

Firebugs, Rustlers, Vandals and Vigilantes: Crime &  
Criminal Justice in Late 19th & Early 20th Century Rural  
Ontario

Firebugs, Rustlers, Vandals and Vigilantes: Crime &  
Criminal Justice in Late 19th & Early 20th Century Rural  
Ontario

By  
Richard P. Manning, M.A.

A Thesis  
Submitted to the School of Graduate Studies  
in Partial Fulfillment of the Requirements  
for the Degree  
Doctor of Philosophy

McMaster University-History Department  
Hamilton, Ontario, Canada

(copyright, Richard P. Manning, 2018)

McMaster University DOCTOR OF PHILOSOPHY (2018) Hamilton,  
Ontario (History)

TITLE: Firebugs, Rustlers, Vandals and Vigilantes: Crime & Criminal  
Justice in Late 19th & Early 20th Century Rural Ontario

AUTHOR: Richard P. Manning, B.A. (Hons.) (Trent University), M.A.  
(Carleton University)

SUPERVISOR: Professor Ken Cruikshank

NUMBER OF PAGES: vi, 290

## Abstract

In the late nineteenth and early twentieth centuries, the provincial system for administering justice in rural Ontario was criticized in the press and by some local justice officials in the counties. Criticisms were in response to apparent moments of criminal crisis. The public learned about the crimes of violent groups and gangs mainly through the press. There were stories of sensational property crime, violent attempts at social control, and more rarely, vigilantism.

Ontario, however, appeared to be a peaceable province, which moderated calls for improvement in the system. The slow pace of reform, and evidence of a system that functioned well under most circumstances, suggests that the province had only marginal interest in reform.

An antiquated system of rural constables was useful to critics advocating reform. In some cases however, the local knowledge of the county constable complimented the investigative strength of the provincial detectives. The rise of the Ontario Provincial Police in the 1910s and 1920s promised a change for the better, but the force was not designed to meet the needs of rural Ontarians, and did not take over rural policing until 1929. The challenges faced by the force in its early years, as well as issues of performance, leaves open for consideration the extent to which crime management in rural Ontario actually improved.

For Holly and the kids

## Acknowledgments

This topic came with some unanticipated benefits. Talking about crime with family, friends, faculty, acquaintances, archivists, and librarians seemed to always elicit genuine interest. People do love to talk about crime. Over the years I worked on this project, I enjoyed many stimulating conversations that had a direct and positive influence on my research. They provided encouragement, lots of ideas, and much needed motivation.

I want to acknowledge the debt owed to my family first and foremost. My wife Holly had to endure my distraction and moodiness, and my children, Owen, Silas, Duncan, Malcolm, Finnegan, and Charlotte, a father who never paid enough attention during soccer, basketball, swimming and dance. But take heart everyone, we can now do a family trip to see the Donnelly graves! For putting up with me, and even more, for their encouragement and unflagging faith in me, I thank them.

I probably never would have chosen such a fitting and fascinating topic without the advice of my supervisor, Ken Cruikshank. His guidance, insight and willingness to slog through early drafts full of cryptic and insensible prose was indispensable. I also want to thank John Weaver for helping me see the significance of criminal justice institutions.

Few things crank me up like going to an archive or library. I want to thank the outstanding staff at the Archives of Ontario, the Archives at UWO, and the libraries at Laurier, Waterloo and McMaster. How wonderful it is that university research librarians are agnostic about helping PhD students from other universities.

Finally, my love of history was inherited from my mom and dad, my siblings, and my in-laws. Because of them I can no more imagine a life without history than one without food and drink. For this I love and thank you.

# Table of Contents

|  |     |
|--|-----|
| Introduction   | 1   |
| Chapter 1:<br>Crime and the Rural Community  | 21  |
| Chapter 2:<br>Charivaries, Vandalism and Intimidation: The Limits of Rural Justice                         | 81  |
| Chapter 3:<br>Community Crime: Vigilantism and Social Control  | 129 |
| Chapter 4:<br>County Constables, The Provincial Police, and The Slow Reform<br>of Local Justice, 1855–1929 | 185 |
| Conclusion   | 249 |
| Bibliography   | 265 |

## **Introduction**

On a winter's night in February of 1880, a group of over thirty men on horseback surrounded a log cabin on a farm outside the town of Lucan, just north of London Ontario. They were all members of a vigilante organization ostensibly created to end lawlessness in the area. The group included a justice of the peace, a constable, and other influential men of the community, all of whom came to settle scores with the Donnelly family. The men entered the home and beat to death three adult family members and a niece visiting from Ireland. A boy named Johnny O'Connor, who was staying there for the night, hid under a bed until he could make his escape. The vigilantes then set fire to the cabin and rode to another farm nearby where two more of the Donnellys were staying. They shot one of them dead as he answered the front door. The story of the massacre was reported around the world, buoyed no doubt by the irony of a vigilante murder taking place in the land of "peace, order and good government." Although there were two trials of the Lucan vigilantes, nobody was ever convicted for the crimes. The only major witness produced by the Crown was O'Connor. Anyone else who might have given evidence was either in league with the vigilantes or too frightened to testify against them.



This fear was not unfounded: when Johnny agreed to testify, his family's home in Lucan was burned to the ground.<sup>1</sup>

The murder of the Donnellys was one of the more violent criminal episodes in the history of Canada, the story of which is firmly established in popular memory and culture.<sup>2</sup> It raises important questions about the kind of environment that would generate and allow such violence to occur. Were the vigilantes truly motivated by the many crimes of the Donnellys, and to what degree might religious, sectarian, political or other personal factors have been involved? Was lawlessness so severe in the community, and was the justice system so impotent that vigilantism was somehow warranted? These are questions of a local nature and specific to the case. More broadly, we might wonder about the nature of crime and law and order throughout rural Ontario at the time. The number of serious crimes that took place in the Lucan area leading up to the murders and the strength of the vigilante response were unparalleled. But other rural Ontario communities experienced criminal crises – albeit of a lesser nature – as well. How, then, did the province respond to sensational crimes in rural communities?

