without evidence to shew that efforts had been made to effect personal service on the accused.⁷⁰ In this connection, reference may be made to what has been said regarding the service of a summons in a preliminary hearing.

Again, in the case of one Donovan,⁷¹ the accused was permitted to shew by affidavit that he had been absent in the State of Maine when the summons addressed to him had been served upon his wife, and that he did not return until after the hearing. The Supreme Court of New Brunswick held that the magistrate could not acquire any jurisdiction over the person of the defendant while he was out of the province, and quashed a conviction made in his absence. The same result followed in a case⁷² in which the facts were similar to those just stated, notwithstanding that someone appeared for the defendant and asked for adjournments which were granted. This circumstance raised a doubt in the mind of the Judge who heard the appeal, but, with some hesitation he resolved that doubt in favour of the accused, who had sworn that the appearances in his behalf were made without his knowledge or authority.

This alternative, it need hardly be added, does not affect the right of the justice, if he sees fit, to treat the summons as having lapsed and to issue a new one.⁵⁸

In an unusual case, one Wipper was summoned to appear at ten o'clock in the morning of a certain day. He did not do so. The justices adjourned until noon, stating at the time the order in which they would then take up this and other cases. Wipper's case was reached about two o'clock, and as he did not appear when it was called, a constable proved service of the summons upon him and he was convicted. He moved to quash the conviction,⁷³ arguing that, by reason of the adjournment, the justices had lost jurisdiction. However, this argument did not prevail. The Supreme Court of Nova Scotia quoted from 1 Burn's Justice of the Peace, p. 113, the words, "but if he appears at the time, and the justice shall not attend, he is not to go away, but must wait during the remaining part of the day, for many things may happen to hinder the justice's immediate attendance," and went on to apply them as follows:

"No case—was cited to shew that the statute⁷⁴ that enables an adjournment to be made '*before* or during the hearing of any information' impliedly requires as a preliminary step proof of the service of the summons, for this is really a part of the hearing. It must often happen in cases where there is a long list of summonses that they cannot all be taken up at the hour fixed. And when the justices are reasonably engaged in other official business, I think the defendant must wait a reasonable time."

⁷⁰Re Barron, 4 C.C.C. 465.

⁷¹Ex parte Donovan, 3 C.C.C. 286.

⁷²Rex v. Dimond, 9 Sask. L.R. 106.

⁷³Rex v. Wipper, 5 C.C.C. 17.

⁷⁴Code Sec. 857, now Sec. 722.

If the accused appears by counsel but not in person, the hearing proceeds as if he were present. In an English case,⁷⁵ the defendant's solicitor appeared, pleaded guilty on behalf of his client and also admitted a previous conviction. "The justices were bound," it was said, "to proceed on the appearance and to convict in this case. That was all they had to do on the plea of guilty being made to the offence and to the previous conviction." The court went further and held, too, that the justices had no right to issue a warrant to compel the personal appearance of the accused under the circumstances.

It is relevant here to refer to a Canadian case⁷⁶ which requires no comment except to say that, fortunately, such instances rarely appear:

"He (the accused) instructed Mr. Matheson, K.C., to appear, and if certain technical objections did not prevail, to plead guilty. Mr. Matheson accordingly appeared and the technical objections being over-ruled, pleaded guilty. I had some doubt at the argument, but am glad to find that there is good authority for refusing the application, because Thompson is attempting to play a trick on the administration of justice by instructing one counsel to plead guilty for him, and then instructing other counsel to move for his discharge on the ground that the plea of guilty could not legally be made in his absence."

A corporation defendant is required to appear by attorney, he being, according to the Oxford Dictionary, someone duly appointed or constituted to act for it, either generally or specially, in its business or legal affairs. That person is likely to be one of its own officers who may or may not be qualified as counsel, but the corporation has, of course, the same right as a natural person to be represented by counsel.

Within the purview of the criminal law, a partnership has no entity apart from the individuals who compose it. Thus, when a conviction was made against Harrison & Company, Lord Kenyon, C.J., said:

"It is impossible that a conviction of such an one and company can be supported. It is a mere nullity even against the party named. The Courts are bound in duty to take care that summary proceedings before magistrates are regularly conducted whether the parties object to them or not. We cannot tell upon the face of this proceeding but that the delinquency of Harrison's partners, who are not before the Court, may have been imputed to him. As no action could be maintained against such an one and company, without naming all the parties, so neither can a conviction be maintained in this form."⁷⁷

This was followed in a case decided at Calgary in 1918:⁷⁸

"Authority was cited to me for the proposition that a partnership firm as such, cannot be convicted of such an offence and I have no doubt that this is the case. It would be impossible to send a firm as such to gaol. It often happens that partnership operations are carried on under a style which does not contain the name of any one of the partners, a style, for instance, which is descriptive of the business but gives no clue to the personnel of the membership. Or again the names of some but not all of the partners may appear in the firm name. In either of these cases a conviction of the firm as such would give absolutely no information as to the individuals whose goods were liable to distress for the fine imposed or whose bodies were subject to imprisonment if that was ordered. And so, if this is meant to be a conviction of the firm of Roske and Messenger, I do not think it can stand. There

⁷⁵Rex v. Montgomery, 102 L.T.R. 325.

⁷⁶Rex v. Thompson, 23 C.C.C. 463.

⁷⁷Rex v. Harrison and Company, 101 E.R. 1516.

⁷⁸In re Roske and Messenger, 1919, 1 W.W.R. 341.

is nothing upon the face of the conviction but this association of names in the manner above set out to indicate the intention of the magistrate to thus penalize a firm or partnership. The evidence does not in so many words indicate the existence of such a partnership, but the fair inference from it is that two men named, respectively, Roske and Messenger, were associated with each other in the carrying on of the business complained of and as partners."

In such a case each individual should be charged, either separately or jointly with others; if convicted, each should be penalized separately.

There is no statutory authority for the withdrawing of an information, but there is a well-defined practice in that regard.

"It should never be lost sight of in dealing with criminal or quasi-criminal cases," says an English decision, "for it is a most important element in them—that a summons can only be withdrawn with the consent of the magistrate before whom it comes on for hearing. A complainant can only put an end to a criminal or quasi-criminal proceeding with the consent of the Court, which is given when leave is obtained to withdraw the summons, and the summons is withdrawn in consequence of such leave."⁷⁹

In a Canadian case⁸⁰ an informant applied to a Judge of the Sessions of the Peace to be allowed to withdraw an information, alleging that she had signed it under the influence of a threat made by detectives, and that they did not make known to her the nature of the document which she was signing. As to withdrawal, the Judge remarked: "She has the right to do so, and the magistrate under the circumstances has no more authority to act." This case, however, seems to ignore what a later case points out—an "obvious distinction between a 'withdrawal' conditional or unconditional, by leave of the court, and the situation created by the breakdown of the charge when the prosecutor abandons it by 'withdrawing' at any stage from its further prosecution."⁸¹

This may be put in another way. Smith, let us say, is assaulted at night and lays an information against Jones who, he believes, was his assailant. Before the charge comes on for hearing he learns that it was someone other than Jones. Smith will ask leave to withdraw the charge and this leave will be granted, but the justice will probably make it a condition that the informant pay the costs occasioned by the abortive process. In any case, if the informant wished to withdraw the charge, it would be most unusual for the justice to force the issue, unless some general public interest was involved, or unless he had some reason to believe that there had been some compromise between the parties. But again, should the justice refuse permission, and the prosecutor present no evidence to support his charge, the justice's course would be to dismiss it for want of prosecution.

There is too, a distinction to be drawn between a withdrawal because of some defect in the statement of the charge, and a withdrawal for some reason arising out of the evidence. In the first event the matter is not necessarily ended; a new charge may be laid. In the latter case, the matter is ended because there has been a hearing on the merits.

Regarding one case in which, incidentally, the withdrawal came about because the case was "settled out of court" by an arrangement between the parties, it was stated in an action for malicious prosecution which followed,

⁷⁹Pickavance v. Pickavance, 1901, 70 L.J.P. 14.

⁸⁰Rex v. Rousseau, 24 C.C.C. 390.

⁸¹Rex v. Somers, 51 C.C.C. 356.

that: "It is conceded by the defendants that the abandonment of a prosecution by the complainant or the entry of a *nolle prosequi* by the representative of the Crown—if not the result of a compromise or arrangement with the accused—is a termination of the criminal proceeding in favor of the accused."⁸²

A later case sums up the preceding ones as follows:

"The main principle to be gathered from all the many cases, not always consistent or exact, and based on varying circumstances, is that unless it can be said, in the facts of the particular case that there has been an adjudication and acquittal on the merits, the permission of the Court to withdraw a charge is not equivalent to a dismissal which can be pleaded in bar of subsequent proceedings."⁸³

If the prosecutor fails to appear upon the return of the summons, the justice may adjourn the hearing, or he may dismiss the charge, with or without costs.⁸⁴ However, dismissal under such circumstances will not preclude the laying of another information, as appears from the following quotation:

"There had been no trial upon the merits and I take it an order for dismissal made in this way would not have supported a plea of *autrefois acquit*. The result therefore would be that it would have been open for the prosecution to lay a new charge and proceed to prosecute the accused before a justice in the usual way."⁸⁵ This case, indeed, goes somewhat farther and makes it clear that, if the matter is to be followed up, the proper course is to lay another information, not to appeal from the action of the justice in dismissing the first one:

"The intention of the Act in my opinion is after there has been a hearing before the justices, to allow an appeal as a hearing *de novo* in the King's Bench; and in this case there cannot be a rehearing or a hearing *de novo* because there has not yet been any hearing at all.

. . . If I were to hold that it is the law that an appeal would lie in such a case as this, it would be possible for the prosecution practically to ignore the justice's Court and by refraining from prosecution in that Court come directly to the King's Bench, a state of affairs not at all contemplated by the Act; and I add further that the accused has a right, which is a very valuable one, to have the matter gone into upon the merits before it is reheard in the King's Bench." It should be explained that the charge in question had been laid under a provincial Liquor Act which provided a right of appeal from a justice to the Court of King's Bench. For the purposes of the Criminal Code, this quotation should be read as if it referred to the District or County Court.

A witness who fails to appear places himself in a position where he may be apprehended under a warrant and not only brought before the Court to testify, but also punished as for contempt of court, in the same way as if the proceeding were a preliminary hearing. So too, he may be punished if, having appeared, he refuses to be sworn or to answer.⁸⁶ To say more would be merely to repeat what has been said concerning the disobedient witness in the chapter dealing with that procedure.

(To be continued)

⁸²Baxter v. Gordon, Ironsides & Fares, 13 O.L.R. 598.

⁸³Rex v. Somers *supra*, overruling Rex v. Chew Deb, 21 C.C.C. 20. See also Blanchard v. Jenkins, 55 C.C.C. 78.

⁸⁴Secs. 719 and 722(3).

⁸⁵Rex v. Rowat, 1923, 2 W.W.R. 659. See also Ghitteman v. Ralph, 50 C.C.C. 282, and cases there cited.

⁸⁶Code Secs. 674, 678 and 711.

The Marine Section of the Force

by SKIPPER R. A. S. MACNEIL

THE POSSESSION of efficient law-enforcement machinery is vital to the well-being of any modern state. The vastly improved facilities at the disposal of the criminal, together with the high state of organization attained by law-breaking groups have resulted in corresponding progressive action on the part of police organizations. An important factor in this progressive action is the realization of the value of increased co-operation between—or actual co-ordination of—the various units engaged in the task of law-enforcement.

In the R.C.M. Police, this country possesses a modern police organization unique among the police units of the world. Unique in the sense that it is the result of the co-ordination of a number of law-enforcement bodies, and that it incorporates within its frame-work certain sections especially equipped to enforce the country's laws irrespective of how or where these laws may be defied. Additional to the regular police organization are the Marine, Mounted, Aviation and Clerical Sections. The first to be organized of these—the Marine Section—is the subject of this paper.

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The origin of the Marine Section is shrouded in—for Canada—comparative antiquity. About the same time that the historic march westward of the N.W.M. Police was accomplished, a series of outrages broke out along the Atlantic coast. Ships wrecked or otherwise driven ashore in remote places were plundered, and in some cases the crews murdered. This prompted the government to instal a patrol vessel capable of maintaining law and order in territorial waters and in such places as the Magdalen Islands.

The first unit in what is now Canada's Coast Guard was a small sailing vessel—aptly named *La Belle Canadienne*. A deal of confidence must have reposed in this little craft and her crew, for single-handed she patrolled the entire seaboard from the Canadian Labrador to the lower reaches of the Bay of Fundy. The establishment of some form of patrol and supervision however, inadequate as it now appears, met with some measure of success, and such depredations were to a certain extent curtailed.

La Belle Canadienne was commanded by Commander Fortin, who assumed charge of *La Canadienne* upon her entering the Service. Commander Fortin died in 1900, after over 30 years of valuable service, and was replaced by Commander Wakeham.

These ships were followed by a long line of sailing craft, some of which were remarkable vessels from their beautiful, yacht-like appearance, and their amazing sailing qualities. *Osprey*, *King-fisher*, *Lizzie Lindsay*, and *Gladiator* were among the sailing-vessels in the Service during this period, and were ships of which "old-timers" speak in terms of the greatest affection.

In 1891 *Constance* was built for the Fisheries Protection Service, and was chartered by our own organization. This ship was the first steam vessel to enter the Service, and was the fore-runner of many others. *Constance*

has been paid off long since, but is still in service, acting as a ferry in Cape Breton waters. Other vessels to enter the Service from this period until the commencement of the War—either by charter or purchase—included *Petrel*, *Alert*, *Christine* (torpedoed off Orleans Island during the War), and *Curlew*.

Nineteen-fourteen saw the construction of the first ship designed and built for the Canadian Coast Guard. This vessel—*Margaret*—was built in England by John Thorncroft, and was delivered in Canada at the outbreak of the War. *Margaret*, in addition to the entire Service, was absorbed by the Royal Canadian Navy.

At this stage of its career, ships of the Marine Section flew the White Ensign, and, together with H.M. Ships, provided Canada's coast defence for the duration of hostilities. The duties were severe, and included anti-submarine action, convoy of merchant shipping, and all the multifarious duties which are the lot of auxiliary craft at sea.

At the conclusion of hostilities, and with the beginning of the period of reconstruction, the effective enforcement of the Customs and Excise Acts became an urgent necessity. Marine Section Ships again put to sea flying the Blue Ensign, and the whole organization came under the jurisdiction of the Department of National Revenue. More ships were purchased or chartered, and the Service expanded sufficiently to cope with the lucrative business of smuggling which had resumed operations on the Atlantic Coast.

In 1919 *Margaret* and *Grib* returned to patrol, and shortly later were augmented by the addition of *Restless*. The addition of other vessels followed within a short period. Four seized vessels—*Vagrant*, *Edna H*, *Marona* and *Stumble-In*, were reconditioned and re-named and placed in service; these vessels became *Patrol I*, *Patrol II*, *Patrol III* and *Patrol IV*, respectively. The ex-rum-runner *Baroff* also was added to the fleet about this time. The last two named were old American submarine-chasers, and well adapted to their new duties.

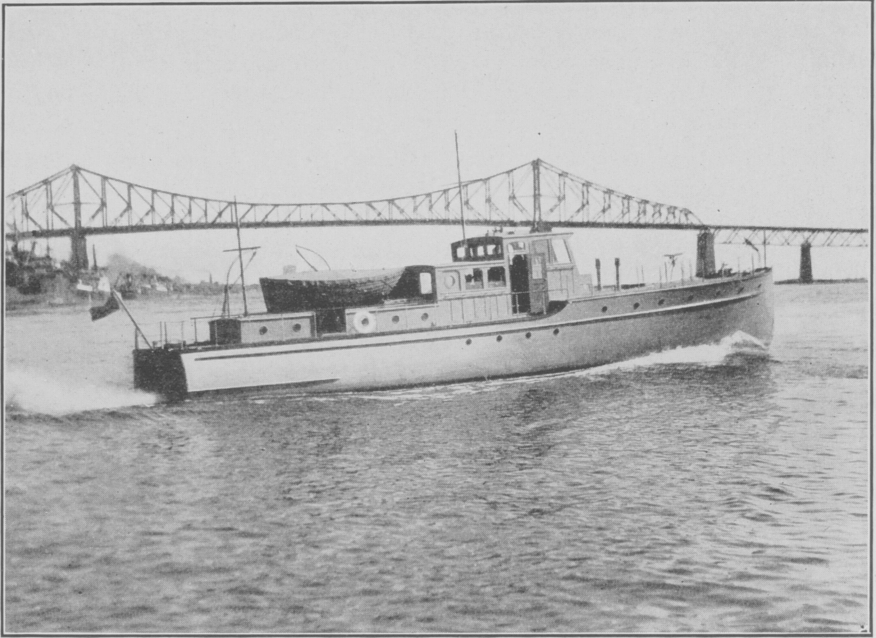
Eight speed-boats were added about the middle twenties, and performed excellent service. These small mahogany craft were of the "V" bottom design.

Preventor and *Fleurdelis* were built in 1929 at Vickers in Montreal, and resembled the old "P" Class destroyers somewhat in appearance. These craft were closely followed by *Madawaska*, *Chaleur*, *Alachasse*, *Adversus*, *Interceptor*, *Acadian*, *Advance*, *Captor*, and a number of small craft. Construction of the two latest cruisers *Laurier* and *MacDonald* was completed in 1935.

The next phase in the evolution of the Service was entered in 1932, when, along with a number of provincial police units, the Service was absorbed by the R.C.M. Police. Customs Cruisers became "R.C.M.P. Cruisers," and the personnel became members of the Force. The enumeration of the various unofficial appellations applied to the Marine Section is impossible. Such expressions as "Horse Marines" and "Sea-going Cow-punchers," are an indication of the scope given the inevitable wits by this union of a Mounted Police and a Marine organization. The results in six years have more than justified the fore-sight behind this change, however,

and there is every indication that this amalgamation has been of benefit to Canada.

The present strength of the Marine Section is in the neighbourhood of 240 officers and ratings. With the exception of a small office-staff, the entire



"B" CLASS CRUISER "MADAWASKA" AT MONTREAL

strength is utilized for the manning of R.C.M.P. Cruisers and patrol-boats. The smaller patrol-boats are manned by as few as 2 or 3 men, while the larger cruisers carry a complement of 4 or 5 Officers and 19 or 20 Ratings. The duties of these crews are highly specialized, and call for fully-qualified navigating-officers, diesel-engineers, signalmen, wireless-telegraph operators, gunners, cooks, and last, but by no means least (these being the back-bone of the Service), a large number of seamen. A knowledge of these particular subjects is combined with a knowledge of certain duties connected with law-enforcement at sea.

A recruit, or new entry, is engaged as an Ordinary Seaman, and when drafted to sea is placed in a watch with a more experienced hand from whom he can acquire some of the rudiments of his new job; such as steering, a knowledge of the compass, and other elementary aspects of a seaman's work. Some lads, or youths, shake down quickly, others, finding themselves in a element completely alien to that in which they had their earlier being, suffer considerably while adjusting themselves to such joys as sea-sickness, cramped quarters, and other discomforts which are an inevitable part of a sailor's background.

Recruiting for the most part takes place in the Spring, when the ships have completed their long refits and when the patrol season proper opens with the arrival off the coast of the first rum-runners from the West

Indies and South America. The standard for enlistment is high, similar in most respects to that of the Land Force, and some excellent material has been forthcoming.

Of the 240 members of the Marine Section, about 40 are upper-deck and engineer officers, the remaining 200 are ratings of various special qualifications and grades. These ratings include Chief Petty Officers and Petty Officers, roughly corresponding to the ranks of Sergeant and Corporal on shore. Various grades exist in such branches as Engineering, Wireless-Telegraphy, and Victualling. Of the 200 ratings, there are some 60 Chief and Petty Officers, and approximately 140 Seamen or equivalent Ratings.

An interesting aspect of the personnel is the wearing of a uniform quite distinct from that worn by other sections of the Force, which retain, with some modifications, the traditional uniform of the Mounted Police. The Marine Section uniform is almost identical to that of the Royal Navy, with such differences as cap-ribbons and jean collars for the seamen, and different gold-lace rank-distinctions for the officers. The more recent origin of the Marine Section is indicated by the badges worn by Petty Officers and other senior ratings. These badges display a replica of a modern "patent" or "stockless" anchor, while the badges of the Navy retain the "fouled-anchor", traditional to the Navy since time immemorial.

The four basic races of Canada's population are represented in the personnel by men from almost every part of the country. Men from the



R.C.M. POLICE CRUISER "ADVERSUS" IN VICTORIA HARBOUR

prairies and the great industrial centres of the East are shipmates with men whose entire lives have been spent within sound of "the mighty waters rolling evermore."

An analysis of the qualities of a Marine-policeman has no place in this paper. It may be said, however, that the men conform closely to the type engaged in the Land Force, and that they are deeply conscious of the great traditions that are their heritage,—those of the R.C.M. Police and of British Seamanship.

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The R.C.M. Police Fleet comprises some 33 vessels of various classifications, constructed at a cost somewhat in excess of one million dollars. These vessels fall into 4 different classifications, which briefly are described below:

"A" Class—Cruisers

Seven Cruisers fall under this classification — *Laurier*, *MacDonald*, *Fleurdelis*, *Alachasse*, *Ulna*, *Adversus*, and the new cruiser *French* which is now nearing completion and which will be named in honour of the first Commissioner of the Force. These ships range in length from 120 to 180 feet overall, and in design are somewhat similar to a small destroyer. With the exception of *Ulna*, all are powered with 2 or 3 diesel propelling engines, and are fitted with diesel auxiliary machinery such as generators, pumps, dynamos, etc. The latest of these cruisers are fitted with the most modern navigating and safety devices, such as echo-sounding machines, radio compasses, telemotor steering-gear, etc., and represent the last word in design of modern sea-going patrol craft.

Upon the Cruisers of this class falls the brunt of off-shore patrolling. The picketing and trailing of rum-runners anywhere from 12 to 200 miles seawards, reconnaissance patrols from Newfoundland and St. Pierre et Miquelon to Canadian waters, and the answering of distress calls, briefly summarizes the duties of these ships.

"B" Class—Cruisers

Eight cruisers are included in this classification. Smaller than those described above, their average length is approximately 75-80 feet overall. Mostly of wooden construction, their lack of size is compensated for by increased speed. The seaworthy qualities of these craft is very high. Some interesting experiments have been carried out in the designs of these ships, from which is emerging a patrol-craft of some 65 feet in length, possessing a considerable margin of speed over the fastest rum-runners operating off the Atlantic Coast. The duties of these vessels are somewhat similar to those of the "A" Class ships, except that their activities are confined to waters closer to shore, and that their patrols are neither as long nor as extensive.

"C" Class—Patrol Boats

The nine vessels comprising this class represent a type quite distinct from those mentioned above. Between 40 and 50 feet in length, they are not equipped with W/T apparatus, nor do they undertake patrols any distance from their base. Continuous operation of these boats is impossible as their complement provides only one "watch". Most of their activities are carried out during the dark hours, and consist of patrolling and watching bays, the entrances to the larger harbours, and other waters which, while

to some extent are sheltered, require the services of a boat capable of withstanding a reasonably heavy sea and strong wind. Some of these craft are capable of fairly high speeds, and their existence in the Fleet has been justified from the standpoint of seizures effected on or near the coast-line. These launches are attached to the various Detachments on the coast and remain in their separate areas.

"D" Class—Patrol Boats

The nine small craft coming under this classification are motor-boats, some of which are capable of high speeds. The crews of these boats live on shore, and patrols are confined to harbours and other sheltered waters. Certain of these motor-boats, however, have met with notable success in waters not particularly sheltered, but often smooth, such as occasionally encountered off the north side of Prince Edward Island. Boats of this class serve as a direct link between the operations of the Fleet proper, and the shore detachments.

The composition of a fleet suitable for police patrol duties is the result of much careful study and consideration, as problems are presented which have no counterpart in other marine services. In the Navy, a fleet is composed of destroyer-flotillas, cruiser-squadrons, light-cruiser screens, etc., all acting *in unison*, and with a definite objective—the destruction of the enemy. Patrol ships of the Force, however, for the most part, operate independently of each other, and often under vastly dissimilar conditions. A small launch is of no more use in a gale of wind off shore than is a large cruiser in restricted waters. Because of the variety of conditions under which police ships discharge their duties, standardization cannot efficiently proceed beyond a certain point. A sufficient number of vessels falling into the above classifications, however, should afford adequate protection of Canadian waters from the standpoint of law-enforcement.

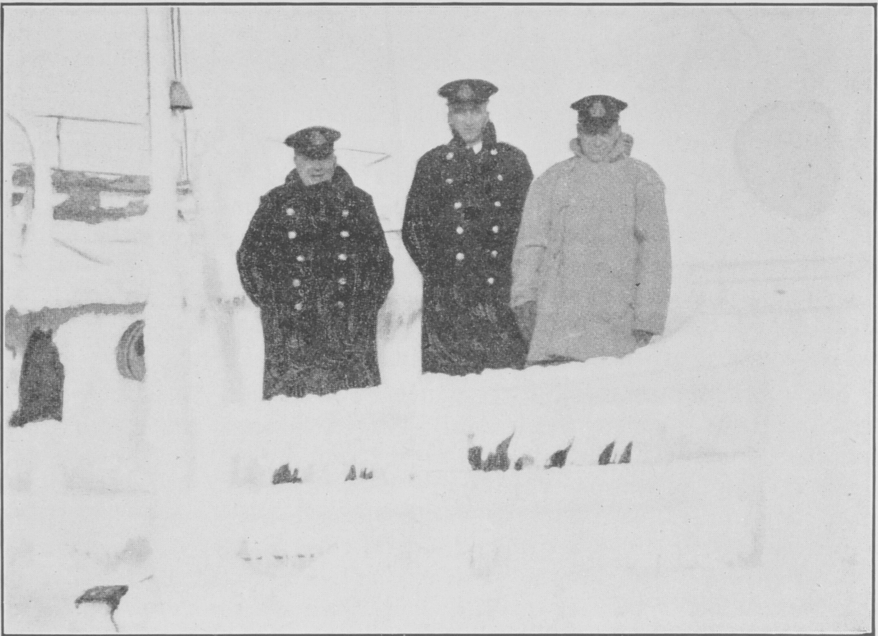
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The duties of the Marine Section are almost as many and as varied as those of the Land Force. These varied duties fall into two rough classifications (a) Law-enforcement and (b) General, such as life-saving, transportation, etc. In the first group, the enforcement of the Customs Act absorbs most of the effort expended by ships and personnel.

For generations, the smuggling of contraband liquor has been a lucrative and popular diversion on Canada's Atlantic seaboard. In the past few years, efforts to eliminate the profits, such as the establishment of liquor stores under Government supervision and the reduction of the Federal Tax on alcohol, have met with some measure of success. The fact remains, however, that even in the face of greatly diminished profits, there is still sufficient inducement for a large number of sea-faring men to seek and accept employment from the organizers of the groups controlling these illegal operations. It appears to this writer that the only effective means of controlling this illicit trade is through the application of force—the seizure and forfeiture of vessels and cargoes, and the arrest and indictment of masters and crews. This roughly is the policy maintained by the Marine Section and the Divisions concerned from a Marine preventive standpoint. The application of force, however, is neither simple nor easy. Much ingenuity,

tenacity of purpose, and the endurance of hardships is required of the Marine Section personnel for the achievement of the desired results. The methods employed by large-scale rum-running interests and the steps taken by the police to combat these methods, briefly are described below:

A sea-going motor-vessel, of about 200 tons gross tonnage, capable of a speed approximating 15 knots, and with a hold capacity of some 4500-5 gallon kegs of rum, proceeds to a West Indian or South American port, loads, and returns to a point off the Canadian coast. Here the cargo is transferred to similar but smaller vessels, which take up strategic positions off the coast-line. Acting upon instructions received by W/T, these vessels in turn are contacted by small, high-speed launches which, when conditions



WINTER PATROL SERVICE—REFRIGERATOR VENDORS NEED NOT APPLY!

are favourable, attempt to run their cargoes of some 300 kegs past the police blockade and thence ashore in some remote cove. If successful, the rum is loaded into trucks, or cached until a more convenient time for its transportation occurs.

That is the side of the picture for the rum-runner. The police activity is as follows:

Immediately a rum-runner arrives off the coast, an intensive effort is made to locate the vessel and commence surveillance. This effort usually lasts for a period of 24 hours, in the course of which aircraft and patrol craft cover the waters adjacent to the coast, and extending seaward for about 150 or 200 miles. Upon the location of the rum craft, she is picketed by one of the larger cruisers, the duty of which is to maintain continuous contact and observation. The object of establishing this contact, of course, is to provide Headquarters on shore with all information of the transfer of

cargo, and the arrival and departure of contact-boats. From this information the necessary action is taken with regards to the disposition of the remaining cruisers and patrol-boats.

Now this picketing duty is not the monotonous performance which might be imagined. The rum-runner has little desire to have his every movement watched, in fact "secrecy is the essence of his contract." Every means and strategy of which he is capable is employed to elude the police cruiser.

Foremost among these methods is the use of a smoke-screen. Awaiting favourable conditions, which include the minimum of wind and sea, and which usually coincide with the changing of watches in the police cruiser round midnight, the rum-runner suddenly sheers off to port at full speed, at the same time laying down a dense screen of smoke. A turn of 90° usually succeeds in creating a dense screen between the two craft, under cover of which the rum-runner (still emitting smoke) zig-zags in an attempt to elude pursuit and lose the cruiser. The ensuing activity in the police cruiser is not easily described. Watches immediately are doubled throughout, and searchlights, telegraphs, etc., are manned by all hands irrespective of whether "on" or "off" watch. Upon "Full Speed" being rung down to the engine-room, the cruiser's action usually takes the form of describing a similar but larger circle than that of the rum-runner, in an attempt to remain outside the area of smoke, and to keep the rum-runner's diminutive mast in sight. This method is satisfactory up to a point, beyond which it is necessary to adopt other means of re-establishing visual contact.

The procedure in this case is to ring down "Full Speed", and, with both searchlights burning dead ahead, charge through the screen in the direction in which the rum-runner last was seen. It is superfluous to point out that to this system there are many attendant risks. A collision under such circumstances would have the most serious consequences. Such action, however, has a salutary effect upon the rum-runner. The spectacle afforded by the high steel bow of the cruiser, and surmounted by two glaring searchlights suddenly bearing down on him from the smoke, usually results in a signal being made upon his whistle indicating his desire to "stay put" for the rest of the night.

At times, however, rum-runners do elude trail. The weather is always an incalculable factor entering into operations at sea—a fact not always appreciated on shore. Battles have been won and lost because of this uncertain element; a classic example of which is furnished by the Battle of Jutland, when the German High Seas Fleet barely escaped annihilation through the timely intervention of a North Sea fog. Fog, the curse of seamen, eagerly is awaited by the crews of rum-runners, for it affords a means of escape which the police are impotent to control.

Irrespective, however, of whether or not the mother-ship is picketed by a police cruiser, the shore boat eventually makes contact, and loads preparatory to making a dash shorewards. Upon receipt of a W/T signal from shore, the contact-boat casts off and proceeds at full speed towards her destination, without burning the regulation navigating lights. The picketing ship refrains from giving chase because of the lack of high speed and the inability to navigate in shoal waters, and transmits the necessary information

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in connection with the boat's speed, course, weather conditions, etc. The hunt then is on.

Sometimes these boats succeed in running the gauntlet, sometimes they are seized in Canadian waters, and sometimes they are frightened or driven off shore by the inner patrol. It is a game of "blind man's buff" played in inky darkness, when the slightest error of judgment on either side effectively will turn the tables. All that is seen by the police vessel, if anything, is the phosphorescent, translucent feather of wake astern of the rum boat. In a few seconds the searchlights must flare on, and a warning shot laid across her bows before the rum-runner sheers off and attempts to escape under cover of a smoke-screen. After the warning shots have been fired, fire of course is directed at the boat itself; but the gunners in a small ship are under a severe handicap from the uncertain motion of their own vessel and that of the target. Such a situation usually results in a seizure, but occasionally boats escape from such a predicament. A few months ago a contact-boat returned to St. Pierre with one rudder and propellor knocked off by machine-gun fire—a fair indication of the reception she had received from a police cruiser off Sydney Harbour.

This demonstrates one phase—and an important phase—of the activities of the Marine Section from a law-enforcement standpoint. The efficient discharge of these duties necessitates continuous patrols, the length of which—from the standpoint of hours at sea—is without precedent in any modern marine organization. This is a sweeping statement, but it is commensurate with the facts. So far as the writer's research may be accepted, no duties comparable from the aspect of continuous patrols have been brought to

light. Even the famous Dover Patrol, the destroyers of which created a record during the war, spent no longer periods on "stand-by" at the base than do the cruisers of the Marine Section. Ten days at sea and one day in harbour to replenish, is the lot of the average police cruiser during the patrol season proper, which lasts from March until the following January. That these onerous duties are efficiently discharged is a greater tribute to the officers and ratings of the Service than any other which might be paid. The facts and deeds stand for themselves, and have, in this writer's opinion, yet to be surpassed by any marine preventive organization.

The assistance of the United States Coast Guard in the discharge of these duties is appreciable, as is the reciprocal assistance received by the Coast Guard from the Marine Section. Under an agreement between the two services completed a few years ago, a high state of co-operation now exists, to the mutual benefit of both. The results of this co-operation are most gratifying, and strikingly demonstrate in this troubled world what can be accomplished by two friendly nations towards the solution of a problem affecting the welfare of both countries.

Lack of space precludes the enumeration of the description in detail of many of the Marine Section's duties. The remaining duties in the direction of law-enforcement of the Excise, Fisheries Protection and Shipping Acts, together with some degree of co-operation with the Land Force in respect to the enforcement of certain provincial enactments from a marine angle.

The saving of life, and the answering of distress signals always provide heavy duty for the Marine Section—particularly during the winter months. Distress calls are received on an average of about 70 or 80 annually. Life and property have been saved, and rescues effected in instances far too numerous to mention, and often under conditions calling for the most consummate seamanship, and for a high degree of seaworthiness in police cruisers. A glance at any Annual Report clearly will illustrate the nature and extent of this service. Most cruisers in the Marine Section have to their credit long lists of rescues effected at sea, and the letters received from time to time from various persons involved make the most gratifying reading.

A variety of less important duties are undertaken occasionally by police cruisers. When the more important duties permit, which is seldom, regattas and other such occasions are policed, and members of the Land Force sometimes transported to certain remote places not otherwise accessible, such as the Magdalen Islands. Marine Section duties on shore, except in the Marine Depot, are virtually non-existent. The exception to this is the carrying out of beach-searches, a number of which are undertaken when opportunities occur.

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This short summary may give some indication of the Marine Section and its activities as an integral part of the Force. For the Marine Section is a part of the Force, an important, component part of a great modern police organization. Vastly different by reason of its duties and the conditions under which they are performed, in other ways it closely resembles the Force itself. Both are actuated by a deep conception of the ideal of the "faithful, diligent and impartial" enforcement of Canada's Laws; an ideal which has brought lustre to the Force and to the Country.

R. C. M. Police Dogs

AS AN illustration of the degree of efficiency that can be attained in the training of German shepherd dogs for police purposes, a series of interesting photographs of four-footed members who are enrolled in the Royal Canadian Mounted Police, is published on our centre picture supplement, in this edition of the magazine.

All the dogs shown have been handled by members of the R.C.M. Police, especially detailed for this type of duty. While the photographs, for the most part, depict the dogs in the act of clearing obstructions which might be met with in the course of pursuit, they are all also qualified in the necessary essentials of their work and are able to overtake, disarm, and stand guard over escaping criminals until assistance arrives. Apart from this more aggressive type of duty, each of these dogs has rendered valuable assistance in the tracing of missing persons, such as lost children. Regimental No. K-20 "Dale," in regard to whose work of this nature, previous accounts have appeared in the Magazine, has already been awarded the "Diploma of Honour" of the Dog World of the United States. Fondly regarded with respect and admiration by the population of the Province of Alberta where, in the past, his value has been so clearly proved, he is continuing to add to his laurels day by day.

The two other dogs, "Tuff", and "Tell", whose pictures appear in our supplement, are also numbered among the better known members of our canine comrades and while they have not as yet gained general acclaim by their prowess, as has "Dale," they have a great many friends among the youthful human fraternity with whom they come in contact—and probably some very sincere enemies also among the more nefarious elements of the community, whose evil deeds they defeat by purposeful action when called upon to do so.

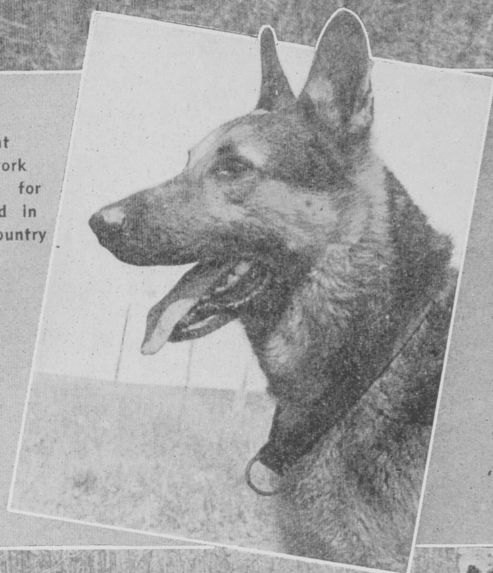
"Dale"—"Black Lux" and "Sultan" (whose portraits unfortunately are not available as we go to press)—"Tuff" and "Tell" are all leaders in their particular sphere of the animal kingdom and are breaking the trail for the younger recruits "Chief", "Pal", "Cuno", and "Perky", the Doberman Pinscher.

While the number of dogs enrolled in the ranks of the R.C.M. Police is not large at present, the strength is continually being added to and with the present highly trained nucleus to work with, a most competent canine staff should soon be at our disposal to step squarely in the footsteps of their seniors and to assist in frustrating the activities of those persons who wreak crime and disorder upon their more peaceful and honest contemporaries.

Anyone watching these dogs at work during the course of their training may well wonder at the high degree of mental acumen and diligence displayed. One admirer, it is said, was disappointed some time ago when told that "Dale" did not have to compete in the usual examination for recruits, prior to enrollment in the Force!



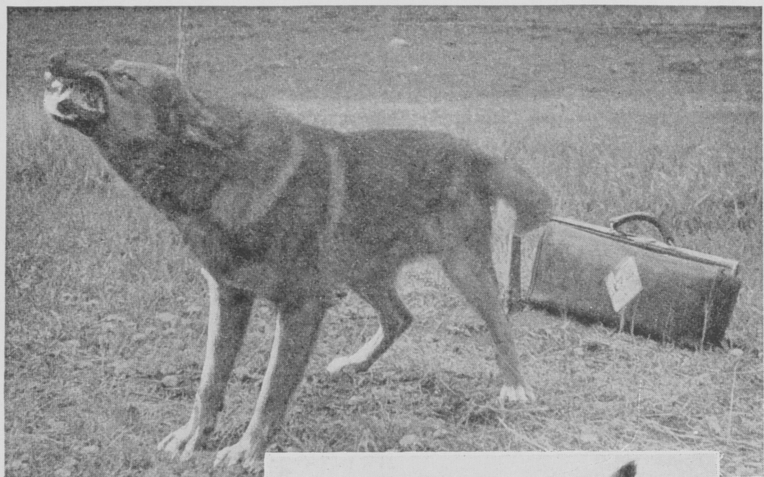
Top—
"Tuff" at
actual work
searching for
lost child in
rough country



Centre—
"The Silent
Partner"
Reg. No. K20
'Dale of Cosalta'
ex "Lady of Gold
Bond" and
"Champion Derich
of Cosalta"



"Tuff" at finish of the trail, having
found lost child, gives tongue to guide
searchers to location.



Top—
"Tell" having
been ordered to
guard a cache
of stolen goods
obeys his
instructions!



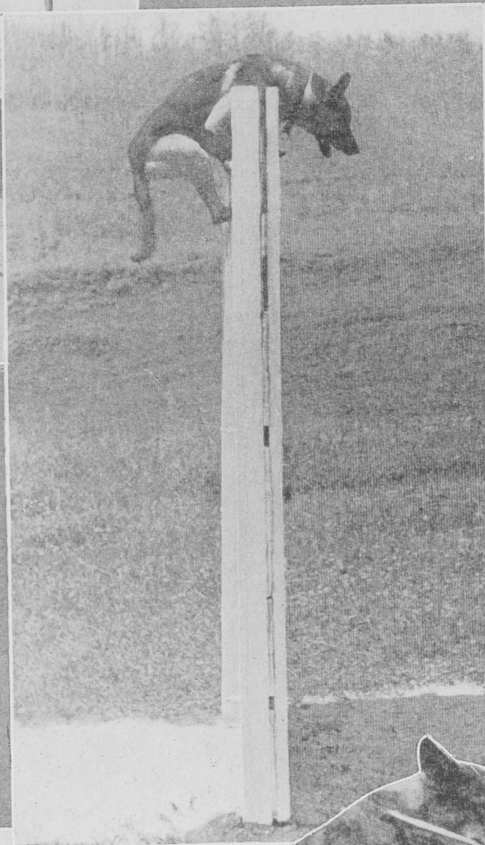
Centre—
"Tell"
descending
steps of
high plat-
form

Right—
"Tuff" clearing
five foot brush
jump

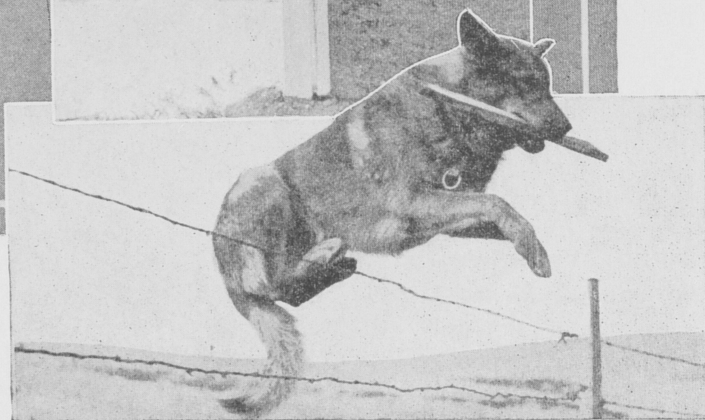




"Over the Top"



"Tuff" over
eight foot
board jump



"Tell" retrieving
over five strand
barbed wire fence.