In the late nineteenth and early twentieth centuries, the provincial system for administering justice in rural Ontario came under criticism from the press and from some local justice officials in the counties. The criticisms were in response to moments of criminal crisis occurring in the rural parts of “old Ontario.” The public learned about the

---

<sup>1</sup> File #54, B4877, Donnelly Family Papers, J.J. Talman Regional Collection, University of Western Ontario Archives.

<sup>2</sup> For an account of the Donnelly murders and the preceding lawlessness in Lucan, see Ray Fazakas, *The Donnelly Album: The Complete and Authentic Account Illustrated with Photographs of Canada's Famous Feuding Family* (Toronto: Macmillan of Canada, 1977), See also William Butt, “The Donnellys: History, Legend, Literature,” (diss., University of Western Ontario, 1977).

crimes of violent groups and gangs mainly through the press. There were stories of sensational property crime, attempts at social control and, more rarely, communities taking the law into their own hands. These cases served up criticisms helpful for those seeking to modernize the system.

Ontario, however, appeared to be a peaceable province, which moderated calls for improvement in the system. The province instituted minor reforms over a period of roughly seventy years and in a seemingly cautious and parsimonious manner. The slow pace of reform, and evidence of a system that functioned well under most circumstances, suggests the province had only marginal interest in reform.

An antiquated system of rural constables, based on the English model of the county constable, gave critics a basis for advocating reform. The trope of the incompetent, amateur and biased local constable may have had some basis in fact, but there are reasons to be skeptical of this characterization. Constables had valuable local knowledge that, when combined with the investigative abilities of provincial detectives, could result in satisfactory outcomes. The rise of the Ontario Provincial Police (O.P.P.) in the 1910s and twenties promised a change for the better, but the force was not capable of meeting the exceptional needs of rural Ontarians, nor was it designed to do so. The challenges faced by the force in its early years, as well as issues of performance, leave open for consideration the extent to which crime management in rural Ontario actually improved. Ultimately the counties would choose to transition to provincial policing, but the decision was not simply a matter of quality: in 1929, the province agreed to cover the cost.

For the people of rural Ontario, the episodes of criminal collective violence that triggered systemic criticisms may have been rare, but they exposed, however briefly, the limitations of a system that was not developed with crises in mind. The nature of rural society could compound the problem, leading to unreported crime, the stigma of criminality, and the exposing of divisions in the communities. In some cases where the system appeared to be ineffective, extra-judicial actions followed.

### **The Study of Rural Crime and Rural Criminal Justice**

In popular discourse since the nineteenth-century, the common assumption is that crime is primarily an urban phenomenon. This view is based on a notion that something intrinsic to rural life makes it more resistant to crime; that those who eke out a living close to nature and work together in orderly, homogeneous communities are naturally peaceable. A related supposition would be that crime and violence have gotten worse in the modern period, as western society has become predominantly urban. In a volume of essays on the subject, various scholars studying European crime since the middle ages conclude that the opposite is true; violent crime has been in decline, and consequently, it cannot be argued that traditional rural societies are inherently more lawful.<sup>3</sup> It is a simple but very powerful conclusion that confirms the seminal work of Norbert Elias, who

---

<sup>3</sup> Eric A. Johnson and Eric H. Monkkenen, *The Civilization of Crime: Violence in Town and Country since the Middle Ages* (Urbana: University of Illinois Press, 1996). Julius Ruff similarly notes that violent crime has been in decline over the long run of history, and that violence was very much a part of interpersonal relations in early modern Europe. Julius R. Ruff, *Violence in Early Modern Europe* (Cambridge: Cambridge University Press, 2001).

theorized that courts, urban centers and state structures had a civilizing effect on society.<sup>4</sup> Furthermore, in places beyond the control of such forces – rural areas for example – violence remained a normal part of people's lives.

These notions would have seemed counter-intuitive, even within academic discourses, a hundred years ago. The main thrust of early-twentieth-century social science was to examine the problems of urban life.<sup>5</sup> Theorists believed that the rise of urban industrial society, with its more individualistic, anti-communitarian forms of social relations, led to an increase in crime and other problems. Such academic theories help explain the dearth of literature on rural crime for a good part of the twentieth-century.<sup>6</sup> Moreover, this academic tradition may have had real-world consequences, shedding light on the difficulties rural people have had in securing appropriate resources from the state for addressing crime or other problems regarded as urban in nature.

This dissertation joins other work that challenges the view that rural societies are inherently more lawful, although no attempt is made to measure the changing volumes of crime in different environments or over time. Assessments of crime patterns require a large volume of cases and data and, even then, pose complex challenges.<sup>7</sup> The cases in

---

<sup>4</sup> Norbert Elias, *The Civilizing Process* (New York: Urizen Books, 1978).

<sup>5</sup> See essays by Weber, Spengler, Park and Wirth in: *Classic Essays on the Culture of Cities*, ed. Richard Sennett (Englewood Cliffs: Appleton-Century-Crofts; Prentice Hall, 1969). See also: Hans Pols, "Anomie in the Metropolis: The City in American Sociology and Psychiatry" *Osiris* 18 (2003): 194-211.

<sup>6</sup> Paul Wiles argues that idealized rural societies have played a critical role in urban criminology: that of antithesis. Wiles, Paul. "Forward", *Crime and Conflict in the Countryside*, eds. Susan R. Moody and Gavin Dingwall (Cardiff: University of Wales Press, 1999), x.

<sup>7</sup> A statistical assessment of rural crime in Ontario would require abundant, reliable data, which does not exist. As will be discussed in chapter one, rural crime often went unreported. Even once reported, crimes may not go to trial. owing to an out-of-court resolution, the failure of authorities to investigate, or a lack of

this dissertation are diverse and unique, but they do share a common attribute. They created moments of crisis which, in some cases, suggested a previous period of unreported criminality. They were also sufficiently noteworthy to provoke criticisms, primarily from the press – biased and sensational as they often were –, about deficiencies in the justice system and criminality in affected communities. Rather than focusing on crime statistics, therefore, this dissertation uses selective crime narratives and institutional documents of the Attorney General's Department to explore the challenges faced by rural Ontario communities in dealing with criminal behaviour, and perceptions of how well the nineteenth-century system of law enforcement worked in those rural communities. Assessing the actual effectiveness of the system with the sources used here is not possible. All that can be argued is that perceptions of the system through public discourse may have led to a belief that it was ineffective and in need of reform.