Rex vs. Sinnisiak

(An Eskimo charged with the murder of Rev. Pere Rouviere at Bloody Fall on the Coppermine River near Coronation Gulf on the Arctic Ocean, in November, 1913).

BEFORE The Honourable Chief Justice Harvey, and a Jury, at Edmonton, Alberta, August 14th, 15th, 16th and 17th, 1917.

Mr. C. C. McCaul, K.C., for the Crown.

Mr. J. E. Wallbridge, K.C., for the accused.

MR. McCaul: May it please Your Lordship, and Gentlemen of the Jury: It think it is proper to explain to you, in the first instance, how these men, who have been brought down from the extreme north of the North West Territories, from the shores of the Arctic Ocean, come to be tried in the Province of Alberta. Provision is made in the Criminal Code to this effect that offences committed in any part of Canada, not in a Province duly constituted as such, and not in the Yukon Territory, may be enquired of and tried within any District, County or place in any province so constituted, or in the Yukon Territories, which may be most convenient. Then the Court proceeds in the same manner as if the crime or offence had been committed in the province, in this case in the Province of Alberta.

In the early days of Canada in the Reign of George III, there was a very similar Statute in force relating to what was then known as Prince Rupert's Land and Indian Territories, by which the Courts of Upper Canada and Lower Canada were given jurisdiction to try offences committed in those far distant territories in very much the same way as this Court has got jurisdiction to try the particular offence which you are here to enquire into today. There was a very celebrated trial held in the year 1818 in the City of Montreal, of two men, Charles de Reinhart and Archibald McLellan, who were brought down from away up in the Far West, probably from the neighborhood of Fort Carlton. They were brought down and tried at Montreal before Chief Justice Sewell. Any person who is sufficiently interested can easily get the report of their trials, which was published in book form at Montreal.

So you can see that the trial upon which we are about to embark now is a very extraordinary one, a very important one, a trial which is really historic, a trial which is absolutely unique in the history of North America, not only of Canada, but I think I am right in saying in the history of North America. The long arm of British Justice has reached out to the shore of the Arctic Ocean, and has made prisoners of two of the aboriginal inhabitants of the Arctic shore, suspected of having committed the crime in question. It has investigated the circumstances, brought the prisoners before a Justice of the Peace who has committed them for trial, and it has brought them out all this long distance, a journey of nearly three thousand miles, to the capital city of Alberta, to be tried before the Chief Justice of the Province, and a jury of our own Canadian citizens, to be given here a fair, impartial and public trial. The entire public have access to the court-room so far as the court-room is able to accommodate those who wish to attend to see how justice is administered.

The main instrument of justice in the investigation of the crime and in effecting the arrest of the supposed criminals has been in this case, as it has been in so many cases, the Royal North West Mounted Police. You will have presented to you the whole story relating to their arrest from the time the police first got information leading them to suspect that these two priests, who had not been heard of for two years, had met with foul play, had come to their death in the "Barrens" bordering on the Arctic Ocean. You will have before you a thrilling story of travel and adventure in lands forlorn, and I am quite sure that after you have heard all the story you will agree with me that too much credit cannot be given to the young police officer who is here, Inspector LaNauze, for his discretion and for his splendid courage in effecting their arrest. Inspector LaNauze was loyally assisted by Corporal Bruce who is likely to be one of the witnesses, and also by Constable Wight. Corporal Bruce came all the way down the Coast from Herschel Island to the mouth of the Coppermine River, while Constable Wight came overland from Fort Norman, with Inspector LaNauze, travelling, "tracking," up the Bear River, crossing Great Bear Lake, thence over the Divide, and down the Coppermine to its mouth in Coronation Gulf. Inspector LaNauze also received support from Special Constable Ilavinek, the Eskimo interpreter, who will probably also be one of the witnesses. Later in effecting the arrest of the second prisoner he had the assistance of this boy, Patsy, half Norwegian and half Eskimo. You can imagine this little expedition starting from the base at Fort Norman and making their way to the shores of the Arctic Ocean; within twenty-seven days from the time they arrived they not only learned the whole story of the slaughter of these priests, but discovered the names of the two Eskimos who had killed them, effected their arrest, brought them before Inspector LaNauze, the magistrate at Bernard Harbor, and had them committed for trial. All this was accomplished as I have said in less than a month.

I have said this is an extraordinary trial. It is extraordinary in this particular way: the arrest by two or three policemen—*peace officers*—not soldiers—*peace officers*—of the two particular individuals, and of these two particular individuals only, out of the whole tribe of the Eskimo, among whom Father Rouviere and Father LeRoux had been working and extending their missionary efforts. Contrast that with what would have happened if white men elsewhere had been massacred by a tribe of savages: there would probably have been only one or two who had effected the actual killing—let us say in Central Africa, in Borneo, in the Phillipines, or in Mexico or in (a few years ago), the Western States of America. Contrast the different methods, I say: here, with us British Justice reaches out to the shore of the Arctic Ocean and has picked out of the offending tribe two *individual* men; it says: You two men are responsible for these deaths; we do not want anything to do with the rest of the tribe; we have picked the two individuals who we hold to be responsible. What would have happened in the other cases I have referred to? *Retributory* justice would have dispatched a military force, a punitive force, against the tribe. *Retributory* justice would have sent a punitive expedition and the tribe would have been decimated as a result, possibly exterminated.

This appears to me an extraordinary instance of the fairness of British Justice and of the peaceful instead of the warlike methods in which it operates.

I have said that this trial is an important trial. It is important particularly in this. The Indians of the Plains, the Blackfeet and the Crees, and the Chippeweyans and the Sarcees and the Stoneys have been educated in the ideas of justice. They have been educated to know that justice does not mean merely retribution, and that the justice which is administered in our Courts is not a justice of vengeance; it has got no particle of vengeance in it; it is an impartial justice by which the person who is charged with crime is given a fair and impartial trial, and it is only after, a judge—in this case, the Chief Justice—learned in the law, presiding, a jury chosen with care from among representative citizens, with expert counsel assigned to the prisoner, that we attempt to urge a conviction for the crime charged: and it is only after a conviction by such a trial that punishment can be awarded.

These remote savages, really cannibals, the Eskimo of the Arctic regions, have got to be taught to recognize the authority of the British Crown, and that the authority of the Crown and of the Dominion of Canada, of which these countries are a part, extends to the furthestmost limits of the frozen North. It is necessary that they should understand that they are *under the Law*, just in the same way as it was necessary to teach the Indians of the Indian Territories and of the North West Territories that they were under the Law; that they must regulate their lives and dealings with their fellow men, of whatever race, white men or Indians, according to, at least, the main outstanding principles of that law, which is part of the law of civilization, and that this law must be respected on the barren lands of North America, and on the shores of the Arctic Ocean, and on the ice of the Polar Seas, even as far as the Pole itself. They have got to be taught to respect the principles of Justice—and not merely to submit to it, but to learn that they are entitled themselves to resort to it, to resort to the law, to resort to British Justice, and to take advantage of it the same way as anybody else does. The code of the savage, an eye for an eye, a tooth for a tooth, a life for a life, must be replaced among them by the code of civilization. They must learn to know, whether they are Eskimo or not, that death is *not* the only penalty for a push or a shove, or a swearword, or for mere false dealing; that for these offences our civilization and justice do not allow a man to be shot or to be stabbed, to be killed or murdered. They have got to learn that even if slight violence is used it will not justify murder, it will not justify killing, and they must be made to understand that Death is not “the only penalty that Eskimo know” or have got to know. If that is their idea, their notion of justice, I hope when the result of this trial is brought back to the Arctic regions that all such savage notions will be effectually dispelled.

This is one of the outstanding ideas of the Government, and the great importance of this trial lies in this: that for the first time in history these people, these Arctic people, pre-historic people, people who are as nearly as possibly living today in the Stone Age, will be brought in contact with and will be taught what is the white-man’s justice. They will be taught that crime will be swiftly followed by arrest, arrest by trial, and if guilt is

established, punishment will follow on the guilt. You, gentlemen, can understand how important this is: white men travel through the barren lands; white men live on the shores of Bear Lake; white men go to the shores of the Arctic Ocean; and if we are to believe the reports of the copper deposits near the mouth of the Coppermine River, many white men more may go to investigate and to work the mines. The Eskimo must be made to understand that the lives of others are sacred, and that they are not justified in killing on account of any mere trifle that may ruffle or annoy them.

Just as it is possible today for any white man to travel through the country of the Blackfeet, or the country of the Crees, or the country of any of our own Indians, under the protection of the aegis of justice, so it becomes necessary that any white man may travel in safety among the far tribes of the North.

The Eskimo with whom we are dealing as I have said, are practically the Eskimo of Coronation Gulf, and of the surrounding parts of Victoria land; they are an uncivilized race; a prehistoric race. Coronation Gulf is this large gulf here. This is the shore of the Arctic Sea (indicating on map). This is Great Bear Lake, and this land is known as Victoria land, or Victoria Island. Extending far over on the far side of Davis' Strait we have the Island of Greenland or Peninsula of Greenland, whichever it may be; and here is Hudson Strait, and here is Hudson Bay, and Davis' Strait passes through to the North.

Now, the Eskimo of Greenland are, to great extent, civilized. They had the lessons of Christianity brought to them even as early as the year A.D. 1000, by Olaf Erickson. Greenland is under the jurisdiction of Denmark. It is to all intents and purposes a Danish possession, and Greenland is divided into districts and they have overseers. If any persons are under the impression that the Eskimo of Canada are a small and insignificant tribe, it is important that the jury and every other person should have that notion dispelled. There must be many thousands of Eskimo. They are found on the shores of Labrador, out almost as far as Newfoundland: they are found all through, the Territory of Hudson Bay, on the Strait and on the shores of Hudson Bay: they extend on both sides of Davis' Strait, all through Baffin's Land, all through these coasts: they are all through these Arctic Passages and Gulfs: they are found in Boothia Peninsula, and they are found on the Arctic shores of North America, extending clear across and around the North of Yukon Territory, around to Alaska, to the Behring Sea. I myself have seen the Eskimo in their kayaks, seventeen hundred miles up the Yukon River at Dawson City. They extend even further south than the mouth of the Yukon. There are known to be at least fifty "tribes" of Eskimo. You can thus see the importance of this trial and that the ideas of justice which we hope to inculcate are not to be confined to some small tribe of people.

The Eskimo with whom we are dealing principally are known as the Copper Eskimo from the fact that they reside in the neighborhood of the mouth of the Coppermine River, in Coronation Gulf. The scene of this tragedy lies in the circle that I am drawing here, showing Coronation Gulf, the Dismal Lakes which are in the neighborhood marked there. It was whilst struggling to extend the knowledge of the Gospel to these Eskimos that

these priests, Roman Catholic missionaries, Father Rouviere and Father LeRoux met their death: a homicide with which the prisoners are charged. It was there and under those circumstances that they became martyrs to their faith. History, gentlemen, is repeating itself. Hard on the footsteps of the explorers in North America have always followed the Roman Catholic missionaries. Our own Canadian history furnishes us with many examples of their courage, their fortitude and martyrdom. The Jesuits, in the early days of North America, and of Canada, were conspicuous for their missionary zeal, and to us in the West the names of Pere Nicolet and Pere Hennepin who were tortured and burned to death at St. Anthony's Falls, where Minneapolis now stands, are household words. But there were others—the Sulpicians, Recollets, Ursulines—who labored among the savage tribes of Canada, and many of them were put to death by the Iroquois among the Hurons on the shores of the Great Lakes, at Michilimackinac, at Detroit, of which you all are doubtless more or less familiar. These two unfortunate Roman Catholic missionaries go off into the barren wilderness a thousand miles or so from their base into the wilds alone among these savage tribes. No white man lives there; there are no means of communication, no telegraphs, no mails: they entrust their lives to the good faith of the tribes among whom they are working.

For the past fifty years or so the Roman Catholic missionaries of our great North West Territories have belonged mostly, if not entirely, to the Order of the Oblates, a missionary order of Roman Catholic priests. It was to this order that these unfortunate priests, with whose death the prisoners are charged, belonged. They belonged to the missionary diocese of Mackenzie. Bishop Breynat was their bishop, and under him was a priest to whom it was the duty of these missionaries to make regular reports by letter whenever they got the opportunity. It was their duty to seize the infrequent opportunities that offered of reporting to their superior officer by letter, and it was their duty also to keep a diary to be submitted to their superiors from time to time. We fortunately have, gentlemen of the jury, the last letters that were written by Father Rouviere and by Father LeRoux. One is dated on the 25th, the other on the 26th of August, 1913. They were killed in the following November. I propose to tender those letters in evidence to show what the intentions of the priests were at that date and where they were going. We fortunately have, and this was picked up on the scene of their cruel death—the weather stained and wind blown diary kept by Father Rouviere. That I also propose to tender in evidence, proving it by Father Duchausois who is here, the last entry being made about the end of October, 1913, within a day or two of their leaving the mouth of the Coppermine River on the fateful journey which terminated alike their mission and their lives.

Gentlemen of the jury, whether we agree or not with the dogmas and tenets of the Roman Catholic Church, all good Christians must acknowledge and respect the zeal and fervour, the courage and fortitude of these Catholic missionaries, and we can at least all agree that they were sincerely anxious to spread among the remotest tribes of the North the knowledge of God, and of the divinity of Christ, and the fellowship of the Holy Ghost. It was for the cause of Christianity, the cause of the Kingdom of God, that Father Rouviere and Father LeRoux laid down their lives. It is

in this Christian community, and before a Judge and Jury both sworn in the name of God to render justice, that the men charged with their cruel and dreadful death will have to be tried.

Now, I will try to explain to you what were the conditions and the surroundings at this time. If you travel North from Edmonton to Athabasca Landing, a hundred miles, if from Athabasca Landing you proceed three hundred miles to Fort McMurray, another hundred and fifty miles to Fort Chippewayan, another four hundred miles from Fort Chippewayan to Fort Resolution, on Great Slave Lake, from Fort Resolution some one hundred and sixty miles to Fort Providence, and descend the Mackenzie River another seven hundred miles, you will arrive at Fort Norman. Fort Norman is a Hudson's Bay Company's post on the Mackenzie River, at the mouth of a river known as the Bear River because it drains the waters of Great Bear Lake into the Mackenzie by which they eventually reach the Arctic Ocean. If then you proceed up Bear River and sail across the lake, a distance of some three hundred miles or more from the mouth of Bear River, you come to the head of Great Bear Lake to Dease Bay in the extreme north-east. Great Bear Lake is quite as big as Lake Ontario. Then proceed up the Dease River to its head, cross over the height of land to the Dismal Lakes. The priests had a shack on Dease Bay, and they also had a small post, a log shack at Imaerinik (Lake Rouviere) near the Dismal Lakes where the Eskimo were accustomed to come to from the coast on their regular hunts for cariboo. You know every person in this country not from choice but from necessity, must be a meat eater. You do not get any fresh vegetables in that country; every man lives by his rifle. Every white man carries his rifle, whether he is priest or sinner, ordinary citizen or policeman. He lives on what he shoots, and cariboo is the principal food of the Eskimo and consequently of the white man. Then having reached the Dismal Lakes, you follow down this little river called the Kendall River to the Coppermine, and thence down to the mouth on Coronation Gulf. On the way you would pass a point which is marked on the map as Bloody Fall. It was a few miles above Bloody Fall that the scene of the death of these unhappy men was situated. Bloody Fall was so named by a Hudson Bay explorer named Hearne, who, coming up from one of the Hudson's Bay Company's posts on Hudson's Bay, accompanied by a large number of Indians, reached the mouth of the Coppermine River and was the first white man to determine its latitude, the first white man indeed actually to see the waters or ice of this part of the Arctic Ocean. This was in 1771. The Indians he brought with him found, just as the priests found, just as the Mounted Police found, the Eskimo engaged in fishing at the mouth of the Coppermine River, with spears. The Eskimo, before Father Rouviere and Father LeRoux went among them were not educated in the use of nets, did not know what they were: the fathers taught them. Hearne's Indians, against his remonstrances and he was the only white man of the party, fell upon the unfortunate Eskimo and slaughtered them to the last man, woman and child. Hearne appropriately named this spot Bloody Fall. And now one hundred and forty years afterwards an awful tragedy is enacted there which would well justify, if it had not already received it, the name of Bloody Fall.

Those distances that I have given to you amount almost, as the crow flies, from Edmonton to two thousand two hundred miles. That is the locus with which we are dealing at the present time.

Now, there were two missionary priests belonging to this diocese of Mackenzie who were working in the neighborhood that I have already described to you. The first one to take up this Missionary work was Father Rouviere who we know, and I think my learned friend knows and will admit, began his labors in the year 1911, continued them in 1912, and in 1913 still continued his efforts to evangelize and civilize and christianize the Eskimo as well as the Great Bear Indians. In 1913 he was joined by another missionary, Father LeRoux. We know that on the 26th of August he reports to his superior at Fort Norman that they are about to go to the Dismal Lakes to join the Eskimo who have come up from the mouth of the Coppermine and Coronation Gulf to hunt for cariboo. From that point we have evidence of the actual presence of Father Rouviere and Father LeRoux with the Eskimo during their hunt in the fall of 1913. This man (indicating the witness) Koeha was there and saw the priests. He returned to the Coppermine River a short time before the main body of Eskimo did. But when the Eskimo came back to the Coppermine about the end of October, these two priests came with them to their camp at its mouth. We have evidence which is quite clear in regard to that. They remained there for two nights and two days, possibly one day more. They found that there was a scarcity of food and starvation apparently stared them in the face if they remained where they had arrived. The last date in the diary of Father Rouviere is shortly after their arrival they had reached the mouth of the Coppermine, and is on the 25th of October. The last page of the diary contains this paragraph—

MR. WALLBRIDGE: Well, now, Mr. McCaul,—

MR. McCAUL: Very well, if you have any objection.

I propose to tender in evidence the diary which I have just shown you, with the entries to which I have referred, but there may be some objection to its introduction which may have to be argued when the proper time comes. At any rate, we have this fact that the priests started back on their return journey by way of the Coppermine River towards their camp at Dismal Lakes. The night after they had started, two men, Sinnisiak and the other prisoner, Uluksak, in the middle of the night, with one dog but without any sled or grub, started up the same trail as the priests had gone. The priests had an Eskimo sled with four dogs. The explanation these men give of this occurrence—their departure in the middle of the night with one dog only and no sled or grub—is that they were going up in order to render assistance to any other Eskimo that might be coming back from the Dismal Lakes. They caught up to the priests the next day and found them struggling with their loaded sled. The priests offered them traps if they would help to pull their sled. I suppose you are aware—we will show it is a very customary thing—men and women as well as dogs work in the sleds in the Arctic Regions and these men undertook to assist the priests in pulling their sled. We will have the statement taken before Inspector LaNauze showing just exactly what took place. I am not going to detail it at the present time because I do not know whether my friend is going to object to the introduction of the statement in evidence or not. Probably it is as

well that I should not give the details of that until we produce the statements here. At any rate, these unfortunate priests the next day were killed and there is no dispute, I fancy, even between my friend and myself, that they were killed by the prisoner who is on trial here and by the other man, Uluksak, that day in November, 1913. The details of all of this will be laid before you as the trial proceeds. The prisoners returned after the death of the priests, one carrying a rifle and the other a 44 carbine, to the camp at Coppermine mouth, where the Eskimo had lived, where the priests had stayed with them, and from which Sinnisiak and Uluksak had started under the circumstances that I have mentioned to you. This man Koeha who is here was present when they came back. They told Koeha and the rest of the people that they had killed the priests and that they had taken their rifles. A man named Kormik got quite indignant with Sinnisiak over the rifle and took it away from him—so Koeha states. They told the whole revolting details to the assembled crowd, including this witness who will speak of it. They told, gentlemen of the jury, how, after they had killed these men, they ripped them open, tore out their livers and each ate a portion: this is the cannibalism to which I referred.

We come now to the intervention of the force of which we are justly proud in this country, the Royal North West Mounted Police. It was not until 1915 that information was received that induced the Mounted Police to believe that the missing priests—they had been missing for two years—might have met with foul play. Inspector LaNauze was sent out on a special patrol from Regina, accompanied by Constables Wight and Withers. After reaching Fort Norman, accompanied by the interpreter Ilavinek, they crossed Great Bear Lake and established a camp close to the ruins of Old Fort Franklin (Fort Confidence really) where Sir John Franklin had had a post away back in the early years of the last century. They remained the winter there. Then as soon as it was possible to travel Inspector LaNauze made his way up the same trail I have described to you as taken by the priests and the Eskimo over by Dismal Lakes to the Coppermine, and down the Coppermine to its mouth, and proceeded to make enquiries there. He arrived there on the last day of April or the first day of May. Enquiries were instituted amongst the Eskimo. There they met this man Corporal Bruce who, some months before as I indicated to you, had come down by the little schooner yacht "Alaska," belonging to the Canadian Arctic Expedition, to Bernard Harbor. Corporal Bruce had quietly picked up from this tribe a large number of articles which will be identified by Father Duchausois as belongings of the priests: crucifixes and other such things. Eventually they learned the name of Sinnisiak as being one of the persons who had done the killing. Then follows the thrilling story of the arrest. They learned that Sinnisiak was probably in the neighborhood of Victoria land: the sea ice was still solid and they travelled over the ice to Bernard Harbor. From here the small party set out for Victoria Island, a trip which occupied, I think, two and a half or three days, camping on the ice. They discovered deserted snow villages where the Eskimo had camped; they followed the trail from one village to another until they saw the skin-tents of some Eskimo—the summer tents—quite close to the shore of Victoria Island. They had with them another Eskimo named Uluksak; the other prisoner we have here is named Uluksak; this guide's name is Uluksak Mayuk.

They went on to the village and after making enquiries, Uluksak Mayuk said he saw Sinnisiak's wife. Then afterwards they went around to his tent, the guide, Inspector LaNauze, Corporal Bruce and Ilavinek, these three men, the representatives of the Crown, and of the Dominion of Canada. They found this man Sinnisiak making a bow and promptly arrested him. Taking his wife with him part of the way to make things comfortable and pleasant for him, without hand-cuffs, or leg irons, threats or force, they returned with their prisoner to Bernard Harbor. Fortunately when they got there they got some information about an Island over here near the mouth of the Coppermine which led them to believe that Uluksak was among the people on this island. The police set out again for this island, and on their arrival, the people came down to welcome the party. One man hung back, did not seem inclined to come forward. They spotted him as Uluksak, found they were right, arrested him, brought him back to Bernard Harbor. Both prisoners, after the usual preliminary investigation at Bernard Harbor, were committed for trial. Constable Wight and Ilavinek then were sent back to the scene of the murder to take photographs and to see what they could find. They found there among other things which I will show to you, the diary I have mentioned. The prisoners, in charge of Inspector LaNauze and Corporal Bruce, were put on board the little schooner "Alaska" and taken to Herschel Island, where they were confined until Inspector LaNauze got instructions to bring them out here.

It is the duty of the Crown prosecutor to be fair in all things to the prisoners, but at the same time to put before you gentlemen, all the evidence that points to their guilt. I shall now proceed to put that evidence before you.

MR. WALLBRIDGE: I must take great exception to my learned friend's address to the Jury. The address has been unfair, and calculated to prejudice the Jury by reason of the inflammatory remarks of counsel and it seems to me it would be hardly right to proceed unless you empanel a new jury. He made remarks to the jury which I think were very, very unfair.

MR. McCAUL: I am quite willing to leave myself in your Lordship's hands. I think there is no inflammable language. I put the case quite simply, stating no facts not practically admitted; not common ground.

THE COURT: It is quite unusual to deal with such matters at the opening. Generally counsel merely outlines the case to show what evidence he is going to present. However, I think you can trust the jury on these matters.

THE COURT: The procedure you have adopted of laying the charges separately may prolong the case for some time.

MR. McCAUL: I considered that this case was of such very great importance that it was necessary that the whole matter should be enlarged on from the general point of view, instead of merely outlining the evidence. I have read reports of many, many trials in which the opening of counsel have occupied pages and pages. In this case I thought I would be quite derelict in my duty if I did not to the best of my ability, take pains and great care to open the case to the Court and Jury, even if at more than the usual length.

Court adjourned till 2 o'clock P.M. today.

2 o'clock P.M., August 14th, 1917.

Court met pursuant to adjournment, and the trial of the above entitled action was resumed as follows:

MR. WALLBRIDGE: My Lord, before my learned friend proceeds with the evidence, it seems to me that his remarks to the Jury, that is that there was one offence committed, alleged to have been committed, by two men against two other men, that there should be one trial. His remarks to the jury did not show two offences. They showed rather the reverse, that there was one crime committed, if there were any crime at all. It seems to me, from the opening statement, there should be one trial.

MR. MCCAUL: If there were any objection of that sort it should have been taken at the beginning, besides the undoubted right of the prosecution is to charge each one separately.

THE COURT: Mr. Wallbridge knows something about what the evidence was at the preliminary. I had certainly supposed there would be only one trial, but I know nothing of the details. However it is a matter over which the Crown must be given a certain amount of discretion, but I would urge that no unnecessary time be taken.

MR. MCCAUL: Quite so, my Lord. Your Lordship will doubtless see, as the case develops, the reason why the charge is laid against this one prisoner and why this particular charge is laid.

NOTE:—The prisoner Sinnisiak was acquitted by the Edmonton jury on the charge of murdering Father Rouviere. The venue was changed to Calgary, and the prisoners were charged jointly with the murder of Father LeRoux. They were found guilty, and sentenced to be hanged. This sentence was almost at once, after the Chief Justice had officially reported to Ottawa by telegraph, commuted by the Governor-General-in-Council to life imprisonment at the Mounted Police guardroom at Herschel Island.

The Force Abroad

Letter to *Canada's Weekly* (London)

—Sir:—As an English visitor to the Empire Exhibition in Glasgow and an admirer of your Canadian Pavilion, may I say with what interest I noted the admiration shown by the populace for the members of the Royal Canadian Mounted Police, one of whom was stationed at each side of the entrance. They have as much attractiveness for the mass of the people, and especially the young, as have the Horse Guards on show in Whitehall, and it amused me to watch with what interest, and almost affection, they seemed to be regarded by those passing in and out of the pavilion. They seemed from their attitude and conversation to be as much the friends of the stranger as are the London police.

You Canadians yourselves are evidently aware of the magnet of the "Mounties" in your community, for I saw the other day that the head of a typical Mounted Policeman is to be used as a trademark to indicate Canadian goods of the highest quality. It would surely be difficult to hit upon a happier thought for the Mounted Police have always been regarded and admired as "Canada's best".

Yours, etc.,

A BRITISHER.

Liverpool, May 7.

Ottawa Journal, 8-6-38.

The Photographic Branch, Ottawa

by SPECIAL-CONSTABLE JOHN G. DICKSON, *Photographer-in-Charge*

THE ROYAL Canadian Mounted Police Photographic Branch, situated on the sixth floor of the Justice Building, in Ottawa, occupies three air-conditioned rooms, having an area of approximately one thousand square feet. The Copying Room, Dark Room, and the Enlarging and General Work Rooms, all leading to a private corridor admitting ample daylight, form a most convenient plan for the execution of photographic work.

The Copying Room

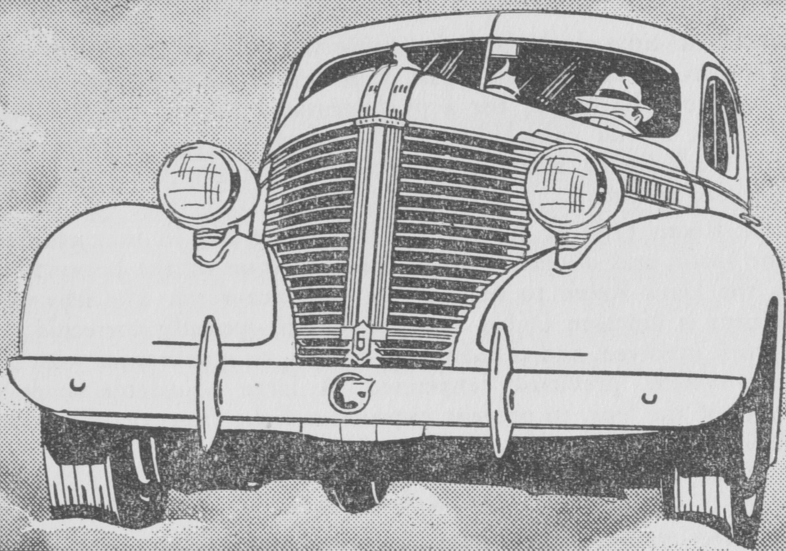
The Copying Camera

The large copying camera, located in this room, is capable of making photographic copies from the smallest size, to twenty by twenty inches, of reducing to about one seventh original size, and of enlarging slightly more than two diameters.

The copy board accommodates any material up to twenty-eight by thirty-six inches, and is hinged, being fitted with high-grade glass. The cover is raised to place the copy on the board, which is ruled for positioning, and so remains until released by the operator. The board is pressed against the glass by means of springs, and when the cover is lowered, the frames automatically lock together. The board is then tilted vertically, in alignment with the front and back of the camera.

The camera is completely equipped, designed for accuracy, and enables the photographer to greatly simplify the tedious work of focussing. A proportioning-scale gives the proportion of any part of the copy at any change in size of the original, and in this way many negatives are saved, as the originals are grouped in accordance with the reduction sizes. When the front or camera dial has been set, the rear or copy board dial is turned to the same classification, and the focus is then accurate as to size and sharpness, the entire operation of securing perfect focus requiring only about five seconds. The instrument is made of heavy aluminum, with machined parts, including the stand, thus maintaining the camera in correct relation to the board at all times. The machine moves on rollers, very easily and quickly. The tracks are made of steel, and machined, a steel rack running along the tracks, and on the rack is a steel gear which operates the hand on one of the dials. This type of construction gives accurate reading of the dials, as there is nothing to be affected by climatic changes.

In operating the camera, the photographer enters the adjoining Dark Room, where the camera-back with its film holder protruding, fits into a light-tight opening in a partition. The hinged back of the holder, illuminated from above, is opened, and a film is placed upon a specially prepared tacky surface, marked with standard sizes of film, and the back closed. On the lens board of the camera is a timing device which operates the shutter behind the lens when set for exposure time and when the exposure is completed, the shutter closes, ringing a bell. This relieves the operator from standing by the camera while extended exposures are being made, and prevents him from forgetting the duration of the exposure.



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The automatic time-clock, placed outside the Dark-Room door, near the camera, is then set, turning on a pair of powerful arc lights which illuminate the copy on the board, for a predetermined period, and are then automatically shut off on completion of the exposure. The operator then returns to the Dark-Room, removes and processes the film which has been exposed a moment before.

The Dark-Room type of camera is most convenient in use, avoiding waste of floor space, and dispensing with transportation of the heavy film-holder from the Dark-Room to the camera, and vice-versa. The lens used with this camera is nineteen inches in focal length, specially corrected for the type of work involved, and fitted to the camera, to synchronize with the dial focussing system, previously explained. A large adjustable shade is placed in front of the lens, to prevent extraneous light from the arc lamps causing loss of definition in the photographic copy.

The Dark-Room

Miscellaneous Equipment, Lighting and Lay-out

The Dark-Room is equipped with a lead-lined sink, about two and a half feet by nine feet, fitted with cypress wood racks, which are impervious to moisture, directly facing the back of the copying camera, which projects into the copying room, just described. To the left and right of the rear of the camera, on tables, are two cabinets, accommodating accessories and the photo-engraving screen, to be mentioned later. At the extreme end of one of the tables there is a hinged box for the storage of film in current use, and it is only the work of a moment to select film and insert it in the holder.

Over the sink, on brackets, are two large safelight lamps, indirectly lighted, with wall receptacles containing several flashlights, which are sheets of colored glass, spectroscopically tested, to ensure safety in processing film, thus avoiding spoilage of material through fogging, the color of the safelights employed depending on the sensitivity and speed of the films being treated. At one end of the sink is a large viewing-light-box, with opal glass, the light in which is controlled by a foot-treadle and switch under the sink, enabling the operator to examine wet material without spilling chemicals or water on the floor. On the sink-racks are placed developing, fixing and washing tanks. Four water taps are conveniently distributed throughout the length of the sink. The non-photographic illumination consists of two bulbs in opal ceiling shades, while the general photographic lighting is by means of two safelight lamps suspended by chains about ten feet from the floor, all switches being conveniently placed over the sink for ease of control.

Film Drying Cabinet

An electric drying cabinet, capable of drying films and glass plates in approximately fifteen minutes, is located in the Dark Room. The drying of these materials is of great importance, as they must be dried in warm air, constantly changed, and free from injurious dust particles which would settle on the film. The factors of speed and privacy, especially when photographs of secret documents are involved, make the drying cabinet a necessity. To the right of the sink, are a whirler and electric dryer which are used

to evenly coat and dry sensitized metal plates, employed for reproduction in publications.

Half-Tone Photo-Engraving Screen

Where graduations of tone are desired, a circular half-tone photo-engraving screen is employed in the camera, the various tones being obtained by printing solid dots of different sizes, which are small enough to be not easily visible to the naked eye. The photograph is broken up into dots by the photo-engraving screen, which consists of two pieces of glass, of the finest quality, with parallel lines ruled on them. The glasses are cemented together, so that the lines cross at right angles, forming a cross-line pattern, the lines being black and opaque, and the spaces between them the same width as the lines.

Each opening in the screen throws a tiny spot of light on a sensitized film, and each spot is brightest at the centre graduating to darkness at the edge. Each spot is really a diffuse pinhole image or picture of the aperture through which light is admitted to the lens, known as the "stop" or diaphragm, familiar to amateur photographers.

The screen covers the photographic surface with a pattern of thousands of light spots, and over this pattern the lens projects the image of the copy, made up of light and shade. Where the shadows fall, the light spots from the screen are weak and where the highlights fall, the light spots are bright. Examination of a newspaper picture will reveal the presence of dots entirely covering the picture, and assist in explaining the principles here discussed.

Enlarging, Printing and General Work Room—Miscellaneous Equipment—Lay-out, Lighting, Etc.

This room, located at the west end of the private corridor, houses the Enlarger, Dry Mounting Press, Vacuum Printing Frame, Pump and Motor, Printing Arc Lamp, Contact Printers, Photo Copying Machine and other accessories, to be mentioned in detail below.

A lead-lined sink, about three feet by nine feet, fitted with cypress racks, over which are four water taps, and a leaded developing bench occupy most of the east wall. Six safelight lamps, four suspended from the ceiling, and one each placed on brackets over the processing bench and sink, take care of the photographic illumination, while a viewing-light box (with foot treadle and switch under the sink) is located directly over the fixing tank for convenience in the examination of wet film or prints. The general illumination is in the form of ceiling lights in opal shades, and four wall pull-chain lights. The floor, in common with the other floors in the Photographic Branch is covered with heavy linoleum, waxed, making a surface easily maintained, and comparatively free from dust.

The Enlarger

The Automatic Enlarger resembles a large vertical camera, surmounted by a dome-shaped reflector, and is supported by two strong steel swinging arms, attached to an upright standard. Under the enlarger is a bench fitted with a sliding table bearing a paper holder, resembling a hinged picture frame, with adjustable metal arms, which keep the photographic paper perfectly flat during exposure, dispensing with pins.

The negative holder, accommodating negatives up to eight by ten inches, and sliding metal masks, are located under the rim of the reflector, in which is placed a one-thousand watt bulb. The weight of the Enlarger is so counter-balanced that it swings up and down without effort, and as the instrument is raised or lowered, the projected photographic image expands or contracts in a manner that is remarkable, because it is always sharp and clear, and ready for printing. An anastigmat lens, of high optical efficiency, speed, definition and covering power, specially corrected for enlarging, is employed. The mechanical equipment of the Enlarger is unusual, and the simple appearing device that makes enlarging with it possible, is in reality an instrument of the greatest mathematical precision. It consists of a cam and gear, the gear controlling the movement of the lens in relation to the negatives, and the cam controlling the movement of the gear, as the machine is raised or lowered to alter the size of the enlargement. With this Enlarger it is possible to make an enlargement forty by fifty inches in size, and it is also capable of making photographs the same size as the negatives it accommodates, eight by ten inches.

The Reducing Attachment

The upper part of this instrument is attached to the lens board of the Enlarger after the regular Enlarger lens has been removed, and makes reduced photographs from an eight by ten inch negative, to approximately the size of a pictorial postage stamp. It has many uses, one of which is the production of lantern slides requiring fine detail, from large negatives already on file, avoiding the expense and work of retaking. The making of lantern slides by this method renders them absolutely sharp and distinct. The machine consists principally of a bellows fitted to a frame to which a lens is attached, the whole sliding up and down on a graduated metal support, and a board holding photographic paper or lantern plates, upon which the reduced image is projected.

Vacuum Printing Frame, Pump, Motor, and Printing Lamp

The Vacuum Printing Frame is placed on a table, under which is an electric motor and pump. The frame has a heavy beaded rubber sheet or blanket, in one corner of which is a nozzle fitted to a rubber tube, leading to the pump below. In use, a paper negative or sheet of sensitized metal is placed in the frame, in contact with other sensitized sheets, the frame is closed, swung to a vertical position, and the motor and pump started at the turn of a switch. Under vacuum of about twenty-eight inches, shown on a vacuum gauge, the two sheets are brought into perfect contact. Another switch turns on a powerful twin-arc lamp about thirty-six inches distant from the frame, and in a given time, varying with the material employed, the printing is accomplished.

The Photo Copying Machine

The Photo Copying Machine is an instrument for the production of photographic copies without the use of a camera. It is a metal box-like machine about twenty-five by twenty-eight inches, by about a foot deep, fitted with a hinged felt-covered lid, which is clamped with a locking device. Upon raising the lid, a sheet of thick deep yellow celluloid placed loosely on the glass, is revealed. Under the glazed top are several electric

bulbs, serving as the printing-light source. By aid of a time-switch, the light is turned on, during printing, the average exposure being about fifteen seconds, and automatically turned off on completion of exposure. It is possible by variations in positioning of the original document and sensitized paper relative to each other, to make paper negatives with type-written, hand-written, printed or drawn matter reversed laterally and in tone—with black background and white letters or lines; a readable negative copy; to make reflex negatives (when original documents are printed on both sides); and finally, to make an exact reproduction of an original from a paper negative printed on the machine in the first instance. It is chiefly used in the reproduction of birth, marriage and death certificates, letters and other material, the nature of which does not warrant the expense of reproduction by the usual camera method, employing film and paper.

Contact Printers

Two contact printing machines are in constant use. The larger of the two operates on a principle comparatively new to printing devices, using a single concentrated projected light which gives good printing speed and clarity. In the printer, three lamp sockets on a movable fixture are so arranged that any one of three lamps may be moved into position in front of a reflector, which projects the light to the printing surface. The platen or lid is made of two heavy pieces of red cellulose acetate, attached to metal plates, and the platen is rubber-studded to make positive contact between negative and paper. When the platen makes the contact with the negative, a reflecting mirror is automatically brought into position and a mercury-tube switch lights the bulb, making the exposure. A mogul-base socket carries a 1000-watt lamp, while the two remaining sockets hold 250 and 500 watt lamps. This obviates the use of a rheostat and enables one to change the light to suit the density of the negative and speed of the paper being used. The printer possesses many features of value, too numerous to detail. The machine is made entirely of steel, thus avoiding any danger of warping, and is capable of printing photographs up to twelve by fifteen inches. The other printer will print from films or plates up to eight by ten inches, and print openings from thirty-five M.M. to eight by ten inches, are made by four metal masks. Unwanted parts of the negative are quickly masked out by sliding the masks, which are held in place by means of screws.

The Print Dryer

This machine, of metal throughout, the chromium-platen of which measures about twenty-three by twenty-five inches, is used to dry either glossy or matte-surfaced photographs in from three to ten minutes, depending on the thickness of the paper. The platen is heated by electricity, controlled by a three-way switch. A linen cover, attached to the rear of the machine, and in front to a metal rod, is pulled over the photographs, and securely held by means of notches in front of the dryer. When the linen cover is no longer damp to the hand, it is raised, and the dried prints removed.

The Rotary Print Washer

The Print Washer, twenty-five inches in diameter, is of stainless steel, and operates on the rotary principle. Water, under moderate pressure, flows through fine openings in two tubes, at a sharp angle, creating a series

of sprays, causing the inner pan to revolve at the rate of about twelve revolutions a minute. The washer accommodates all sizes of photographs up to eleven by fourteen inches, and can thoroughly wash prints in about twenty minutes, the duration of time depending upon the quantity, thickness and size of the photographs. A device at the side of the machine adjusts the depth of the water, and also serves as an outlet, leading to the sink.

The washing of prints is of the utmost importance, in order that hypo be removed from them, avoiding stains, the formation of which at a future time after processing causes fading.

Trimmers

Two metal trimming machines are in use, one fifteen inches, and the other twenty inches wide. Consistent accuracy is the chief merit of these trimmers, and the self-sharpening knives of tempered steel are so shaped and fitted as to cut with perfect registry. The metal beds are marked in half-inch squares, brass rulers are attached to the beds, and transparent trimming gauges are included to facilitate the trimming of photographs with white margins.

Dry Mounting Press

The importance of mounting photographs that will remain flat is often not realized until after the usual methods of using paste, glue or other adhesives have failed. The Dry Mounting Press is a machine of heavy metal construction, having a removable bed, and an upper platen operated by a handle at variable pressure. In use, the electric switch is turned on, and remains at "full" until a thermometer attached to the instrument, reads approximately 225 degrees F. The switch is then turned to "low" and the heat maintained at about 185 degrees F. A photograph is placed face down on the bench and a sheet of specially prepared tissue, a trifle larger than the photograph, is tacked by applying the point of a heated tacking iron, supplied with the Press.

The photograph is turned face up and the print and tissue are trimmed to the required size. Both are placed in position on a card or mount, and the point of the tacking iron is slipped between the print and tissue, and the latter is tacked to the card so that the photograph will not move when being placed into the Press. To operate the Press, the travelling bed is pulled out, the print and mount placed thereon, covered with thick cardboard, the bed replaced and the platen pulled down, and locked tightly. Pressure for a period of about thirty to forty-five seconds causes the photograph to adhere securely to the mount.

Make-Up Table

This is a metal-framed table, about thirty-eight inches in height, fitted with a heavy glass top, about thirty-four by forty-two inches, illuminated from below by means of five bulbs, and employed for spotting, retouching, and assembling films in preparation for printing upon sensitized paper or metal.