Case-based crime studies, as opposed to those reliant on quantitative analysis, help reveal the inherently messy nature of crimes, especially those which affect whole communities. Justice systems attempt to address the problem by parsing criminal events into chargeable offenses and determining the admissibility of information. Court processes further constrain inquiry to answer but two questions: is the defendant guilty, and how should they account for their crimes? That which may be inadmissible in court is of great value for the historian, who may wish to look at the wider range of people

---

evidence – as discussed in chapter four. Under these conditions a statistic would not be generated. Furthermore, the calculation of crime rates requires population data which is similarly problematic because of population flow-through and the fact that the boundaries of census sub-districts and counties (where crime statistics are first recorded) are rarely coterminous. Furthermore, during the period under examination here, all forms of government statistics were in a high state of flux and development, thus making temporal comparisons problematic.

impacted by crime, not just the defendant, victim or plaintiff. This broader view of crime, unconcerned with guilt, innocence and correction, does not always lend itself to wholly satisfying conclusions.

To date, some historical studies of crime in Canada and internationally address both rural and urban examples, but few are exclusively rural.<sup>8</sup> Scholarly interest in crime has been channelled instead into studies of race, gender and class dynamics, or to explore state and institutional development. Unlike in the field of criminology, where sociologists try to understand why crime occurs and how it impacts society, historians – free from the obligations of providing solutions for crime control – have taken a broader view of the subject. Questions of identity and state formation are explored through crime stories and related documents, and as such, “crime” itself is generally not the main topic of interest. This approach has led to what is now a fragmented but regular and highly diverse publication stream.<sup>9</sup> The volume and quality of research in the field, which has slowly grown over the last few decades, led Jim Phillips to proclaim that criminal justice history in Canada merits entry into the mainstream of Canadian historiography.<sup>10</sup>

---

<sup>8</sup> Two Canadian studies addressing crime in both environments are, Donald Fyson, *Magistrates, Police, and People: Everyday Criminal Justice in Quebec and Lower Canada, 1764-1837* (Toronto: Osgoode Society and University of Toronto Press, 2006). Karen Dubinsky, *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago: University of Chicago Press, 1993).

<sup>9</sup> The Osgoode Society, a non-profit publisher of Canadian legal and justice histories has published over 100 books to date.

<sup>10</sup> Jim Phillips, "Crime and Punishment in the Dominion of the North: Canada from New France to the Present", *Crime History and Histories of Crime: Studies in the Historiography of Crime and Criminal Justice in Modern History* eds. Clive Emsley and Louis A. Knafla (Greenwood: Westview Press, 1996), 164.

Prior to the 1930s, most Canadians lived in rural areas, and as a consequence, historians regularly work with rural material. Karen Dubinsky and Joan Sangster have each published work exploring gender and class through the use of rural cases and in a manner that highlights rurality.<sup>11</sup> The authors address how the impact of crime in marginalized rural places influenced popular conceptions about certain kinds of rural communities – a theme explored in the next chapter. Robert Sharpe and Susan Lewthwaite have also produced studies with rural cases and themes.<sup>12</sup> Sharpe's study of a sensational murder case in Prince Edward County explores the impact of an ineffective justice system on a rural community, resulting in a miscarriage of justice. Susan Lewthwaite's dissertation on local magistrates in rural Upper Canada and a later book chapter on rural attitudes towards the justice system explore the biased nature of locally based justice. Her work also captures an aspect of rural crime that is undeveloped in both the historical and sociological literature: how the long-standing relationships existent in rural communities can support animosity and feud-like behaviour. Finally, Barrington Walker's study of black defendants in Ontario courts, while not focused on rurality, makes good use of rural material and is sensitive to rural themes, particularly the part they played in strategies for the defense.<sup>13</sup>

---

<sup>11</sup> Dubinsky; Joan Sangster, "Masking and Unmasking the Sexual Abuse of Children: Perceptions of Violence against Children in "the Badlands" of Ontario, 1916-1930," *Journal of Family History* 25.4 (2000): 504-26.

<sup>12</sup> Susan Lewthwaite, "Violence, Law and Community in Rural Upper Canada" in *Essays in the History of Canadian Law: Volume Five – Crime and Criminal Justice*, eds. Jim Phillips, Tina Loo, and Susan Lewthwaite (Toronto: Osgoode Society and University of Toronto Press, 1994), 353-86. Robert J. Sharpe, *The Lazier Murder: Prince Edward County, 1884* (Toronto: Osgoode Society and University of Toronto Press, 2011).

<sup>13</sup> Barrington Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958* (Toronto:

The historical studies outside of Canada examined for this study usually connect rural crime to cultural, economic and political developments. For example, rural crime studies in England generally treat the phenomenon as a facet of rural political protest. John Archer probes the symbolic meaning of various nineteenth-century rural crimes, such as incendiarism, animal maiming and poaching, attempting to determine the extent to which they were used to protest economic and social conditions.<sup>14</sup> Timothy Shakesheff similarly focuses on “social crime,” caused by poverty and class inequality.<sup>15</sup> David Jones also explores the criminal dimensions of rural political protest, although he includes a fascinating chapter on the transformation of “normal” crime in the midst of a period of rural unrest in Wales.<sup>16</sup> The study of rural crime in post-emancipation Russia has also revealed a very unique set of circumstances particular to that society resulting from the cultural gap between the majority rural peasantry and ruling urban elites.<sup>17</sup> The peasantry appear as an ethnographic subject with distinct, pre-modern attitudes and approaches to crime and justice. In regard to rural crime history in the United States, the work of Susan

---

Osgoode Society and University of Toronto Press, 2010), 155.

<sup>14</sup> John Archer, *By a flash and a scare: incendiarism, animal maiming, and poaching in East Anglia 1815-1870* (Oxford: Clarendon Press; Oxford University Press, 1990). See also: David J.V. Jones, *Protest, Community, and Police in Nineteenth-Century Britain* (London: Routledge and Kegan Paul, 1982).