The Portable, and the Laboratory Finger Print Cameras

The finger print system is recognized and established as a reliable means of positive identification, and is based upon the practically imperishable

designs caused by ridge formations on the outer joints of the fingers, each design possessing peculiar characteristics incapable of duplication. As a means of reproducing finger print impressions, photography cannot be excelled, and for this work two finger print cameras are in use in the Photographic Branch. The smaller camera takes a photograph two and a quarter by three and a quarter, making it exceptionally convenient for general use, especially away from the Photographic Branch and is frequently employed in locations inaccessible to the larger type of camera, which requires a tripod, as well as means of illuminating the articles bearing finger print impressions.

Full-sized photographs of finger prints, of signatures, coins, etc., within the film dimensions, may be secured. The camera is equipped with four miniature electric bulbs, placed inside the instrument, and are automatically turned on and off, by operating a lever, while by means of a focussing panel the operator may see what will be included in the photograph. The lens is an anastigmat, 72 mm. focal length, which is fixed in the camera at such a distance as to render a full-sized photograph of the finger print, with good definition. The shutter mechanism is simple, and exposures of any duration may be made, although care must be exercised that the camera remains steady during exposure.

The Force possesses several of these cameras, all in constant use, the usefulness and versatility of which have recently been greatly extended through an ingenious adaptation devised by Sub-Inspector H. R. Butchers, Technical Officer of the Finger Print Section of the Royal Canadian Mounted Police, Ottawa. Through his system, each camera may be operated by means of batteries and 110 volt current, (the latter in conjunction with a transformer), at the will of the operator. The advantage of this dual system of illumination is apparent, when it is considered that in utilizing the camera fitted only with batteries, the operator is often uncertain as to their strength and they may be the means of spoiling exposures. Where house wiring facilities are available, 110-volt current is a more reliable form of illuminant than that from batteries, giving the photographer a feeling of security as to results. The only disadvantage of this type of finger print camera is its unsuitability for photography of finger prints on curved surfaces.

The Laboratory Finger Print Camera

The Laboratory Finger Print Camera taking photographs five by seven inches and smaller, used for the photography of finger prints on articles found at scenes of crime, may be utilized either vertically or horizontally. The camera is carried on a graduated bar, attached to a heavy base by means of an inclination joint, and placed on a heavy bench over a box lined with black velvet, for the photography of transparent objects, opaque articles being placed upon a removable base.

The lighting of the objects, always of importance, in order to secure the best results, consists of photoflood bulbs fitted in metal reflectors, capable of being moved in all directions.

Coarse focussing is obtained by the use of a plumb-bob suspended from the lens board, while fine focussing is done through the ground-glass focussing screen, a magnifying glass being employed for accuracy.

A highly-corrected lens of eight and a half inches in focal length in a rack and pinion focussing mount is used with this camera. By means of a perforated metal bar, devised by the author, and attached to the side of the camera, exact-sized images or reductions of any size are constantly obtained.

Field and View Camera and Accessories

This camera, taking a photograph eight by ten inches or smaller, is constructed principally of strong aluminum and weighs less than the older type of wooden camera. Its advantages, however, are not solely those of lightness and durability; it is much more versatile than the average instrument of its kind and has extremely wide adjustability. It is used in the taking of groups, interiors and exteriors of buildings, and for other purposes. The lens equipment consists of a long focus lens for the usual types of photography, and an extreme wide-angle lens for photography in confined spaces, both lenses being fitted in high-grade shutters. A metal lens-hood and a series of circular light filters, a number of double film-holders, carrying case, and an adjustable tripod complete the outfit.

Husky Serenade

Steadfast you stand, with slowly wagging tail
Front paws outflung and friendly fawning eye;
A pleasant picture, till you saddened wail
Your solemn song, at sunset, to the sky.

Pleasant you stand; it seems no human friend
Could hold the virtues of your doggy mind,
And yet, I wish I knew what you portend,
At even, when you serenade your kind.

Your gay brown eyes disprove the thought that grief
Could rack your soul as sundown steals the light,
And anger, as I've seen—past all belief,
You demonstrate with growls and eager bite.

And, as I know no fear conforms a part,
Of your brave soul, or any wanton thing,
My only ghastly thought is that your heart,
Is full of love and thus you soulful sing!

Had I the ear your doggy lady owns
To wax romantic at your fearful sound,
And feel a heartbeat at the ending moans,
That culminate your song, my singing hound

Then would I doubtless linger, all delight,
And drink it in; but as it is I keep
A weary, waking vigil, through the night,
While Morpheus, mocking, prods me as I sleep!

A Yukon Patrol

ON SATURDAY, February 12th, 1938, late at night, a certain Charles Linklater, a Yukon trapper, arrived at Old Crow Detachment and reported that an Indian named John Thomas—or alternatively, John Porcupine—and his family were starving in their tents on the Bluefish Lake, approximately 70 miles south of Rampart House, Y.T.

Linklater's story was to the effect that he and an Indian named Paul George and his 14-year-old son, had been camped with the Thomas family and had been in the same predicament. Their state had in fact been so bad that all their dogs had died, leaving them without any means of transportation. Fortunately they were able to get in touch with a white trapper, named Harold Ostrude, living approximately 30 miles distant from their camp. Ostrude gave the starving persons all his supplies and then with his dogs brought Linklater, Paul George and his son, and Charles Thomas—eldest son of John Thomas—to Rampart House to obtain assistance for the remaining members at the Thomas camp whom he was forced to leave behind. Obtaining a fresh team of dogs at Rampart House, Linklater then proceeded to Old Crow Detachment to obtain help and further supplies.

The only member of the R.C.M. Police at Old Crow at the time of Linklater's arrival was Corporal E. A. Kirk, the other member of the Detachment and the Special Constable being absent on another patrol, having taken the Detachment's dogs. Corporal Kirk was, however, able to obtain four dogs locally and the next day left Old Crow Detachment, accompanied by a trapper, named Paul Nieman. Corporal Kirk describes his journey to the camp of the starving Indians in the following words:—

"I left Old Crow detachment and accompanied by H. P. Nieman, driving his own train, started for the Bluefish Lakes which are some 70 miles south of Rampart House near the International Boundary and across the Black River divide. We were heavily loaded, carrying provisions for ourselves for ten days, dog feed for three dog teams for ten days, and sufficient relief rations to allow us to bring in the remaining nine members of the starving family to Old Crow.

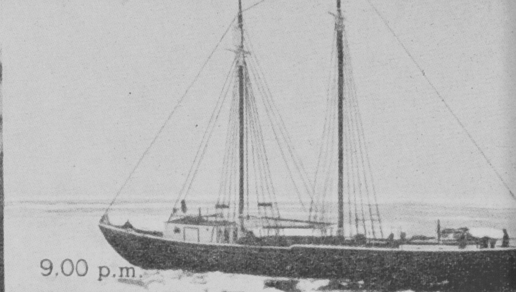
On February 15th, we arrived at Rampart House. We found Harold Ostrude, Charles Thomas, Paul George and his son, awaiting us. Upon conversing with Ostrude, it appeared that the Thomas family were in every bit as serious a predicament as that painted by Linklater; that we would have to transport the family to Old Crow, and that at least five, and possibly seven members of the family would have to ride the sleds at all times. Consequently a team of five dogs belonging to Mrs. Rachel Cadzow was also hired for the trip. These were driven by Charles Thomas, who had accompanied Ostrude to Rampart House.

On February 16th, we proceeded on from Rampart House, accompanied now by Ostrude, returning to his trap line, and Charles Thomas, driving the Cadzow dogs. Just as dark fell on February 17th, we reached the Thomas camp.

About ten miles before we reached this camp, we met John Thomas and his 16-year-old son, Ben. They had a small fire at a point where, some months before, a moose had been killed by wolves. All that remained of the moose was the undigested contents of the stomach and some blood-soaked snow. The former was propped up against the fire thawing, and the latter was gathered into a little heap. John and Ben were trying to eat the remains of the stomach upon our arrival. The blood was being taken home for the small children, John said. It was the work of a few moments to thaw out a can of soup and make some broth for them. After they had eaten a little of their broth, John was loaded into the sled driven by his



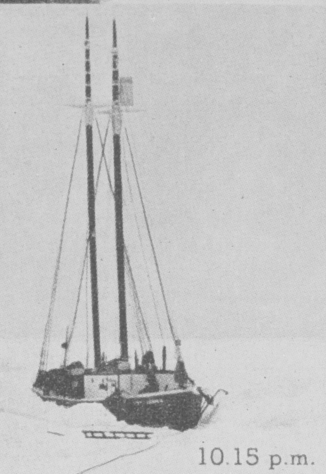
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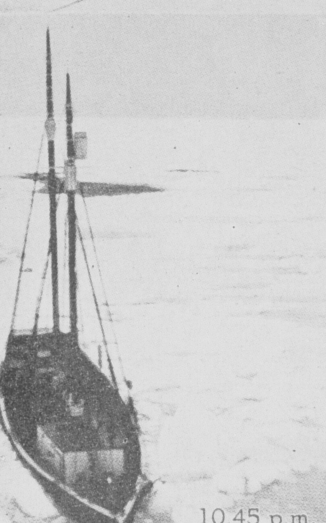
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10.00 p.m.



10.15 p.m.



10.45 p.m.

The Last Log of the Fort James

This is the log of the last moments of the Company's motor ship "Fort James", crushed by Arctic ice in Coronation Gulf off Chantry Island last August. The pictures were taken by the Chief Engineer towards midnight as she was sinking. The "James" was a supply ship for the Western Arctic. Her crew was gallantly rescued by the R.C.M.P. schooner "St. Roch". A rescue line rigged from ship to ship was smartly severed by a shot before the "James" sank. Both were anchored to ice floes. The log, with only a few deletions, follows:

..... August 5th, 1937. Wind west, force 6-7. Increasing to gale force and thick misty rain. Whole ice pack and vessel drifting to the S.E. very fast. The main engine in use, when severe strain put on ropes which were made fast to the ice to ease the pressure. At 6.30 a.m. the vessel got jammed in the ice solid and unable to move. Pressure became very severe and the vessel took a nine-degree port list, and remained in that position fifteen minutes. There was very little creaking or cracking. The R.C.M.P. schooner is made fast to the ice 75 feet to the windward of us.

Noon. Wind west, force 7-8. No change in weather or conditions. Position lat., 68-58 N., long., 115-10 W.

6 p.m. Strong westerly gale and thick misty rain. Vessel drifting to the S.E. and under severe pressure. Water kept under control by small engine-room gas pump. One hand-pump in use occasionally.

9 p.m. Wind west, force 8, bar. 29.11. Position about 1½ miles off Cockburn Reefs.

9.20 p.m. The ice pressure became very severe, and the large pan of ice that we were tied up to began to break up.

9.30 p.m. Pressure pushed vessel over to starboard, and put the rail under water. She remained in that position for approximately five minutes, then righted as the pressure eased.

9.40 p.m. Water over engine-room floor. Started gas pumps on deck also hand pumps, but water gained fast.

10 p.m. Hold half full of water, and I decided to abandon ship, as water was still gaining rapidly and no possible chance of saving ship, as pieces of the keel began to float up through the ice.

10.15 p.m. Crew transferred to the "St. Roch", which was tied to the ice fifty feet away.

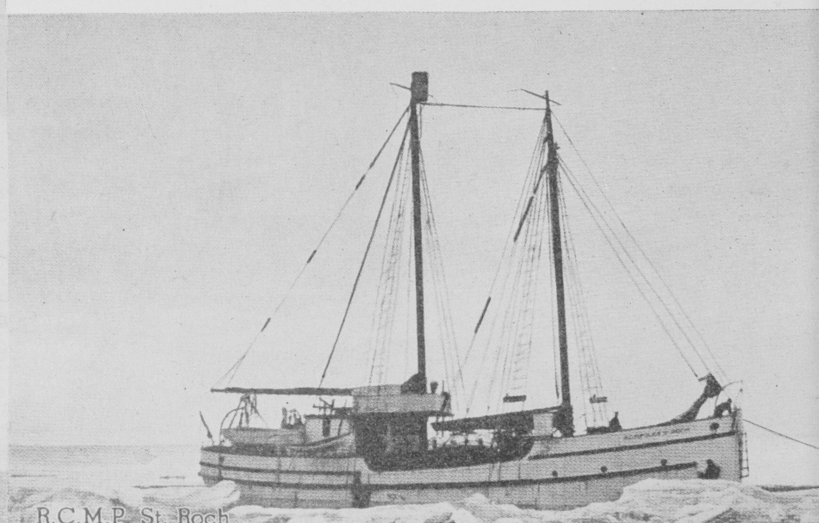
Vessel gradually settled down, and by 10.45 p.m. the decks were awash. Vessel remained in that position for some time, being held up by the ice and pressure. Vessel eventually settled down by the head, and by midnight the fore-castle head was under water.

August 6th, 1937. Vessel gradually settling by the head, and by 0.30 a.m. only the top of the main mast and poop were visible.

0.45 a.m. Vessel disappeared altogether, and only wreckage was visible on the ice, the position then being three to four miles north of Chantry Island.

(Signed) R. J. SUMMERS, Master.
L. G. WHITE, Chief Engineer.

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R.C.M.P. St. Roch

son Charles, and Ben was loaded into my toboggan and we went on. About halfway to the camp we had to stop and feed them a little more broth, then proceeded, and, as mentioned before, arrived at the camp on the 17th, as darkness fell.

Immediately upon our arrival all the starving persons were given a little hot milk, followed throughout most of the night, with broth at hourly intervals. The smaller children were just getting into a pitiful condition; we could hear them crying some hundreds of yards before we arrived at the camp, through the still air. One of the boys, Henry, aged about eight, was suffering from inflammation of the eyes, both eyes being swollen shut. However, what few provisions had been left with the family had been rationed out very carefully by the father, and together with a few muskrats which had been secured from the lake, kept the children from being in quite as bad shape as the older members, but nevertheless they were haggard and emaciated and had noticeably swollen stomachs.

One member of this family, Elijah Thomas, aged 18, had died at the commencement of February. He became unwell from some undiagnosed ailment just about the time the family found themselves getting in a serious predicament and was apparently in no condition to withstand the situation. Apparently he was only semi-conscious for three days before his death, at times raving and suffering great agony. There can be no doubt but that his death was caused indirectly by hunger, and directly by the articles of diet all were reduced to eating, viz, rawhide of caribou and moose.

The Patrol remained at the camp over February 18th; while Harold Ostrude continued his journey to his trapping cabin some thirty miles to the eastward. The day was spent in attending the needs of the Thomas family, feeding them as carefully as possible but endeavouring to get them in good enough condition to enable us at least to start our return the next day. The loads we had been able to bring out of supplies and dog feed, made it imperative that we start our return as soon as possible, and it was quite apparent that we would have to take the family with us for we had not seen any sign of living game on the way out.

On the 19th, our return to Old Crow was commenced. Our sixteen dogs were divided into four trains of four dogs each. This made for less bulky loads. Most of the equipment the Thomas family had at their camp was also brought in. It included their big tent, which was necessary on the journey, their blankets, clothing rifles and ammunition, etc., all of which were of vital importance to them. Five children, Abraham, Henry, Jacob, Joram and Phares, aged one, eight, five, three and one years of age, had to be carried in the sleds at all times. Mary Jane, aged thirteen, and the mother, Mary Thomas, were given an occasional lift when conditions permitted, all the others had to walk at all times.

Travelling in this manner, progress was quite slow, and frequent stops had to be made for nourishment. However, we finally reached Old Crow, without mishap, about 4 p.m. of February 23rd. By this time the whole family were showing improvement, getting much stronger and losing some of their haggardness, the children recovering good spirits. The boy, Henry, who had been suffering from badly inflamed eyes, had almost recovered due to frequent daily washings with boracic acid and the application of an ophthalmic ointment.

The most striking thing about the territory covered was the absolute absence of game signs. A rabbit track might be seen every ten or fifteen miles. There were no ptarmigan or signs thereof, and no moose or caribou signs. In the fur line, two fox tracks were seen, one mink track, one lynx track, and two marten tracks, which is certainly very little in over two hundred miles of travel. This quite effectively explains the predicament in which these Indians found themselves.

It appears that the Indians concerned, just after New Year, decided that they would move from Rampart House to the Black River side of the divide to hunt marten and moose, the animals concerned being usually found in that region,—moose especially—in January and February, and the occasional caribou. Of the marten they trapped a half dozen. Of moose or caribou they did not even see signs.

They did not turn back then when their supplies ran low for they had nothing to turn back to, as the game situation throughout the whole district was the same during December and January. It is not hard to realize what would eventually happen in an encampment of fourteen natives and twenty dogs when, day after day, their hunting resulted in nothing.

In this case it resulted in the death of Elijah Thomas, and the death of their twenty dogs, and, but for the fact that Harold Ostrude came to their assistance, there is no doubt but that more fatalities would have resulted. For these people had been reduced to eating, and had eaten, all the caribou skins they used in their bedding, all the raw moose skins of which their toboggan baskets were constructed, all their babiche excepting that which remained in the snowshoes they were using, and, upon the arrival of assistance, were eating the contents of the stomach of a wolf-killed moose.

It is felt that the actions of Harold Ostrude in this matter, should be remarked upon and have especial attention drawn to them. Ostrude is an American citizen of Scandinavian stock. He is not robust and is about 50 years of age. For some eight or ten years he has resided here engaged in trapping; for the past two or three years on a tributary creek of the Black River, about ninety miles south of Rampart House. What supplies of provisions he took to his location during last fall he packed in, on his own back and the backs of his dogs. That region is not easy of access during the summer months. During January, just before he was reached by the Indians concerned, he calculated that he had about six weeks meat and provisions left and would have to go to his cache at Rampart House, in early March, for more.

Upon being reached by these starving Indians, he gave them of his meagre supplies, and realized that in their condition he had better try to get them back to Rampart House. This he tried, but soon discovered that the daily mileage made with only five dogs was so small that his supplies would not last and that soon he would be in the same state as the Indians. For the reasons referred to he established John Thomas in a camp on Bluefish Lake and told him to wait there with his family until assistance arrived giving the family the bulk of his remaining provisions and dog feed to use as long as possible. Then on February 9th, he left for Rampart House taking with him Charlie, the eldest Thomas boy, Charles Linklater, Paul George and son. They made Rampart House in three days. And according to the Indians—as well as to what admissions I was able to get from Ostrude—Ostrude travelled those three days on no other nourishment than tea, nor did his dogs have a thing to eat. What provisions he had not left with the Thomas family were fed to the Indians accompanying him. During these three days it was necessary for Ostrude to go ahead of his dogs breaking trail for the entire party to follow through the deep snow and over a route where no trail had been opened this year. To add to his difficulties during these three days, the thermometer ranged between 30 and 56 degrees below zero."

In bringing his report to a conclusion, Corporal Kirk pays tribute to the courage and endurance displayed by Ostrude in his efforts to bring the starving Indians to a place of safety under conditions of a most arduous nature. In this tribute we must certainly join. While Ostrude undoubtedly felt that he was only performing a duty under the Northern Code to fellow humans in distress, it is not every individual who would have carried out his mission with such selfless determination as that displayed by him in this instance.

It is pleasing to know that both he and Corporal Kirk have since been the subjects of official commendation and congratulation for the action taken which resulted in the saving of the lives of the Thomas family of Indians.

Recent Amendments to the Criminal Code

DURING THE last Session of Parliament various amendments to the Criminal Code have been passed, many of which are of interest to Police Officers throughout the Dominion:

SECTION 119 has been amended in order to place the burden of proof that he is not an alien on the accused in connection with the possession of firearms, such evidence being only within his knowledge, and difficulty having been experienced in securing convictions under the old Section.

A further amendment to this Section provides that a person must have a permit to purchase before buying a pistol or revolver or other offensive weapon.

It will also be an offence under the same Section to alter, deface or remove any manufacturer's serial number from firearms capable of being concealed on the person.

Forms to be known as 76E and 76F are also introduced, one of which is required before purchasing a pistol or revolver, and the other for the purpose of permitting the use of a firearm or air-gun by a minor.

SECTION 121A is amended by the addition of Sub-Section 3, which provides for registration of all revolvers and pistols during the period between March 1st and July 1st, 1939, and during the same period every five years thereafter.

SECTION 122 has been amended in order to extend the application of the Section to include rifles and shotguns as well as firearms capable of being concealed upon the person, there having been crimes committed with a rifle or shotgun to which it was thought the provisions of this Section should apply. The amendment also expressly provides *when* the additional imprisonment imposed for having such weapons in possession while committing offences shall be served.

SECTION 126 now makes it an offence to sell or give any firearm, pistol, revolver or airgun, or any ammunition therefor, to a minor under the age of fourteen years not being the holder of a permit in Form 76F. It will therefore be observed that the age of a minor has been increased from twelve years of age.

PARAGRAPH (f) OF SECTION 238 is amended by the inclusion of the word "shouting" being placed after the word "screaming."

SECTION 207A has been included, the object being to restrict the publication of indecent details in reports of judicial proceedings which would be calculated to injure public morals.

SECTION 285 has been amended in connection with the penalties prescribed; also by the placing of the burden of proof on the accused with respect to the intent to escape liability.

A new Sub-Section is also included to permit the Court to make an order prohibiting a person convicted of an offence under Sub-Sections one, two, four or six of this Section from driving a car anywhere in Canada for any period not exceeding three years. A Province, in legislating with respect to traffic, may only do so for traffic within that Province, and therefore, the suspension of a permit under the Provincial law would only be applicable within the Province which issued the permit. This Section is also strengthened in many other respects.

SECTION 405B is a new Section, the object of which is to make it an offence to fraudulently use naturalization certificates. It has been ascertained that these certificates have been lent to aliens with a view to enabling them either, to improperly enter Canada, or to obtain passports as British Subjects.

SECTION 424, which deals with the offence of high-grading, has been amended to include platinum or other precious metals. A further amendment makes it an express offence to salt a mine or a sample.

New Sub-Sections are also placed following Sections 457, 459 and 462, and which deal with burglary and similar offences and place the onus of proof that there was no intent to commit an indictable offence, on the accused.

SECTION 541, SUB-SECTION 2 is amended by the addition of the following:—

"Provided however, that in any prosecution for any offence under Sections five hundred and eleven, five hundred and twelve, five hundred and thirteen, five hundred and fourteen or five hundred and sixteen, where the accused is the holder of or is named as a beneficiary under a fire insurance policy in respect to the property in connection with which the offence is alleged, such facts shall be *prima facie* evidence of intent to defraud."

The object of this amendment is to place the onus on the accused, where he is interested in the fire insurance policy, that there is no fraud on his part.

There are also other amendments to the Sections dealing with arson and similar offences.

SECTION 951, SUB-SECTION 3 is repealed and the following substituted therefore:

"Upon a charge of manslaughter arising out of the operation of a motor vehicle the jury, if they are satisfied that the accused is not guilty of manslaughter but is guilty of an offence under sub-section six of section two hundred and eighty-five may find him guilty of that offence, and such conviction shall be a bar to further prosecution for any offence arising out of the same facts."

SECTION 986, SUB-SECTION 4, has been amended in order to facilitate the prosecution of persons having slot machines other than those for vending merchandise.

SECTION 1025A is inserted, the object of which is to provide the necessary procedure for the custody of an accused person where he has been acquitted or his conviction set aside, and where an appeal by the Attorney-General may lie. If the Attorney-General does not intend to appeal, he will notify the proper Officer and the accused will be released at once. Otherwise he will remain in custody or on bail, as the case may be.

SECTION 1035 is amended in order to permit a Court to make prison terms—awarded in default of payment of a fine—run consecutively where a person is convicted and fined for more than one offence at the same time.

SECTION 1043 is amended in order to permit the payment of a moiety of the fine for conviction of an offence under Section 537 in the same manner as prescribed in connection with Sections 542 and 543.

The Analyst's Dilemma

A CURIOUS incident, relative to a sample of alcohol examined recently at the Customs-Excise Laboratory at Ottawa, as the result of an excise seizure effected by this Force, is of interest.

On analysis, the seized alcohol was found to be of exceptionally good quality, free from impurities or sediment, and testing a higher alcohol content than that sold in the Government Liquor Stores. However, a distinctly unpleasant smell emanating from the liquor could not be accounted for, notwithstanding tests which were made.

The official making the test hesitated to return the sample or the certificate of analysis without first solving the mystery of the obnoxious odour and his next step was to peruse the departmental file, together with a copy of the seizing officer's report. This showed that the seized liquor was found in cans hidden in a *pigsty*, also that the sample had been taken and sealed at the point of seizure.

This discovery clarified the origin of the unpleasant smell which was present in the liquor—the strong propensity of alcohol for absorbing odours quickly and the short exposure in the pigsty having been sufficient to cause assimilation of the heavily laden atmosphere of the pen. While distinctly unpleasant, to the uninitiated, perhaps, like olives, this particular type of fragrance is an acquired taste which lends "bouquet" to the beverage when consumed by such individuals as have experienced its delights over a considerable period of time!

The Central Registry, Ottawa

by INSPECTOR A. GOODMAN

THE IDEA of a Central Registry at Headquarters was conceived by Ex-Commisisoner A. Bowen Perry, C.M.G., in 1920. When the Royal Canadian Mounted Police Headquarters, therefore, was transferred from Regina, Saskatchewan, to Ottawa, Ontario, during that year, Commissioner Perry selected Mr. G. T. Hann, M.B.E., now Departmental Secretary, to carry out the project. The task was not an easy one as the small registration office at Ottawa could not be used as a basis for several reasons and it was clear from the beginning that it would be necessary for a time, at all events, to run no less than four systems of filing and to begin a consolidation of them all at the same time.

At the time of this transfer to Ottawa, there were four main systems of filing to be dealt with, with many subsidiary systems, relating to:—

- (1) The system of the office of the Comptroller, Ottawa;
- (2) The system of the former Dominion Police;
- (3) The "Depot" Division system, Regina, Saskatchewan;
- (4) The Crime File system, Regina, Saskatchewan;

each of which was dealt with in a different manner. To make matters worse all the filing cabinets concerned were delivered to the officer in charge almost at one and the same time. Therefore, without any one person knowing how all four systems worked at the commencement of the Registry, it was natural that a certain amount of confusion should occur. Assisting Mr. Hann in the organization of this Branch was Mr. V. J. LaChance, who afterwards became the Head of Registry, and who gave very valuable service in the formation of the new office; as did Inspector J. Fraser of the former Dominion Police, now Sub-Inspector in the Royal Canadian Mounted Police.

In order to reduce delay and confusion to a minimum as far as possible, certain non-commissioned officers who had been operating the different systems were appointed to the Central Registry in key positions, each working with much zeal and determination to have the files and mail delivered to the respective Branches in the quickest possible time. No effort was spared and much overtime was required. Several of these non-commissioned officers are now commissioned officers in the Force, but it took more than a year to bring the four different systems into one unit.

At the outset, both Ex-Commissioner Perry and the late Commissioner Cortlandt Starnes, who succeeded him, saw clearly that no Central Registry could function with despatch and efficiency unless it was recognized by all Heads of Branches that the old tendency to keep files when not required, locking them away in drawers when they should be returned to the Central Registry, and of transferring files from one Branch to another without notifying the Registry, must cease, and a large amount of the efficiency of a Registry which meets all demands of the present day and is elastic enough to expand in almost any direction, is due to the foresight of these Commissioners and to their successors who have steadfastly maintained the

principles laid down at that time. Similarly, regulations were essential to the proper exchange of correspondence, and the practice of writing letters without file numbers was prohibited. It is a well known fact among members of the Central Registry staff at Ottawa that the Branches giving the least trouble to the Registry are those that strictly adhere to the regulations which have been formulated for their benefit, as well as for the Central Registry.

It was obvious that steps were immediately necessary, upon the formation of the Registry, for the safekeeping of secret and other important correspondence; here again special treatment was afforded, and the word "service" became the watchword of the Registry from the time of its inception.

Incidentally, among other things, it was necessary to install a "B.F."¹ system, and it was noticed with some amusement how important Branches, which had never used such a system, were reluctant to avail themselves of this innovation. Finally, after a period of trial in other Branches, one important Branch decided to test it out and was amazed to find that the Registry was prepared upon an hour's notice to take over their antiquated system of having files brought to their attention on the dates mentioned. This happened, it must be remembered, at the very beginning of the Registry.

The Central Registry at the present time is located on the eighth floor of the Justice Building at Headquarters and has also a large storage room in the sub-basement. The staff is composed of one Officer in Charge, thirty-two Non-Commissioned-Officers and Constables, and a Civil staff of five; also a motor-cyclist, supplied by the Officer Commanding "A" Division, who transports the mail to and from the Post Office and delivers all the outside "special messenger" letters. The Registry is made up of three divisions:—

- (1) The Criminal Investigation Section;
- (2) The General Correspondence and Supply Section;
- (3) The Mailing Room;

the first two of which have subsidiary sections.

After the incoming mail has been opened, registered and sorted, it is delivered to each section where the work of securing the files which have already been made, and the making of new files is begun. In the Criminal Investigation Section there are two Distribution Clerks who immediately go through the mail for "rush" or "urgent" matters. All reports bearing file numbers are speedily examined and handed to a file clerk who draws the corresponding files and passes them, together with the new correspondence, to the file checker. He, in turn, scrutinizes each file before attaching the mail, and cards any additional names appearing in the new reports. The files are then delivered by the confidential messengers to the Criminal Investigation Branch. The correspondence for which there are no files is carefully checked against the card index and any previous files relating to the subject in hand are procured and passed, together with the new correspondence to the classifier, who reads, cards, classifies, and designates, the correct title for the new file. He also makes the necessary notations for file and ledger cross-references. The next step in the procedure is under-

¹"Bring Forward".

taken by the Ledger Clerk who enters in the ledger the title given by the classifier and assigns a number, at the same time making the necessary ledger cross-references. The final operation is performed by the writing machine operator who types the file covers and file cross-references. The other sections handle their mail in much the same manner.

The General Correspondence and Supply Section is manned by two members of the Civil staff—one of whom is in charge—assisted by three Non-Commissioned Officers and four Constables. This section deals with the Royal Canadian Mounted Police Act and Amendments; Rules and Regulations; other Special Federal Regulations including Governmental Committees, Commissions, etc., etc.; Police Personnel; Interior Administration; Assistance to other Departments of the Federal Government, (Group four cases); Interior Economy; Special Grants and Allowances, (War and Meritorious Services); Financial Control and Administration; Civil Staff; General Maintenance, and Equipment and Supplies. As a general rule the distribution clerks finish checking the mail in the early afternoon, thus allowing it to be delivered to the respective Branches on the day it is received, with the exception of a few pieces for which the files cannot readily be obtained.

The card index in the Criminal Investigation Section which was initiated in 1919, has now approximately one and three quarter million cards. This section makes use of different coloured file covers, white, green, blue and orange for several reasons, one of which is to reduce to a minimum the amount of "Search". Charge out systems are maintained in all sections and sub-sections. A file Reviewer in both the Criminal Investigation and General Correspondence Sections, carefully scrutinizes all files on their return to the Central Registry—

- (1) To ensure that the necessary action has been taken,
- (2) To ascertain if the investigation has developed from the original heading in such a way, as to necessitate the opening of a new file.
- (3) To make excerpts on matters of policy arising out of these files for the necessary policy files,
- (4) To card all new names that may be of interest,
- (5) To bring to the attention of the Officer in Charge any file which might be of interest to some other Branch.

The Mailing Room has a staff of four, with a member of the Civil staff in charge, an assistant, and two confidential messengers. All the mail for the Department is received here and all the mail from the Department is dispatched from this office. The early morning mail is received shortly after eight o'clock and is at once sorted, opened, and date stamped, by three members of the Branch specially detailed. Except on Monday this duty is usually completed by nine a.m. or shortly afterwards. The mailing room staff attend to the other mail received during the day. The clerk in charge is responsible that all cheques, Money Orders, Cash, Forms 169, Advice Refund Vouchers, Forms 144 and Counterfoils, Railway and Aviation Accounts, etc., etc., are entered in cash books and the necessary signatures obtained on delivery to the Branches concerned. He also, together with a senior Non-Commissioned Officer, checks and prepares Forms 246 for all drug exhibits received for transmission to the Narcotic Branch of the Department

of Pensions and National Health. This Branch also records all incoming and outgoing telegrams and radiograms, and checks the telegraph accounts against these entries before they are passed for payment. From April 1st, 1937, to March 31st, 1938, the incoming mail totalled 386,399 pieces and the outgoing 125,451 pieces.

Another duty which has been undertaken by the Central Registry in recent years is the destruction of some classes of files after certain periods of time. This does not mean that the files are destroyed indiscriminately. On the contrary great care and discretion are exercised to preserve any documents of importance. For example, files pertaining to "Applicants for Engagement", which are destroyed after five years, are carefully perused for possible discharge certificates, references, etc., which when found, are passed to the Branch concerned for return to the owner. The same procedure is followed with certain other classes of files which are destroyed after ten years. In order to conserve as much space as possible in the filing cabinets all copies of correspondence other than the originals are "stripped" or removed from the files after five years.

The Central Registry from its inception has always sought to maintain a close relation with the various Branches it endeavours to serve and in so doing is often in a position to anticipate the requirements of the various Branches and thus facilitate the handling of correspondence of a more complex and special nature. It might also be mentioned that there is a certain psychological factor that affects those of the personnel keenly interested in the work in that they are ever on the alert for any information or facts given in the press or elsewhere which may have any connection with or is relevant to any subject matter on file in the Registry. All members of the Central Registry are aware that upon their accuracy and despatch, a good deal depends, and it is most gratifying to learn that on more than one occasion the service afforded has been of exceptional benefit.

Prizes for the April Edition of the Quarterly Magazine

THE FOLLOWING prizes have been awarded to contributors of the best articles which appeared in the April edition of the Quarterly magazine:—

Skipper-Lieutenant J. W. Bonner, "From Sea to Sea".....	\$15.00
D/Cst. D. O. Forrest, "Confessions".....	\$ 5.00
Skipper R. A. S. McNeil, "Development of a New Tradition".....	\$ 5.00
L/Cpl. F. J. Brailsford, "Fort Macleod—Past and Present".....	\$ 5.00

One first prize of \$15.00 and three prizes of \$5.00 each were awarded instead of the usual two prizes of \$15.00 and \$10.00, respectively, in view of the fact that, in the opinion of the Editorial Committee, the merit of the articles forwarded by the contributors who won \$5.00 prizes, was equal.

Motor Manslaughter

by CECIL L. SNYDER, K.C.,

Senior Crown Counsel, Attorney General's Department, Ontario

MORE THAN usual discussion seems to have been taking place recently in connection with deaths caused by the negligent operation of motor vehicles. At the time this article is being written a learned Judge of the Supreme Court of Ontario has just drawn forcibly to the attention of a Grand Jury the appalling increase in deaths on the highways of this country and he expressed an opinion that something should be done to put a stop to so many unnecessary killings.

The situation that confronts law enforcement officers in these cases is becoming more and more serious. One result has been a gradually increasing number of cases in the Criminal Courts affecting persons who have been charged with criminal offences arising from their alleged negligent operation of a motor vehicle. The results obtained from these prosecutions have, on numerous occasions, brought forth critical articles in the press and expressions of perplexity from the public generally. A layman reads of a certain motor vehicle crash which has resulted in death and he feels that the person who, in his opinion, caused that death should be dealt with in a determined manner in a Criminal Court. He is, therefore, surprised and perplexed when he reads that this particular person has been found not guilty. The writer has discussed such cases with jurymen who have acted as jurors in these cases. The enquiry has been made as to how the jury came to such a verdict in view of the evidence adduced at the trial. More than one juror has answered that he thought the Judge was really directing them to find the prisoner not guilty. Having heard many charges given by distinguished Judges of the Supreme Court and the County Court on the question of what constitutes criminal negligence and having discussed many cases with numerous jurors, the writer has formed an opinion that too often a jury of laymen is quite unable to understand a Judge's charge on the law of criminal negligence as it seems now to be given in this country. The writer recalls one juror exclaiming: "the Judge's charge was over our heads. We didn't know what we were supposed to do." It is the conclusion of the writer, therefore, that many juries have decided to do their duty as they thought it should be done, but have been confused by reason of technical language used by the Judge in giving his charge. This state of confusion seems to become greater when a Judge of a Superior Court is explaining, as best he can to a jury the circumstance under which a jury may reach, instead of a verdict of guilty of manslaughter, a verdict of not guilty of manslaughter but guilty of criminal negligence. As the number of these cases is yearly becoming greater and because many of the prosecutions seem to have such unsatisfactory results, is it not possible that the phraseology of the trial Judge, in giving his charge, be so simplified as to make it understandable to an average jurymen? Does the present state of the law enable a Judge to do so?

The report of a recent important decision in England has been published at a most opportune time. This difficult legal situation has recently

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had the attention of both the Court of Criminal Appeal in England and also the House of Lords. The decision has had widespread publicity and has been commented on in legal journals. The considered judgment of the House of Lords does much to clarify the situation as it affects the law relating to manslaughter and dangerous driving and the degrees of negligence necessary to constitute respective offences. It is suggested that a careful examination of this judgment will be most helpful to those who have to do with the trial of persons charged in the Criminal Courts for death caused by the alleged negligent operation of a motor vehicle. The case is *Andrews v. Director of Public Prosecutions*, (1937) A.C. 576, 26 Cr. App. R. 34. It is noteworthy that this case was not only passed upon by the Court of Criminal Appeal, Lord Chief Justice Hewart reading the judgment of that Court, but it also came under the scrutiny of five learned law Lords whose unanimous judgment was handed down by the distinguished Lord Atkin. It is the purpose of this article to put forward the law as recently enunciated by the highest Courts in England and to compare the same with judicial decisions which up to the present have appeared to be binding on the Courts of this country. This is not being done in any critical way but with one purpose only and that is, that these observations may aid those who have to take part in criminal prosecutions such as are being discussed.

Statutory Provisions in Canada

Before launching into a summary of what appears to be the law in England and what appears to be the law in Canada, it will be necessary to refer to certain statutory enactments of both England and Canada. Section 262 of the Canadian Criminal Code defines manslaughter and s. 268 sets out the penalty. Sections 284 and 285 deal with what is commonly known as criminal negligence. Section 284 reads as follows:—

"Every one is guilty of an indictable offence and liable to two years' imprisonment who, by any unlawful act, or by doing negligently or omitting to do any act which it is his duty to do, causes grievous bodily injury to any other person."

Section 285 is as follows:—

"Every one is guilty of an indictable offence and liable to two years' imprisonment who, having the charge of any carriage or motor vehicle, automobile, or other vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person."

It is very important for the purpose of this discussion that the content of s. 247 of the Criminal Code be especially noted. That section reads as follows:—

"Every one who has in his charge or under his control anything whatever, whether animate or inanimate, or who erects, makes or maintains anything whatever which, in the absence of precaution or care, may endanger human life, is under a legal duty to take reasonable precautions against, and use reasonable care to avoid, such danger, and is criminally responsible for the consequences of omitting, without lawful excuse, to perform such duty."

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Section 951 (3) is as follows:—

"Upon a charge of manslaughter arising out of the operation of a motor vehicle the jury may find the accused not guilty of manslaughter but guilty of criminal negligence under section two hundred and eighty-four, and such conviction shall be a bar to further prosecution for any offence arising out of the same facts." (Amended 1930 (Can.), c. 11 s. 25).

Road Traffic Law in England

Certain statutory provisions of the Canadian Criminal Code having been set out above it is necessary to refer now to similar statutory provisions of the law in England. Before judicial interpretation of the law in England can be compared with judicial interpretation of the law in Canada, a comparison must be made of the statutory provisions of both countries.

From the Road Traffic Act (England) 1930 and 1934, are quoted the following sections:—

1930 (*Imp.*), c. 43, s. 11:—"(1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable—

"(a) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one

hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment;

"(b) on conviction on indictment to imprisonment for a term not exceeding six months or to a fine, or to both such imprisonment and fine.

"(2) The court shall order particulars of any such conviction to be endorsed on any license held by the person convicted.

"(3) On a second or subsequent conviction under this section, the convicting court shall exercise the power conferred by this Part of this Act of ordering that the offender shall be disqualified for holding or obtaining a license unless the court, having regard to the lapse of time since the date of the previous or last previous conviction or for any other special reason thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

"(4) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting commission of an offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of this Part of this Act relating to disqualification for holding or obtaining licenses, be deemed to be an offence in connection with the driving of a motor vehicle."

1934 (*Imp.*), c. 50 s. 34:—"Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section eleven of the principal Act [the Road Traffic Act, 1930] (which relates to reckless or dangerous driving) to find him guilty of that offence, whether or not the requirements of section twenty-one of the principal Act (which relates to notice of prosecutions) have been satisfied as respects that offence."

It is now in order to examine judicial decisions as set out in two noteworthy English cases.

The Andrews Decision, 1937

This interesting legal decision arises from the conviction of Wilfred Andrews at the Leeds Assizes on December 3, 1936. He was found guilty of the manslaughter of William Craven and was sentenced by Mr. Justice du Parcq to fifteen months' imprisonment and to disqualification for life for holding a driving licence. The following is a statement of facts of the case as prepared from the reported decision of *Andrews v. Director of Public Prosecutions* in [1937] A.C. 576 and 26 Cr. App. R. 34.

Andrews, the appellant, a man aged 37, was employed by the Leeds Corporation Transport Department. At about 10.30 p.m. Saturday, June 27, 1936, he was directed to take a van to assist a corporation omnibus which had broken down three or four miles away from the corporation garage. About 10.45 p.m. a man named Binks was driving a saloon car away from Leeds at about ten miles an hour. He noticed about thirty yards ahead Craven crossing the road from Binks' near side. The road is about 29 feet wide. The appellant, driving fast, over thirty miles an hour, overtook Binks' car, and driving well over on the offside of the road ran

into Craven who was then within three or four paces of the kerb. He was carried on the bonnet for a short period, thrown forward, and run over by the van. The appellant, who immediately after the accident nearly ran into a cyclist, did not stop. He returned to the garage after eleven, stating that he had not found the omnibus. When challenged a day or two later the appellant denied that he had travelled along the road in question that particular night. At the trial he said he was unable to remember the journey at all. There was no dispute that in fact the appellant was driving the van which killed Craven. The road was well lighted and there were people about.