<sup>15</sup> Timothy Shakesheff, *Rural Conflict, Crime, and Protest: Herefordshire, 1800 to 1860* (Woodbridge: Boydell Press, 2003).

<sup>16</sup> David Jones, *Rebecca's Children: A Study of Rural Society, Crime, and Protest* (Oxford: Clarendon Press; Oxford University Press, 1989).

<sup>17</sup> Jane Burbank, *Russian Peasants Go to Court Legal Culture in the Countryside, 1905-1917* (Bloomington: Indiana University Press, 2004); Stephen Frank, *Crime, Cultural Conflict, and Justice in Rural Russia, 1856-1914* (Berkeley: University of California, 1999).



Session Rugh is illuminating.<sup>18</sup> Her study of rural crime in Illinois, in particular, highlights many of the themes presented in this dissertation: the impact of community structure, honour and reputation, localism, and a civilizing process that moved rural society from a reliance on communitarian to civil authority.

### **Rural Idealism and the Peaceable Kingdom**

Discourses relating to rural crime have been shaped by rural idealism and, in Canada, by myths of the peaceable kingdom. The popular positive conception of rural environments has been shaped by romantic, bucolic imagery in art and literature and brought into sharp relief by negative counter-images of modern urban life.<sup>19</sup> Within this landscape, images of rural people and their arcadian communities are seen as simple, unsophisticated “rustics,” highly productive and untroubled by urban problems.<sup>20</sup> This potent conception implying an idyllic past tied to the land, is fundamental to the formation of national identities.<sup>21</sup> Hence, our conception of rural places and people informs not only our sense of place, but our sense of self and our relationship to history.

---

<sup>18</sup> Susan Sessions Rugh, “Civilizing the countryside: class, gender, and crime and 19th-century rural Illinois,” *Agricultural history* 76 (2002): 58-81; Susan Sessions Rugh, “Conflict in the Countryside: The Mormon Settlement at Macedonia, Illinois,” *Brigham Young University Studies* 32 (1992): 149-74.

<sup>19</sup> G.E. Mingay, *The Rural Idyll* (London: Routledge, 1989), 1-6. See also, Shannon L. Rogers, “‘The Historian of Wessex’: Thomas Hardy’s Contribution to History,” *Rethinking History* 5.2 (2001): 217-32.

<sup>20</sup> Alexander R. Thomas, *Critical Rural Theory: Structure, Space, Culture* (Lanham: Lexington, 2011).

<sup>21</sup> The centrality of rural idealism to English history and national identity is analyzed in, Brian Short, *The English Rural Community: Image and Analysis* (Cambridge: Cambridge University Press, 1992). The theme is also explored in relation to French national identity in: Armand Fremont, “The Land”, in *Realms of Memory: The Construction of the French Past, Vol. II*, eds. Pierre Nora, Lawrence Kritzman and A. Goldhammer (New York: Columbia University Press, 1997), 3-36.

Rural idealism is an idea not only about a simple people or place, but also about a simple time.<sup>22</sup>

Stories of rural crime as told in media or judicial discourse gain an added potency by strengthening, contrasting or challenging rural idealism.<sup>23</sup> If rural crimes are committed by community outsiders, especially urbanites or marginalized others, then the victimization of rural people is regarded as all the more poignant. Accounts of resistance, or full community participation in dealing with the crime, will affirm the myth. However, internally generated crime, or worse, crime within families, is problematic. It can mean that criminal inclinations are an essential part of the human condition, always lurking within even the most idyllic social environments. Alternatively, given the perceived association between crime and modern urban life, it can signal that rural communities are, like the rest of society, changing for the worse. Such a sense of loss will feed nostalgia, renewing the myth.

In late nineteenth and early twentieth-century Ontario, rural idealism combined with the myth of Canada as a “peaceable kingdom” to challenge the effects of disturbing rural crimes. These combined notions might be thought of as a psychic balm. More specifically they were also manifested in cases with vigilantist overtones, or when those in authority overlooked the problem of rural crime in an apparently peaceable province. Judy Torrance’s study of public violence in Canada traces the origins of the “peaceable kingdom” myth and its important place in the historical conception of the Canadian

---

<sup>22</sup> David Lowenthal, *The Past Is a Foreign Country* (Cambridge: Cambridge University Press, 1999), 96-105.

<sup>23</sup> Moody and Dingwall 4.

identity.<sup>24</sup> Briefly stated, scholars, thinkers and statesmen throughout Canada's history have claimed that a unique feature of Canadian society has been our comparatively low levels of violence. We were not a nation founded on revolution, and our relative lack of wars, riots, rebellions, lawless frontiers and urban violence, as well as our loyal rejection of the American revolution, have distinguished us from our rowdy neighbours to the South. Not being American has been as much a component of our identity as anything else. In summing up the interplay of crime and the peaceable kingdom myth, Torrance argues that, in Canada, "The violent are doubly damned; their acts are not only morally wrong, they are an affront to the nation."<sup>25</sup> It might also be suggested, then, that the rural criminal is further damned by upsetting the rural order.<sup>26</sup>

While historians in recent years have pointed out that there has, in fact, been a surprising amount of crime and violence in Canadian history, our rejection of the peaceable kingdom myth does not require that we quantify Canadian violence and measure it against that of other nations.<sup>27</sup> Indeed, there is a real danger that any focused study of crime and violence will overstate the nature of the problem, and in regard to Canadian history, one must be careful not to simply replace the peaceable myth with a

---

<sup>24</sup> Judy Torrance, *Public violence in Canada, 1867–1982* (Kingston: McGill-Queen's University Press, 1986), 100-106.

<sup>25</sup> Torrance 106.

<sup>26</sup> The term, "criminal" is an identity label implying a permanent status, such as Englishman, woman, doctor, etc. As such, it carries, unfairly so, a permanent stigma running contrary to the notions that people can have a phase of life where they transgress and then reform. Only for convenience have I chosen to use the term throughout this study.

<sup>27</sup> Lori Chambers, "Exposing the Myth of the Peaceable Kingdom: Trends and Themes in Recent Canadian Legal History," *Acadiensis* 41.1 (2012): 247-56; Richard P. Bowles, *Protest, Violence, and Social Change* (Scarborough: Prentice-Hall of Canada, 1972).

violent one.<sup>28</sup> The focus of this dissertation on some rural crimes in Ontario should not lead to the conclusion that these rural societies were particularly crime-ridden and violent.

## Definitions and Source Selection

Conceiving a study of rural crime and criminal justice requires a workable definition of rural places and society. Definitions and varied uses of the term abound in the academic literature, revealing attempts to reconcile geospatial aspects with cultural ones.<sup>29</sup> In his exploration of the problem, Keith Halfacree notes that there is a growing recognition among scholars that a uniform, all-encompassing definition of the term is neither desirable nor feasible. Scholars will thus continue to tailor definitions for specific purposes as they have done in the past. For the purposes of my dissertation, I have chosen a negative definition, based on the exclusion, whenever possible, of towns and cities with more than 5,000 inhabitants.<sup>30</sup> I have done this in recognition that crime and justice studies are predominantly urban-centric, and as such this study should employ an exclusionary definition. Furthermore, a more complex inclusive definition based on a

---

<sup>28</sup> Terry Chapman argues this point in "The Measurement of Crime in Nineteenth-Century Canada; Some Methodological and Philosophical Problems", *Crime and Criminal Justice in Europe and Canada*, eds. Louis A. Knafla and John Hamilton Baker (Waterloo: Wilfrid Laurier University Press, 1985), 147. See also, Owen D. Carrigan, *Crime and Punishment in Canada: A History* (Toronto: McClelland & Stewart, 1991), 110.

<sup>29</sup> K.H. Halfacree, "Locality and Social Representation: Space, Discourse and Alternative Definitions of the Rural," *Journal of Rural Studies* 9.1 (1993): 23-37. The author summarizes the history of the debate and classifies various approaches. He then suggests an alternative conception, breaking from the dichotomy.

<sup>30</sup> In her analysis, Ruth Sandwell uses a census definition of rural, with the exception in certain instances of including communities with up to 5,000 residents. Given the interaction of farm and city populations and the location of courts and justice services in towns and cities, it is not always desirable to exclude narratives and evidence that "touch" on urban life. R. W. Sandwell, *Canada's Rural Majority: Household, Environment, and Economies, 1870-1940* (Toronto: University of Toronto Press, 2016).

variety of “rural” criteria would risk eliminating anomalous cases which might nonetheless be important for the study.

While the cases in this study may not be representative of the state of rural crime in the province, they nonetheless have the potential to reveal important features of crime in rural society. The study of cases regardless of representativeness was pioneered by Natalie Zemon Davis. James Walker, Barrington Walker, and Leslie Erickson have each used Davis' "singled out" case approach in their work.<sup>31</sup> With this approach, scholars select events or cases to interpret that, "speak beyond themselves", shedding light on cultural aspects of a historical moment.<sup>32</sup> As such, the method of case selection matters only insofar as it identifies stories worthy of analysis.

Most of the cases examined in this study were selected from two groups of sources: press accounts, and documents of the Attorney General's Department at the Archives of Ontario. Keyword searches were conducted of the *Globe*, *Star*, and a small number of other newspapers searchable through the "our Ontario" website ([www.ourontario.ca](http://www.ourontario.ca)). Rural search terms (rural, farm, barn, cattle, crop, livestock etc.), were combined with crime and criminal justice terms (crime, assize, police, constable, court, etc.) to select cases for collection and review. New terms were selected on the basis of what appeared in the search results, and terms that were either too restrictive, or not

---

<sup>31</sup> For a discussion of Davis' approach, see James W. St G. Walker, "A Case for Morality: The Quong Wing Files," in *On the Case: Explorations in Social History*, eds. Franca Iacovetta and Wendy Mitchinson (Toronto: University of Toronto Press, 1998), 217-218; Walker *Race on Trial*, 9; Lesley Erickson, *Westward Bound: Sex, Violence, the Law, and the Making of a Settler Society* (Vancouver: Osgood Society and University of British Columbia Press, 2011), 3.

<sup>32</sup> Natalie Zemon Davis, "The Shapes of Social History," *Storia della storiografia* 17 (1990), 28-34.

restrictive enough were dropped. Searches for vigilantist sentiment, themes in chapters two and three, were more limited.

Searches conducted of the Archives of Ontario database were initially based on the limited terms available for indictable offenses within record group RG 22-392, such as the name of the offense, the year, and the county where the offense took place. With the exception of one case (the Ballard firebugs), this method of searching for cases proved less successful than searching newspapers. Additionally, a small number of cases and incidents were found while searching correspondence of the Attorney General's Department (RG 4-32), records of the O.P.P., pursuing leads from other scholars, scrolling through microfilm, and accidentally in misfiled correspondence. Some cases were also identified as they were mentioned incidentally in editorials or government reports.

From collected cases, choices about which cases to further research and develop were informed by secondary sources, both historical and sociological. The themes chosen to explore were: community structure, rurality, crimes connected to a long history of relevant events, gang behaviour, vigilantism, and limitations of the justice system. This part of the process evolved in tandem with the later stages of reading and research within secondary sources.

## **A History of Rural Crime in Ontario**

This study is divided into four chapters, each of which addresses different, but related dimensions of crime and criminal justice in rural Ontario from the late-nineteenth to early-twentieth-century. Chapter one examines how criminal crises, as described primarily in the press, exposed weaknesses in the local administration of justice and how the province stepped in to investigate the crimes. It also looks at the impact of the characteristics of rural communities on the generation of, and responses to, crime. Two fairly high profile crime episodes are studied. The first occurred in Dufferin County in the 1890s and involved gangs of farmers who burned properties for the insurance claims. The so-called “Ballard Fire Bugs” also allegedly used arson to intimidate community members into silence and in a bid to gain influence over local politicians. The second criminal episode occurred in Simcoe County in the late 1920s and involved two separate but related gangs: one of livestock rustlers, the other “break-and-enter” robbers. These two cases, separated by over thirty years, bear some interesting similarities which are the main focus of analysis. Community features such as social cohesion, kinship and local surveillance/ awareness are considered, as are the influence these factors have on the failure to report crime to the authorities. The amateur, part-time nature of local justice also played a part in these crimes going unreported for a number of years. Furthermore, since both cases involved wide-ranging conspiracies and multiple participants, they invite questions about the nature of rural gangs and the rural criminal. Finally, in both Dufferin and Simcoe counties, these crime events as described by the press played a role in the stigmatization of the regions, although with different results. This dimension of the two

cases affords an opportunity to consider how rural idealism can shape public perception of crime and the people who inhabit environments regarded as criminal.