The following passages occurred in the summing-up of du Parcq, J. (26 Cr. App. R., at p. 36):—

“The law is this, that if a man is doing an unlawful act—if he is doing something which the law says that he must not do—and because he is doing it and in the course of doing it he kills somebody, then he is guilty not only of that unlawful act, but of manslaughter . . . If he is driving [a motor vehicle] recklessly, he commits an offence whether he kills anybody or whether he does not, but if because he is driving recklessly somebody is killed, then he is guilty of manslaughter . . . If you thought that although he drove recklessly, and although he drove at a speed or in a manner dangerous to the public, within the words of [section 11 of the Road Traffic Act, 1930,] but that it was not because of that that [the deceased] was killed, the law would entitle you to convict him not of manslaughter, but of dangerous driving. But in this case I am bound to tell you that if you think that he was driving recklessly and in a dangerous manner within the meaning of those words, and it was because of that that [the deceased] was killed, then it is your bounden duty to convict him of manslaughter’.”

The appellant appealed to the Court of Criminal Appeal. Lord Chief Justice Hewart, Mr. Justice Swift and Mr. Justice Goddard heard the appeal on January 26, 1937. The appeal was dismissed.

The Court of Criminal Appeal having dismissed the appeal, the Attorney-General certified that the decision involved a point of law of exceptional public interest and that in his opinion it was desirable in the public interest that a further appeal should be brought. Pursuant to that certificate Andrews appealed to the House of Lords. The appeal was heard by Lord Atkin, Lord Finlay, Lord Thankerton, Lord Wright and Lord Roche. The appeal was dismissed forthwith but their Lordships took time to deliver their considered judgment which was done on April 22, 1937. Material parts of the judgment as delivered by Lord Atkin are quoted herewith (pp. 581-5):—

“Of all crimes manslaughter appears to afford most difficulties of definition, for it concerns homicide in so many and so varying conditions. From the early days when any homicide involved penalty, the law has gradually evolved ‘through successive differentiations and integrations’ until it recognizes murder on the one hand, based mainly, though not exclusively, on an intention to kill, and manslaughter on the other hand, based mainly, though not exclusively, on the absence of intention to kill but with the presence of an element of ‘unlawfulness’ which is the elusive factor. In the present case it is only necessary to consider manslaughter

from the point of view of an unintentional killing caused by negligence, that is, the omission of a duty to take care.

"I do not propose to discuss the development of this branch of the subject as treated in the successive treatises of Coke, Hale, Foster and East and in the judgments of the Courts to be found either in directions to juries by individual judges or in the more considered pronouncements of the body of judges which preceded the formal Court of Crown Cases Reserved. Expressions will be found which indicate that to cause death by any lack of due care will amount to manslaughter; but as manners softened and the law became more humane, a narrower criterion appeared. After all, manslaughter is a felony, and was capital, and men shrank from attaching the serious consequences of a conviction for felony to results produced by mere inadvertence. The stricter view became apparent in prosecutions of medical men or men who professed medical or surgical skill for manslaughter by reason of negligence. As an instance I will cite *Rex v. Williamson* ((1807), 3 C. & P. 635) where a man who practised as an accoucher, owing to a mistake in his observation of the actual symptoms, inflicted on a patient terrible injuries from which she died. 'To substantiate that charge'—namely, manslaughter—Lord Ellenborough said, 'the prisoner must have been guilty of criminal misconduct, arising either from the grossest ignorance or the most criminal inattention.'

"The word 'criminal' in any attempt to define a crime is perhaps not the most helpful: but it is plain that the Lord Chief Justice meant to indicate to the jury a high degree of negligence. So at a much later date in *Rex v. Bateman* (19 Cr. App. R. 8) a charge of manslaughter was made against a qualified medical practitioner in similar circumstances to those of *Williamson's* case. In a considered judgment of the Court the Lord Chief Justice, after pointing out that in a civil case once negligence is proved the degree of negligence is irrelevant, said (at p. 11), 'In a criminal Court, on the contrary, the amount and degree of negligence are the determining question. There must be *mens rea*.' After citing *Cabill v. Wright* ((1856), 6 E. & B. 891), a civil case, the Lord Chief Justice proceeds: 'In explaining to juries the test which they should apply to determine whether the negligence, in the particular case, amounted or did not amount to a crime, judges have used many epithets, such as "culpable," "criminal," "gross," "wicked," "clear," "complete." But whatever epithet be used and whether an epithet be used or not, in order to establish criminal liability the facts must be such that, in the opinion of the jury, the negligence of the accused went beyond a mere matter of compensation between subjects and showed such disregard for the life and safety of others as to amount to a crime against the State and conduct deserving punishment.'

"Here again I think with respect that the expressions used are not, indeed they probably were not intended to be, a precise definition of the crime. I do not myself find the connotations of *mens rea* helpful in distinguishing between degrees of negligence, nor do the ideas of crime and punishment in themselves carry a jury much further in deciding whether in a particular case the degree of negligence shown is a crime and deserves punishment. But the substance of the judgment is most valuable, and in my opinion is correct. In practice it has generally been adopted by

judges in charging juries in all cases of manslaughter by negligence, whether in driving vehicles or otherwise.

"The principle to be observed is that cases of manslaughter in driving motor cars are but instances of a general rule applicable to all charges of homicide by negligence. Simple lack of care such as will constitute civil liability is not enough: for purposes of the criminal law there are degrees of negligence: and a very high degree of negligence is required to be proved before the felony is established. Probably of all the epithets that can be applied 'reckless' most nearly covers the case. It is difficult to visualize a case of death caused by reckless driving in the connotation of that term in ordinary speech which would not justify a conviction for manslaughter: but it is probably not all-embracing, for 'reckless' suggests an indifference to risk whereas the accused may have appreciated the risk and intended to avoid it and yet shown such a high degree of negligence in the means adopted to avoid the risk as would justify a conviction. If the principle of *Bateman's* case is observed it will appear that the law of manslaughter has not changed by the introduction of motor vehicles on the road. Death caused by their negligent driving, though unhappily much more frequent, is to be treated in law as death caused by any other form of negligence: and juries should be directed accordingly.

"If this view be adopted it will be easier for judges to disentangle themselves from the meshes of the Road Traffic Acts. Those Acts have provisions which regulate the degree of care to be taken in driving motor vehicles. They have no direct reference to causing death by negligence. Their prohibitions, while directed no doubt to cases of negligent driving, which if death be caused would justify convictions for manslaughter, extend to degrees of negligence of less gravity. Sect. 12 of the Road Traffic Act, 1930, imposes a penalty for driving without due care and attention. This would apparently cover all degrees of negligence. Sect. 11 imposes a penalty for driving recklessly or at a speed or in a manner which is dangerous to the public. There can be no doubt that this section covers driving with such a high degree of negligence as that if death were caused the offender would have committed manslaughter. But the converse is not true, and it is perfectly possible that a man may drive at a speed or in a manner dangerous to the public and cause death and yet not be guilty of manslaughter: and the Legislature appears to recognize this by the provision in s. 34 of the Road Traffic Act, 1934, that on an indictment for manslaughter a man may be convicted of dangerous driving. But, apart altogether from any inference to be drawn from s. 34, I entertain no doubt that the statutory offence of dangerous driving may be committed, though the negligence is not of such a degree as would amount to manslaughter if death ensued. As an instance, in the course of argument it was suggested that a man might execute the dangerous manoeuvre of drawing out to pass a vehicle in front with another vehicle meeting him, and be able to show that he would have succeeded in his calculated intention but for some increase of speed in the vehicles in front: a case very doubtfully of manslaughter but very probably of dangerous driving.

"I cannot think of anything worse for users of the road than the conception that no one could be convicted of dangerous driving unless

his negligence was so great that if he had caused death he must have been convicted of manslaughter. It therefore would appear that in directing the jury in a case of manslaughter the judge should in the first instance charge them substantially in accordance with the general law, that is, requiring the high degree of negligence indicated in *Bateman's* case and then explain that such degree of negligence is not necessarily the same as that which is required for the offence of dangerous driving, and then indicate to them the conditions under which they might acquit of manslaughter and convict of dangerous driving. A direction that all they had to consider was whether death was caused by dangerous driving within s. 11 of the Road Traffic Act, 1930, and no more, would in my opinion be a misdirection.

"In dealing with the summing-up in the present case I feel bound to say with every respect to the learned and very careful judge that there are passages which are open to criticism. In particular at the beginning of his charge to the jury he began with the statement that if a man kills another in the course of doing an unlawful act he is guilty of manslaughter, and then proceeded to ascertain what the unlawful act was by considering s. 11 of the Road Traffic Act, 1930. If the summing-up rested there, there would have been misdirection. There is an obvious difference in the law of manslaughter between doing an unlawful act and doing a lawful act with a degree of carelessness which the Legislature makes criminal. If it were otherwise a man who killed another while driving without due care and attention would ex necessitate commit manslaughter. But as the summing-up proceeded the learned judge reverted to, and I think rested the case on, the principles which have been just stated. On many occasions he directed the attention of the jury to the recklessness and high degree of negligence which the prosecution alleged to have been proved and which would justify them in convicting the accused. On consideration of the summing-up as a whole I am satisfied that the true question was ultimately left to the jury, and that on the evidence the verdict was inevitable. For these reasons I came to the conclusion that the appeal should be dismissed."

(To be continued)

Pensioned

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

Reg. No. 12156, Chief Engineer Murphy, J. M., March 31st, 1938. 83½ Allen St., Halifax, N.S.

Reg. No. 9169, Corporal Isnor, G. C., March 31st, 1938. 26 Thompson St., Dartmouth, N.S.

Reg. No. 4145, Lance-Corporal Sambrooke, A. W., March 31st, 1938. 2832 Douglas St., Victoria, B.C.

Reg. No. 5561, Sergeant Schulz, A. R., April 25th, 1938. 1110 Hamilton St., New Westminster, B.C.

Reg. No. 9475, Constable Hewer, W., April 30th, 1938. R.R. 4, Beckett's Landing, Kemptville, Ont.

Reg. No. 4822, Corporal Crane, H. A. E., May 25th, 1938. 8155 Fremlin St., Vancouver, B.C.

"Old Timer's" Column

THE STORY of the famous trek of the 274 Officers and men of the original North West Mounted Police from Winnipeg to Alberta, 64 years ago, was told briefly by Major Fred A. Bagley of Banff, when he unveiled a Memorial to one of his old commanders, Captain Sir Cecil Edward Denny, in the Mounted Police Veterans' plot in the Union Cemetery on June 12th at Calgary, Alta.

Major Bagley was a trumpeter in the Force when it first made its way across the Prairies, and as he stood erect by the stone, pictures of the hardships and adventures of the first pioneers of the Mounted Police were drawn vividly, but simply, for the veterans and others who joined in the ceremony. Mayor Andrew Davison was the Chairman of the ceremony which attracted a crowd of several hundred to the Union Cemetery. Rt. Rev. L. Sherman, Anglican Bishop of Calgary, dedicated the simple, grey granite, headstone.

The memorial stands in the centre of the Mounted Police Veterans' plot. Sir Cecil's grave is in Edmonton. The monument was designed and built in Calgary and is made of British Columbia granite.

The inscription on the Memorial reads as follows:

"In memory of Captain Sir Cecil Edward Denny, sixth Baronet of Tralee Castle. Born Hampshire, England, 14th December, 1850. Died at Edmonton, Alberta, 24th August, 1928. Crossed the plains in 1874, as Inspector in original North West Mounted Police. Co-founder of Forts Macleod and Calgary. Honorary chieftain in Blackfoot Nation. Indian Agent. Government archivist. Explorer, pioneer, adventurer, and author. He knew not fear. A born optimist."

Wreaths were laid at the base of the Memorial by the Royal North West Mounted Police Veterans' Association, The Royal Canadian Mounted Police, the Southern Alberta Pioneers and Old Timer's Association, The City of Calgary, and the Canadian Corps Association. A Guard of Honour from the Calgary Sub-Division of the R.C.M. Police, under Staff-Sergeant W. E. Buchanan, and another guard from the City Police under Sergeant P. D. Clarke, were lined up along the side of the Memorial. Over twenty members of the Mounted Police Veterans' Association also stood at the side of the Memorial. They were in charge of Julien Nash, their President. Also present were representatives of the South African War Veterans' Association, the Canadian Corps Association, and the Canadian Legion.

Sir Cecil was in charge of the detachment of the North West Mounted Police that built the original Fort Calgary in 1874. He served in the Police there for ten years and resigned in 1884 to become Indian Agent among the Crees and Assiniboines at Fort Walsh. During the Riel Rebellion he did much to quieten the unrest among the Indians.

After a visit to England, he returned to Calgary and was for a time Police Magistrate at Fort Walsh. He also served as head of the R.N.W.M.P. pack-train on the Peace River Exploration Expedition. During the building of the Northern Railway, he was fire-ranger in the Athabasca and Lac la Biche area.

Continuing his address to the assembly, Major Bagley told of the hardships suffered by the men of that original Force who made the first trek westward. Contrary to the usual belief that there were three hundred men in the first party of police that came out to Calgary, Major Bagley said that 274 Officers, non-commissioned officers and men left Winnipeg. By the time the party reached the Cypress Hills, on what is now the border of Alberta and Saskatchewan, there were only 250 men, he said.

Captain Denny was a "brave and fearless officer," Captain Bagley declared. During the party's passage through the Cypress Hills, scouting was necessary day and night. It was a hazardous job but Sir Cecil was often detailed and often volunteered to carry it out.

Sir Cecil had a fine and generous nature and was always a friend of the "underdog."

When the troop of police arrived at what is now Calgary, there were hundreds of buffalo grazing between the concourse of the Bow and Elbow Rivers. When the troops began to build the Fort, Captain Denny "turned to" with the men and helped them build.

True to his belief that an Officer must not expect his men to do what he would not do himself, Sir Cecil lived all the first winter in a dug-out along the banks of the river, where many of the men were forced to live because sufficient houses had not been built.

"It is truly fitting that the Mayor of this great city should preside at this ceremony in honour of one of the men who founded it," Major Bagley said.

Brigadier G. R. Pearkes, V.C., D.S.O., M.C., Officer Commanding Military District No. 13, Assistant-Commissioner W. F. W. Hancock of the Royal Canadian Mounted Police, Edmonton, and Inspector A. G. Birch, at present in charge of the Calgary Sub-Division of the Force, attended the Service.

Neil Primrose, Vegreville, son of the late Lieutenant-Governor Primrose, and P. G. Thomas, High River Police Magistrate, also attended.

* * *

Two ex-members, who were stationed at Calgary together when it was little more than a trading post, were re-united in that city last month. One was Reg. No. 790, ex-Constable T. H. Waring of Galt, Ontario, who had not been in Calgary since he left that city in 1897, and the other was his half-brother, Reg. No. 769, ex-Constable P. W. Simons, who has lived in Calgary for 51 years. Both gentlemen have the '85 Rebellion Medal.

* * *

Captain C. A. Rheault, of Westwood, Mass., U.S.A., a former Inspector of the Force, was a visitor at "Headquarters" during the month of May, 1938.

* * *

Reg. No. 1765, ex-Sergeant H. E. Bierd visited Superintendent G. C. P. Montizambert at Edmonton Barracks recently. Having left Canada in the

same battalion for overseas service during the Great War, they had many reminiscences to exchange. Mr. Biedr resides at 9338-98th Street, Edmonton, Alberta.

* * *

One of Calgary's best known veterans of the Force, Reg. No. 1286, ex-Constable "Jimmie" Moore, celebrated his Golden Wedding Anniversary on May 3rd. Joining the N.W.M.P. in 1885, "Jimmie" was a trumpeter during the Riel Rebellion and served until 1898. Mr. and Mrs. Moore were married at Fort Macleod in 1887 and there are four sons, five daughters, twenty-six grandchildren and two great-grandchildren, to succeed them.



Canadian Criminal Cases

Published by Canada Law Book Company Limited, Toronto, Canada

THE INTERESTING article entitled "Motor Manslaughter" appearing in this issue, is published by courtesy of the Canada Law Book Co., Ltd., Toronto, publishers of Canadian Criminal Cases, from which publication the article is reprinted.

The Canadian Criminal Cases is a bimonthly publication, containing the decisions of the Courts of Canada in matters coming under the Criminal Code. They contain the written judgments of the learned Judges, also interesting articles such as "Motor Manslaughter," written by eminent authorities.

Many members of the R.C.M. Police in Canada are today doing a great deal of Court work. Greater efficiency will result from knowledge of how the Court deals with cases coming under the Criminal Code, and this can best be gained by reading the actual judgments of the Court.

Again, many members of the R.C.M. Police are engaged in the enforcement of traffic regulations at various points in the Dominion. Reckless Driving, Criminal Negligence and Manslaughter cases are dealt with. Then too, the question of ensuing procedure in such and other criminal matters is of great importance. While your knowledge of legal jurisprudence may be great or limited, depending on the use to which your talents have been put as a member of the R.C.M. Police since joining the Force, no Peace Officer can completely equip himself in this respect without having continual recourse to published works of legal reference. Are you aware, for instance, of what might happen by shooting an innocent person mistaken for a fugitive, or by using unjustifiable force in arrest?—See *Rex v. Mitchell*, 69 Can. C.C. 406 (Part 3).

The reports appearing in the Canadian Criminal Cases keep you posted on all phases of the Code. They are the actual judgments as recorded by the Courts—not a short synopsis in digest form—of the case.

To those members of the R.C.M. Police desiring the Canadian Criminal Cases, a special discount has been arranged—so that it is now possible to acquire these for \$7.00 per volume (two per annum).

You will find them fascinating reading, as well as instructive.

Book and Magazine Review

The Royal Canadian Mounted Police, by R. C. FETHERSTONHAUGH, Carrick and Evans, Inc., New York, 322 pages, 16 illustrations, 5 maps—\$3.75.

This is a volume which should appeal to all—strangers to the Force; ex-members of the Force; and to the present strength of the R.C.M. Police. For in its pages is to be found the complete record of our organization from the date of its inception in 1873 until the year 1937. An epilogue takes us, in fact, almost to the present day.

Strangers to the Force, reading *The Royal Canadian Mounted Police* by Mr. R. C. Fetherstonhaugh, will be entranced by the record of achievement unfolded through the long years of early struggle, when the North West Mounted Police was but a mere handful of men dispatched by the Government of that day to bring law and order to the unsettled area which now forms the Provinces of Alberta and Saskatchewan. As the story unfolds they will watch the slow but steady growth of the slight sapling planted by Sir John A. MacDonald; see the shoots sprout on the young tree as the Force takes over new duties in different parts of the Dominion; view, by degrees, the strong branches standing cleanly and ever more firmly, the parent roots planted in healthy soil; and lastly, sense the eager sap of the youth and young manhood of Canada thrusting strength and vigour day by day to each growing limb as the tree towers to maturity; to the achievement of successful law enforcement; and to its present proud position.

To ex-members who saw service in previous years and have now left the ranks of the Force, this volume will bring the memories of many pleasant days spent, and rigours experienced, in the development of the N.W.M.P. and R.N.W.M. Police. In it, they will find old friends and comrades, many of whom have now passed on—they will live again the strenuous years when they were a part of the growth of the organization. To them the book should form a glass that brings far vistas closer and makes bright the distant fields which, as time has passed, have now grown indistinct.

Many serving members of the Force will find their own exploits spread here and there within this volume. Others who have joined more recently will obtain a knowledge of the present scope of the R.C.M. Police; an insight into the various phases of its work and duties in spheres with which they are as yet unfamiliar; and lastly, but most importantly, will derive a feeling of pride and satisfaction that they are part of an organization which performs its office quietly and competently, strong and secure in the knowledge of its past tradition.

This is an excellent chronicle of the Force—Mr. Fetherstonhaugh's pen has painted a deft and accurate picture which will do much to bring us nearer to the many friends who honour us with their interest in different parts of the world, and will also draw us closer to those of our own comrades of the R.C.M. Police whose duties take them to distant places in the Dominion of Canada with which we may be unacquainted.—R.C.

The Burma Police Journal—Vol. 1, No. 1, April, 1938

As an individual who has resided in India and one to whom Burma has always been "the land which is just around the corner," I received the first edition of the *Burma Police Journal* with anticipation and read the contents with considerable interest.

Needless to say, I was not disappointed, either from the standpoint of the quality of this magazine or from the viewpoint of the survey of police work which is contained between its covers, descriptive of such duty in a country where the imagination has always visualized long green jungles; the elephants of the Bombay-Burma Trading Company; and temple bells and pagodas made famous by Kipling.

One of the first thoughts that strikes one when reading "Three Interesting Rogues", by Mr. P. F. Sherman, and "A Name of Terror", by Theophilus, is that Burma must be a country where all criminals (if they will pardon the term!) are of a distinctly superior order—always, of course, assuming that those described in the articles are typical of the majority. It is undoubtedly refreshing to read of the camaraderie that exists between the hunter and the pursued, indicative of a high species of natural evolution which unfortunately does not always appear to be present in more civilized countries. Reading these articles, one must necessarily arrive at the conclusion that police work in Burma is mentally a salubrious form of duty where a victory or a defeat of the police is an occasion for general good humour and mutual respect all round. It would seem very obvious that such an existing situation must reflect a good deal of credit on those individuals who have been engaged in the policing of Burma in the past, and on those who assume that responsibility at present.

The magazine also contains most interesting articles descriptive of local crime conditions and of a technical nature which space unfortunately does not permit of review. If we may do so, we offer our congratulations to the editor of the *Burma Police Journal* for the publication of so much excellent material in the first edition. It will certainly help to bring conditions of police work in Burma a great deal closer to those of us who live in the Western hemisphere and we will very much look forward to reading future issues of this informative periodical. R-C.

Lance-Corporal R. G. McDowell

A MEMBER of the Royal Canadian Mounted Police has, at the suggestion of the High Commissioner, Hon. Vincent Massey, been appointed for duty at Canada House.