Chapter two looks at some of the difficulties faced by the slowly evolving justice system in managing more moderate forms of collective violence and intimidation. Such crimes were only sensational in the communities in which they occurred. The problems they presented were nonetheless serious, for the crimes occurred near the boundaries of traditional, acceptable behaviour. The historiography of the charivari is reviewed to establish a framework for understanding traditional ways of maintaining community norms. Charivaries, it can be argued, belong in the family of vigilantist behaviour because they use corrective violence to address perceived community problems that are either outside the concerns of the justice system or beyond its ability to handle. A number of Ontario charivaries are examined, suggesting that they occurred under a variety of conditions and revealed divisions along class, race and religious lines. The chapter also examines how a community in southwestern Ontario dealt with a youth gang that terrorized and vandalized farm families in a manner similar to a charivari, but outside the norms of the tradition. The case illustrates the limitations of the system of administering law and order in rural areas and the tensions between local and provincial governments in addressing such problems. Chapter two also examines the fear of crime in rural areas, particularly as it related to the security of family and home. The isolation of the typical family farm provided an ideal environment that allowed community members to use violence and intimidation to “correct” errant behaviour or otherwise terrorize people for pleasure. An examination of the fear of crime helps establish the idea that crime in rural



areas impacts a broader scope of community members than just the victim and perpetrator. This chapter helps lay the groundwork for chapter three, with its focus on vigilantism.

In the history of Ontario, confirmed cases of vigilantism are rare. Under the right conditions, however, vigilantist sentiment and sympathy could be widespread, especially in rural areas, where the effectiveness of formal justice was in question. Chapter three explores this phenomenon and the diverse conditions under which it occurred.

Vigilantism is essentially a form of establishment violence, where the existent socio-political order is defended, extra-judicially, against perceived threats. At the level of the rural community, it seeks to control crime, or the perceived ascendance of threatening social groups. Both forms of rural vigilantism existed in Ontario, but given the immature development of the formal justice system, with its reliance on amateurism and volunteerism, it was not always clear where vigilante justice began and state-sanctioned justice ended. There is also a degree of ambiguity in comparing the vigilantist behaviour of angry mobs attempting to mete out their own justice with structured organizations that operate extra-judicially, or even in cooperation with the authorities. While morally questionable, vigilantism, it must be mentioned, provides a cheap and expedient means of dealing with crime that may be particularly attractive to individuals chafing at the expense and inconvenience of formal justice methods.

The exposure of vigilante episodes in Ontario was both ironic and problematic – features that appeared in both press and court-room discourse. It was ironic in the sense that Ontario specifically, and Canada more generally, were regarded by the Anglo-Saxon

dominant society as exemplars of the English rule of law.<sup>33</sup> This was the land of “peace, order and good government,” where, in the late nineteenth and early twentieth centuries, the Mountie was becoming established as a national symbol.<sup>34</sup> And vigilantism was of course problematic because it not only challenged the authority of the state, it also undermined both a national myth and the myth of rural idealism.

Chapter four examines the fragile, biased, and sometimes ineffective nature of the formal justice system in rural Ontario. The transition from county constables to the O.P.P., occurring in the context of reformist criticism, is the main point of analysis. Many of the criminal episodes throughout this dissertation were highly influenced by the quality of local justice, or lack thereof. In the common law jurisdictions of the British Empire and its former colonies, the operation of the justice system was a local responsibility reliant on community members – at times constrained by their own interests – to fulfill its various duties. Hence the community response to crime encompassed the provision of law and order. The office of the amateur, poorly paid county constable was typically at the centre of these responses, and it bore the brunt of criticisms about the system. As the province developed, and the concept of modern centralized police forces grew, it became clear that the constable was out of his depth in a modern rural society. His work was constrained by a system that had never been designed to handle serious crime. In counties that claimed little or no crime, this was not a problem. Some Ontario counties, however,

---

<sup>33</sup> Greg Marquis establishes the importance of the myth of British law and institutions in Canadian culture. Greg Marquis, “Doing Justice to “British Justice”: Law, Ideology, and Canadian Historiography,” *Canadian Perspectives on Law and Society: Issues in Legal History* eds. Wes Pue and Barry Wright (Ottawa: Carleton University Press, 1991), 43-69.

<sup>34</sup> Keith Walden, *Visions of Order* (Toronto, Ontario: Butterworths, 1982).

as suggested by local testimony and the coverage of crime in the newspapers, were experiencing problems with exceptional cases. The creation of the O.P.P. in 1909 did little, if anything, to address this issue, given its focus on policing the “frontier” areas of Niagara and Windsor and the lawlessness of resource communities in northern Ontario. Finally, in 1929, the province, through the O.P.P., gained control over county policing. It occurred as a result of negotiations with the counties wherein the province agreed to pay entirely for the new system. Regardless of these changes, the improvement of rural policing and the impact it may have had on communities is impossible to gauge. Consistent with a view that crime was not a serious problem in Ontario, the long development of professional, centralized policing in rural Ontario occurred slowly and parsimoniously. Marginal interest in reform proved tragic in those communities unlucky enough to experience serious crime.

## **Chapter 1**

### **Crime and the Rural Community**

In 1897, investigations into the suspicious death of Edward Fenton in a farm fire, uncovered a gang of serial arsonists who had been engaged in insurance fraud and other crimes in Dufferin County. Thirty years later, an investigation of a botched home robbery revealed that a gang of rustlers and a related group of thieves had been very active in Simcoe County. The investigations and related trials in both Dufferin and Simcoe raised doubts about the effectiveness of law enforcement in rural Ontario. The outdated system of local justice meant that rural communities could not respond well to exceptional criminal events, nor could they intervene early enough to prevent them. Consequently the province maintained a stable of detectives who could investigate serious crimes, sometimes with the help of local authorities. The crimes in Dufferin and Simcoe counties also exposed a level criminal activity that proved shocking in the context of idealized rural communities - a myth played upon by the press with its sensationalist inclinations.