He is Lance-Corporal R. G. McDowell, seven of whose eleven years with the Force have been spent in the Arctic. His various "beats" have included Aklavik, Herschel Island and Baffin Island. He was one of those despatched to arrest the "Mad Trapper" in the Rat River district in 1932, and made a record journey by dog team with the wounded Constable A. W. King, covering eighty miles in twenty hours.

Lance-Corporal McDowell was born in Winnipeg, and this is the first time he has been in the United Kingdom.

R. C. M. Police Schooner "St. Roch"

ON PAGE 52 of the Magazine, we publish by kind permission of the Hudson Bay Company publication, the *Beaver*, a series of photographs depicting the sinking—on August 5th, 1937—of the H.B.C. schooner *Fort James* near Chantrey Island when caught in the ice-pack off the Arctic Coast and also the log of the vessel describing the schooner's last moments. As will be remembered, an account of the rescue of the crew of the *Fort James* by members of the *St. Roch* personnel, was contained in the Editorial column of the October, 1937, edition of the Quarterly magazine.

Division Notes

"A" Division

THE "A" DIVISION weekly "Rifle and Revolver" competition terminated at the end of April, the final practice being shot on April 28th. Eighty-four spoons were awarded, half for rifle and half for revolver. In addition there were season's prizes as follows:—Combined Rifle and Revolver Aggregate—Constable J. H. Blais; Rifle Aggregate—Corporal C. A. Christie—Revolver Aggregate—Constable J. H. Blais; Canteen Cup—three specified shoots—Constable C. C. Wilson; Consistency Cup—Constable C. C. Wilson.

On May 14th, Colonel S. L. Spicer and a group of enthusiastic members of the Toronto Royal Canadian Army Medical Corps (Non-Permanent) Rifle Association, paid a visit to "A" Division where a friendly rifle competition had been arranged between the visitors and members of the Division. The teams were composed of seven men each and twenty rounds were fired by each competitor. In the final results, the R.C.M. Police Team had a slight margin of points to their credit, but the R.C.A.M.C. had the distinction of having a member compile the highest individual score. Subsequent to the competition, the two teams adjourned to the Grand Hotel for dinner, the Officer Commanding, Officers, and a number of members of "A" Division, also being present. The entertainment committee is to be congratulated for having arranged a programme that was thoroughly enjoyed by all and it is hoped that this is only the beginning of such pleasant inter-association meetings.

* * *

The third and final play-off game of the Bowling Club also took place on April 28th.

Members of the winning and second place teams each received an individual prize. There were also individual season's prizes.

* * *

On May 20th, a Social Evening was held at the Drill Hall, Ottawa, under the joint auspices of "A" Division and "Headquarters" Rifle Association. On this occasion prizes for both the shooting and for the bowling competitions were presented by Assistant-Commissioner C. D. LaNauze. An informal dance was also held thus bringing a highly enjoyable evening to a most successful conclusion.

* * *

Three members of the Division have been married recently—A/Lance-Corporal B. O. Bisson to Miss Rose Courcelle on March 21st at Ottawa, and Constable H. G. Popkey to Miss Mary Clancy on April 20th at Hull, P.Q. Constable J. P. E. O. Juneau and Miss Simone Beauchamp were married in Ottawa on May 17th.

All members of the Division extend their best wishes to the happy couples.

* * *

Members of "A" Division unite in all good wishes to Reg. No. 9107, Constable F. Whittemore, who has retired to pension and gone "back to the land" near Ottawa. Constable Whittemore has always been an enthusiastic member of the "A" Division Social and Athletic Club and it is hoped that his familiar figure will still be seen at our dances.

"D" Division

The curling season came to a close Friday, March 11th, with the rinks skipped by Constables Gordon and Eddy meeting at the Thistle Curling Rink for the honour of winning the Divisional Bonspiel. In a battle royal in which no quarter was asked or given, the game ended with Eddy's Rink the victors. Following the event, a smoker was held at the rink, in which all curling enthusiasts participated and at which

Inspector Anthony presented prizes to Sergeant A. R. Walker and his Rink, winners of the League, and to the winners of the Bonspiel under Constable Eddy.

April 11th saw the end of the bowling season with the Sub-Division as winners of the R.C.M.P. League and holders of the Mitchell-Copp Trophy.

A team comprising Corporal Goodey, Constables C. G. Malcolm, A. Wallace, K. R. Ruddick and C. E. Hannah, represented the Division in the Winnipeg Five-Pin Bowling Tournament. Although placed only 20th, since it was the first appearance of the "D" Division Team in Tournament play, it is considered that a very satisfactory result was obtained.

The Division Team entered in the "Tyro" class in the Dominion Marksmen Competition this year, was successful in accumulating a record score for the Division, of 1383 points. This result is 37 points higher than the score made in 1937.

A very successful Smoker was held in the Auditorium of the Barracks on April 22nd when representatives of the local and neighbouring Municipal Police Forces, members of the Attorney General's Department, Magistrates, and members of the local Fire Department, were invited.

A full evening's entertainment, under the capable direction of Constable Donald Taylor, featured such outstanding artists as Constable S. D. Thomas, whose tenor voice drew enthusiastic applause, and Constable A. Wallace whose fiddling had the feet of all present tapping under the tables.

Constable Peach is to be complimented on the care with which he selected the amateurs who appeared on his programme. A few, of course, did not satisfy the critical audience and "boos" forced the "Professor" to use the gong on certain occasions. Undoubtedly brilliant careers, however, await such excellent artists as "Piccolo" Harris, "Banjo" Lambie and Mademoiselle "Fifi" Eddy.

During the course of the evening short and entertaining speeches were made by the Officer Commanding, Ex-Superintendent Martin, and by Mr. Grant Potter, Assistant-Deputy-Attorney-General.

* * *

On April 27th, Constable L. Jones and Miss Ethel Chapman were married at Winnipeg and on May 9th Constable J. Batza was married to Miss Lillian Burnside of Minnedosa, Man. All members of the Division join in wishing the happy couples the very best of luck and good wishes.

"H" Division

The Social and Sports Club Bowling and Shooting season finished in a splash of glory, temporarily ending the pleasant hours spent in friendly competition between the Marine Section and Land Force, now that the sea-going Mounties have gone down to—or is it out to—"Mare Nostrum" in their preventive ships. The high spot of the season was the get-together at our last general meeting when the presentation of prizes for the best scores in bowling and shooting was followed by a jovial "Smoker."

And now that summer is here again, seasonal sports are engaging most of the spare time of the sporting enthusiasts. Having continued our club membership in the Wanderer's Athletic Club, we may participate in softball, tennis, quoits, cricket, and almost any branch of sport. In the House Softball League, two games have been played between Headquarters and Halifax Detachment, and Marine Section and Headquarters, honours going to Headquarters and Marine Section respectively.

Since we have also joined the St. Theresa's Tennis Club on Oxford Street, where some of our Tildens are putting forth great efforts to live up to their winter tennis reputations, it will be seen that the sporting activities in "H" Division occupy most of the time between the more exacting hours of police duty.

* * *

During the past few months, challenges to Billiard Matches were received from the Halifax Rifles and Princess Louise Fusiliers of the Militia stationed at Halifax. A team was hastily assembled under the able direction of Staff-Sergeant Smith and without any knowledge of the capabilities of the individuals concerned, went forth to do or die.

We were fortunate in defeating the Halifax Rifles two games to one but lost two in succession to the Fusiliers.

* * *

After the winter season's activities in the indoor rifle range, the outdoor practice is looked forward to. The season opened at Bedford ranges the first week in May and the enthusiasts gathered to swap alibis and prepare themselves for the Nova Scotia Provincial Rifle Meeting, which takes place during the month of July. To encourage the art of shooting among the younger members and the green shots, the Association has this year included in the prize list a number of good prizes for those using, or preferring to use, open sights.

It is expected that the R.C.M. Police will be well represented both at practice and competition meetings.

"J" Division

The Indoor Rifle and Revolver Club recently concluded a very successful season with the announcement that a team entered from this Division had been successful in winning the Dominion Marksmen, .22 N.B. Provincial Indoor Series Championship.

* * *

With the closing of an interesting and profitable season by our Badminton Club, activities of the younger members have now turned to water sports, and, in preparation, the river beach at the rear of the Barracks is receiving its annual spring-cleaning and a new raft is under construction.

* * *

The tennis season in Fredericton officially opened on May 24th, and several members of the Force have joined the Riverside Tennis Club. It is hoped five courts will be in use this year; the grounds are located on a portion of the police property, which is a distinct advantage to us. At the close of last season's activities, the future of this Club appeared to be uncertain; however, as members of this Force have taken such a keen interest, there is every reason to believe the total membership will be greatly increased by the addition of more local enthusiasts.

* * *

Lance-Corporal C. C. Munroe was united in marriage to Miss Monica Johnston, of Sydney, Nova Scotia, at Sydney, on May 18th. The couple are at present on their honeymoon, visiting various points in Nova Scotia and Ontario.

Constable C. E. Cox, of "J" Division Headquarters staff, was united in marriage to Miss Pauline Boone, of Devon, N.B., on May 12th, at St. Paul's Church, Fredericton, by the Rev. George Telford.

The best of good wishes and congratulations are extended to the happy couples.

"K" Division

The "K" Division, Edmonton, R.C.M. Police Cricket Club got away to a fine start in the Edmonton and District Cricket League, as they have played five matches to date, winning four, the remaining game being called on account of bad light, with the R.C.M. Police in a winning position.

With the advent of two or three new players, the Team has shown a marked improvement, especially in their work in the field, whilst the batting has been consistently good. In the game vs. Wanderers C.C., the O.C., "K" Division,

A/Assistant-Commissioner W. F. Hancock, scored a faultless 58 and it is hoped that he will repeat this performance on future occasions.

The genial and popular President of the Club—Insp. A. F. C. Watts—has recently returned from a trip to the Old Country and his presence should give added zest to the team.

The Honorary Secretary-Treasurer of the Club, Detective-Corporal S. C. Coggles, has this year been elected Vice-President of the League.

The Annual Match—R.C.M.P. vs. Edmonton Bar Association—is expected to take place on the afternoon of Wednesday, June 15th, with a Banquet to follow, and games are also being arranged with the Edmonton Clergy and the Edmonton Academy of Medicine.

Inspector Mercer has recently joined the Division and, as an old and ardent cricketer, he has lent his support and is to coach the younger players. It is hoped that he may yet be prevailed upon to again don flannels and wield the willow. Lance-Corporal A. B. Johns is again Captain of the Team, with Constable E. C. Parker as Vice-Captain.

Batting honours to date have been carried off by A/Assistant-Commissioner Hancock, A. Brown, E. W. Parker, E. C. Parker, A. B. Johns and H. S. Allen, whilst the bowling has been well taken care of by A. Brown, E. R. Crouch and H. H. Lane. Two new members of the Team—Constables G. S. McGlynn and R. McMullen—have also done admirably to date.

* * *

The R.C.M. Police have entered a team in the soft ball tournament in Peace River. They have played two games, and won both. Great interest is being taken and the exercise is appreciated by all.

* * *

The tennis court at the Barracks in Peace River has been put in good shape for this year. New cinders have been put down and a new net and tapes purchased. The court is occupied each evening and a good season is expected.

* * *

The "K" Division Rifle and Revolver Club has experienced a very successful year. Considerable interest was shown by the members and the competition has been very keen.

The Dominion Marksmen Provincial Shield, for .22 sporting rifles was won by the "A" Team, with a score of 1498 out of 1500. The team was composed of the following members: Inspector A. G. Marsom, Sergeant D. E. Forsland, L/Corporal H. Simoneau, Corporal H. P. Keller, and Constables E. C. Parker, H. R. Warren, and Mr. Jack Marsom.

The Provincial Championship was won by No. 1 Team in the S.M.L.E. .22 competition, with a score of 1444 out of 1500. The members of this team were: Inspector A. G. Marsom, Sergeant D. E. Forsland, L/Corporal H. Simoneau, Constable E. C. Parker, Constable H. R. Warren, and Constable G. B. McClellan. Sergeant Forsland also tied with Gunner W. J. Newell of the Royal Canadian Horse Artillery "A" Team for the "Individual Challenge Trophy" with a score of 299 out of 300. He also shot a "possible" for the Individual Challenge Trophy, and, although no results have as yet been received it is hoped that he will prove to be the winner.

The "K" Division Revolver Team was able to compile an excellent score of 1446 out of 1500 in the "Chief Constables Revolver Competition." The team was composed of: Sergeant D. E. Forsland, Sergeant A. Ford, Constable M. R. J. Eaton, Corporal D. Mighall and Constable R. J. Blair. We have been fortunate in winning this competition several times, and, in view of this being the best score made by "K" Division Teams to date, we will be most disappointed if the Division is not at the top of the list when the results are published.

We also take pleasure in congratulating Sergeant A. Ford on his winning High Score honours throughout the Force in the annual revolver practice finals, his score being 239 out of a possible 240.

Inter-Club Competitions were held throughout the past winter with the "Edmonton Never Miss Club" and the "University Club." These competitions proved a source of excellent entertainment to every one connected with them.

"O" Division

Bowling activities in the Division were brought to a very successful conclusion this Quarter with a well arranged banquet, the majority of the members stationed in Toronto being present for the dinner. Novelties were distributed, and an excellent programme of entertainment provided.

Individual miniature cups were presented for high cross, high single and high average, a handsome challenge cup also being donated for annual competition.

* * *

With the advent of warm weather, softball and horeshoe playing have come into prominence. A schedule of softball activities is being prepared and it is hoped to arrange for a number of games with other local teams. A horseshoe tournament will also be held in the near future.

* * *

Later on in the Summer, it is planned to again hold one or two picnics in the same manner as last year. These picnics were very successful and were thoroughly enjoyed by everyone who had the good fortune to be present.



Sergeant D. E. Forsland

SERGEANT D. E. FORSLAND of "K" Division, Royal Canadian Mounted Police at Edmonton, Alberta, has won two major individual marksmen championships, it was announced on June 8th from Dominion marksmen headquarters. In attaining his double victory Sergeant Forsland displayed his supremacy in .22 S.M.L.E. and revolver shooting among R.C.M.P. units of the Dominion, and established himself as one of the best shots on the continent in both these classes of target shooting.

In a sudden-death match against Gnr. W. J. Newell of the Royal Canadian Horse Artillery, Winnipeg, Forsland shot a perfect target of 100 x 100, while Newell dropped six points for a score of 94 x 100, to win the individual high score trophy in the Dominion marksmen .22 S.M.L.E. Rifle League. In the elimination matches held early this spring, the two men tied for top honors with a score of 299 x 300 when representatives of police and military units from all parts of Canada competed.

Simultaneously with the news of Sergeant Forsland's victory in the rifle competition came the announcement that he had annexed the individual high score trophy in the Dominion marksmen 1938 R.C.M.P. revolver competition with a score of 293 x 300. In the rapid fire division of this competition Forsland placed five bullseyes in each of four targets within a time limit of 25 seconds per target to score 100 x 100. In deliberate fire with no time limit he scored 193 x 100.

Winnipeg Free Press, 9-6-38.

Obituary

Ex-Superintendent A. E. C. McDonnell

It is with profound regret that we record the death at Calgary, on April 8th, of Lieutenant-Colonel A. E. C. McDonnell, former Superintendent of this Force and a prominent figure in the history of Alberta. Joining the N.W.M. Police at Montreal in June, 1881, he made the difficult journey by rail, boat and horseback, to the Headquarters of the Force at Fort Walsh in the Cypress Hills, where he was sworn in as Constable and given Regimental Number 543. From Headquarters he was transferred to Calgary in the spring of 1882 and thence to the mountains of British Columbia, where he remained until 1885. He was there during the memorable days of the construction of the C.P.R. and was in charge of the first detachment at Revelstoke, then known as the Second Crossing of the Columbia River.

In April, 1885, on the outbreak of the Riel Rebellion, all members serving in the Mountains were ordered to Calgary, where the late ex-Superintendent McDonnell was posted to "Steele's Scouts", a corps organized by Inspector S. B. Steele. Holding the rank of Sergeant-Major, ex-Superintendent McDonnell served with this contingent throughout the Rebellion and was in action at Frenchman's Butte, for which he received the medal and clasp. Following the Rebellion he was stationed at Calgary and Lethbridge until June, 1897, when he went to England as Sergeant Major of the contingent which represented the Force at the Diamond Jubilee of Queen Victoria. Remaining in England after the celebrations, he attended courses at the Cavalry Depot, Canterbury, and the School of Musketry, Hythe, returning to Canada towards the end of the year with outstanding records of success from those establishments..

The following year he went into the Yukon with the first detachment from the Force for duty in that region and was there to take an important part in the exciting days of the Gold Rush of '98. Promoted to commissioned rank in 1900, he remained in the Yukon for a total period of ten years. On his return from that territory, he continued his active life in the service of the Force at Macleod, Athabasca Landing, and in the pioneer Peace River district for a further period of ten years. In 1913 he was promoted to the rank of Superintendent, and, in 1917, he retired to pension to organize the Alberta Provincial Police. To that task he carried a wide experience and a detailed knowledge of police work together with the best traditions of this Force, so that the new police organization was firmly established when he relinquished his position. In 1920 he proceeded to the Peace River district again, this time in the capacity of Police Magistrate. He continued in that responsible position until 1933 when he retired from active public life to make his home in Calgary—a city grown from the collection of log huts and a police stockade which he saw when he first came to the West. Widely known and respected throughout the West, holding a signally honoured position in the annals of Alberta for his part in the early development of that Province, the late ex-Superintendent McDonnell will be remembered with pride by this Force which he served so long and with such distinction.

Reg. No. 10675, Constable M. E. Vendette

Following a short illness, Constable M. E. Vendette died at his home in Ottawa on April 17th. Coming to Canada from the U.S.A. as a young man, he made his home in Embrun, Ont., until twenty years ago, when he moved to Ottawa and joined the City Police. After ten years' service in that Force, Constable Vendette engaged in the R.C.M. Police and was a member of "A" Division during the nine years preceding his death. In his 45th year, and of powerful physique, Constable Vendette was well known for his athletic activities and his death came as a shock to his many friends.

Reg. No. 11741, Constable C. G. Lloyd, V.D.

Stricken suddenly by illness in January of this year, Constable C. G. Lloyd died in Deer Lodge Hospital, Winnipeg, on March 22nd. Born in 1887 at Morden, Manitoba, he joined the army immediately on the outbreak of the Great War, receiving a commission in the 18th Mounted Rifles and sailing for England a few weeks later. Wounded in 1916, he served with distinction overseas, being mentioned in despatches, until demobilized in 1919 with the rank of Captain. A member of the Customs and Excise Preventive Service for many years, Constable Lloyd was transferred to the R.C.M. Police in 1932, and since that date had been stationed at Winnipeg and detachments in Manitoba.

Reg. No. 200, ex-Constable Robert Patterson

The West lost one of its earliest pioneers, and the Force one of its oldest ex-members, when the death of Mr. Robert Patterson occurred at Winnipeg, on February 28th, 1938. Joining the N.W.M.P. at Ottawa in 1876, Mr. Patterson travelled to Western Canada by way of Sarnia, Duluth, and the Red River to Fort Garry, and thence to Swan River and Macleod. Serving in the Force until 1881, he took his discharge to become a rancher near Slideout and continued to be a resident of the Macleod district until his death.

Reg. No. 999, ex-Constable Charles Knight

A resident of Calgary for many years, ex-Constable Charles Knight died at his home in that city on March 22nd of this year. Aged 74 at the time of his death, Mr. Knight joined the N.W.M. Police at Winnipeg in 1884 and was in his early twenties when under fire at the Cut Knife Creek engagement during the Riel Rebellion. A skilful farrier, he purchased his discharge in 1886 to follow his trade in the growing, pioneer town of Calgary.

Reg. No. 2653, ex-Constable J. L. Salmon

A member of the N.W.M.P. from 1891 to 1893, Mr. J. L. Salmon died at his home in New Sarepta, Alberta, during April, at the age of 73 years. Born in London, England, Mr. Salmon came to this country shortly after leaving school and previous to joining the Force was engaged in farming in the Moosomin district. During his service he was stationed at Emerson, Manitoba, and, on taking his discharge, became a guard at Stony Mountain Penitentiary. A veteran of the Great War, having served from 1916 to 1919, Mr. Salmon took up farming on his return from overseas and moved to New Sarepta eight years ago.

Reg. No. 2846, ex-Staff-Sergeant D. G. Quinn

At the age of nearly seventy-five years, Mr. D. G. Quinn died at his home in Vancouver on February 23rd, 1938. Following three years' service in the Royal Irish Regiment, Mr. Quinn left Ireland to come to Canada. He resumed his military life on joining the Winnipeg Troop Cavalry and two years later in 1892, became a member of the N.W.M. Police. During the following seven years he was stationed at Whitewood, Moosomin and Regina and in 1900 he went to South Africa to serve with the Colours during the Boer War. Returning to the Prairies a year later, he continued his police duties and was promoted successively to Corporal and Sergeant within three years. Promoted to the rank of Staff-Sergeant in 1912, he retired to pension in 1915 to live at Swift Current, and later, Vancouver. It is of interest to note that at the burial of ex-Staff Sergeant Quinn, which took place at Medicine Hat, the Last Post was sounded by his grandson, Constable C. R. H. Salt, who is now serving with the Force at Moosomin.