It would be easy simply to dismiss the idealization of rural communities as romantic nonsense, or perhaps even as a phenomenon exploited by the press to create more sensational stories. The urban media may have taken particular delight in contrasting the rural ideal from the grim events they were reporting. But the

stigmatization of communities and geographic locales, even when temporary, was a serious matter because it carried the potential of hurting their reputations and implied broad culpability for crime. The cases also reveal that these communities to some extent suffered sectarian, class and ethnic cleavages. Regardless, as criminologist Joseph Donnermeyer suggests, rural communities, even when homogeneously structured, can actually experience crime *because* of their structure. High density of acquaintanceship, social hierarchy and well-established social institutions can cause crime in some situations.<sup>1</sup> This is a contrarian notion given that these features are normally thought to lower the incidents of crime. At the same time the structure of communities invite questions about the organization of rural gangs as well as the nature and conception of rural criminals.

These cases underline how the "dark figure" of unreported crime in criminal reports and statistics are especially significant in rural societies. In each of the counties, various crimes that had occurred over a number of years only came to light by accident, owing to the suspicious deaths of conspirators and innocent victims. Were it not for these fatal events and ensuing investigations there is no telling how long local residents would have continued to experience crimes that went unreported both to the provincial authorities and in the newspapers. The reasons why rural individuals and communities choose not to report crimes of which they are aware, are complex and also the subject of analysis in the following pages.

---

<sup>1</sup> Joseph Donnermeyer, "Rural Crime: Roots and Restoration," *International Journal of Rural Crime* 1 (2007): 2-20, 11.

In the context of rural Ontario, these cases show that the problem of unreported crime was further compounded by the perpetuation of amateurism in county based criminal justice systems governed by frugal farmers and small business operators.<sup>2</sup> Rather than subject local ratepayers to the ongoing cost of law enforcement, rural municipalities embraced whatever external help was available and, even then, only when faced with criminal crises. Peter Oliver emphasizes how local parsimony shaped the development of prisons and jails in nineteenth- century Ontario.<sup>3</sup> However, unlike frugality in the handling of prisoners and criminals, cheapness in the funding of the broader justice system can impact anyone, not just those regarded as criminals.

The cases in Dufferin and Simcoe County considered in this chapter shed light on one particular type of rural criminal activity. Although the investigations began because of violence or death, these were byproducts of what was primarily economic, acquisitive criminal activity.<sup>4</sup> As Becker argued in his seminal essay on crime causation, when rational individuals consider committing an acquisitive crime, they engage in a

---

<sup>2</sup> The terrible consequences of such frugality are borne out in Robert J. Sharpe's, *The Lazier Murder*. Sharpe recounts how following a complicated and sensational homicide case, local authorities in Prince Edward County, which was, like so much of rural Ontario, entirely bereft of a professional and well resourced justice system, scrambled to hire a detective in nearby Belleville. They hired Hugh McKinnon, a disgraced former police officer from Hamilton who had once failed in his investigation of the notorious Donnelly family in Lucan. McKinnon's shoddy and prejudiced work in Prince Edward County corrupted the case, leading to the hanging of two possibly innocent men. Robert J. Sharpe, *The Lazier Murder: Prince Edward County, 1884* (Toronto: Osgoode Society and University of Toronto Press, 2011).

<sup>3</sup> Peter Oliver, *'Terror to Evil-Doers': Prisons and Punishments in Nineteenth-Century Ontario* (Toronto: Osgoode Society and University of Toronto Press, 1998), 319-54.

<sup>4</sup> Richard Rosenfeld, "Crime is the Problem: Homicide, Acquisitive Crime, and Economic Conditions," *Journal of Quantitative Criminology* 25.3 (2009): 287-306.

calculation where the risks of getting caught are weighed against the rewards of stealing.<sup>5</sup> Within such a calculation would be assessments of the justice system, geography and other local conditions, and the economic situation of the perpetrator and victims. Subsequent to Becker, criminologists have expanded the equation, adding in such elements as the criminal's developmental environment and moral code.<sup>6</sup> In this formulation, the social and economic context of criminal activity is easier for historians to reconstruct than the individual biographical and psychological details of specific criminals. In the accounts of these two cases, attention is paid to the general context, without suggesting that it fully explains the criminal activity. Rather, the accounts highlight the opportunities afforded by the specific economic and social context of these rural Ontario counties.

### **The Ballard Fire-bugs, Dufferin County, 1897**

In the last decade of the nineteenth-century, Dufferin County showed signs of deep, multi-generational and ethnic divisions centered around the operations of a local gang. It was said that the gang leaders were second generation members of families reputed to be criminals and trouble-makers. One of the leaders was influential and well regarded in the community. In early January of 1897 after a decade or more of suspicious

---

<sup>5</sup> Gary S. Becker, "Crime and Punishment: An Economic Approach," *Journal of Political Economy* 76.2 (1968): 169-217.

<sup>6</sup> C. Kronberg, I. Heintze, and G. Mehlkop, "The Interplay of Moral Norms and Instrumental Incentives in Crime Causation," *Criminology* 48 (2010): 259-94. The authors build on Becker's "Rational Choice Theory" by supplementing it with the moral dimension. For an overview of the history of causation theory, see M. Slabbert, "The Development of Criminology: From Traditional to Contemporary Views on Crime and Crime Causation," *Kronos* 12 (1987): 3-7. See, also, Stephen Machin and Costas Meghir, "Crime and Economic Incentives," *Journal of Human Resources* 39.4 (2004): 958-79.

fires set by the so called “Ballard Fire-bugs”, a fire fatality triggered an inquest leading to the gang’s downfall.<sup>7</sup> The subsequent exposure of the gang’s activities created media frenzy.

The history of incendiarism in Dufferin County was well known locally. In the town of Orangeville, the county seat, the local newspaper referred to the most seriously affected area as the, “Melancthon fire belt”.<sup>8</sup> Yet there were no investigations until the death of Edward Fenton on January 4, 1897. At around two o’clock in the morning Fenton, a young farmer who was residing with his parents, was awakened by a neighbour who told him that his barn and stable were on fire. Fenton rushed outside and made repeated efforts to rescue the livestock until the building collapsed and killed him.

Although the coroner initially claimed that an inquest was unneeded, the *Economist*, the local newspaper based in the nearby town of Shelburne, alleged that the fire was set deliberately and called for a full investigation. More troubling were the rumours mentioned in the newspaper that Fenton had been murdered by the Ballard gang and his body dumped into the fire. Notwithstanding the coroner’s initial assessment, an inquiry began a few days later. “Is it not high time”, the *Economist* wrote, “for the authorities to take vigorous action in regard to the numerous incendiary fires that have occurred of late years in that portion of the

---

<sup>7</sup> For trial documents pertaining to the arson charges, see: Defendant: Ballard, David, and Defendant: Ballard, James; Charged with Arson: Dufferin County.1897. Archives of Ontario (AO), RG 22-392-0-1038 to RG 22-392-0-1041.

<sup>8</sup> “Conspiracy, Arson and Fraud,” *The Orangeville Sun* 15 Jan. 1897.



township of Melancthon lying contiguous to Corbetton?”<sup>9</sup> Given that fires had been occurring throughout the county, the confinement of the problem into a small portion of a township suggests the paper wanted to limit any reputational impact. The newspaper continued, “Fully conscious of the fact that a gang of fire-bugs has existed in that community for years, the residents, through fear of becoming sufferers themselves, have been endeavouring to close their eyes to the operation of the gang, until now they have become startled by the fact that a human life has been sacrificed”.<sup>10</sup>

By January 14th the *Economist* proudly reported that its editorial had provoked a serious response from the authorities.<sup>11</sup> Fenton’s remains were exhumed, and a party of investigators including County Crown Attorney McKay, a representative of the fire insurance companies named George Forsythe, and Inspector Greer, one of three detectives working in the Attorney General’s Department, arrived in Shelburne.<sup>12</sup> They were assisted by a county constable, a town constable and a party of “special men” -temporary constables sworn in under the Constables Act.<sup>13</sup> Within twenty-four hours five suspects were in jail: David and James Ballard, Alonzo Smith, James Corbett Jr., and William Reid. The

---

<sup>9</sup> “Burned to Death,” *The Economist* [Shelburne] 7 Jan. 1897.

<sup>10</sup> “Burned to Death.”

<sup>11</sup> “Incendiarism,” *The Economist* [Shelburne] 14 Jan. 1897.

<sup>12</sup> Provincial Inspector Rogers also worked on the case. He would later go on to become the first Superintendent of the Ontario Provincial Police. *The Globe* [Toronto] 14 Oct. 1909.

<sup>13</sup> “An Act respecting Constables”, Revised Statutes of Ontario, 1897, ch. 99. S. 23.

arrests were based on a number of fires that had occurred in 1894 – as yet there was no evidence linking them to the Fenton fire.

In a separate investigation, the coroner's inquest summoned a number of witnesses before a jury. William Hall, brother-in-law of the deceased, testified that Fenton had once expressed a fear that he would be burnt out by his enemies.<sup>14</sup> Another witness reported that he had found tracks in the snow leading from the fire back to a point near James Ballard's residence. There was also testimony that while the fire had been spotted by some neighbours they did not all come to aid the Fentons. This was a respectable and well-regarded family, two members of which were elderly. The implication was that the normal rule of helping one's neighbour in a disaster did not always apply when there was fear of violent repercussions. A friend of Edward Fenton, John Charters, testified that even if he had seen the fire, he would not have left his home. Charters also claimed that Fenton was known as someone willing to stand up to the Ballards.<sup>15</sup> Another witness testified that notwithstanding the suspicious fires in his area he thought it best not to meddle by providing help. People had developed a habit of turning a blind eye to the fires. Under the sub-heading of "The Terrorism", a *Toronto Star* article claimed that among the people of Corbetton and Dundalk, "It came to pass in that country if a farmer looked out at night and saw a red gleam in the black

---

<sup>14</sup> Although the coroner's inquest was separate from the criminal investigation, evidence and testimony were being presented that would come up in the trials. Evidence taken by the coroner, Dr. Norton, was not confined to the Fenton fire. "Melancthon Fire Cases," *The Economist* [Shelburne] 28 Jan. 1897.

<sup>15</sup> "Melancthon Fire Cases."

sky, that he closed the door trembling and said to his wife, 'Another of Ballard's bonfires'." <sup>16</sup>

Not only were the Ballards suspected of arson for profit, but some believed they had set fires to intimidate people into silence. The *Star* alleged, "Honest men who had incurred the anger of the Ballards stayed late awake to watch the property. Hadn't the Ballards set a barrel of burning coal oil behind Calhoun's store in Dundalk? Hadn't they threatened to burn out Sam Dowell, the reeve, and James Brown, township clerk? Who in God's name was safe when those great men were in danger?" <sup>17</sup> The gang made threats to other local politicians too, pressuring them to affirm the good character of the Ballards in their applications to insurance companies. In exchange the gang promised it would influence voters on their behalf. <sup>18</sup>

### **The Public and the Press**

For some people the events were an opportunity to partake in the excitement by feeding the media's appetite for sensationalism. There were stories told about a dark and violent local history, about incendiarism, insurance fraud, predatory lending and miscegenation reaching back to the mid-nineteenth-century. The press implied that some of its sources were seeking attention, both for themselves and the community. As one reporter for the *Star* wrote, "Not a villager drinks his beer at the local tavern but has an air

---

<sup>16</sup> "There Were Three Gangs with Eight Men in Each," *The Evening Star* [Toronto] 15 Jan. 1897.

<sup>17</sup> "Three Gangs."

<sup>18</sup> "The Melancthon Fire Gang," *The Orangeville Sun* 21 Jan. 1897.

of new importance that Shelburne will now be noticed on the map”.<sup>19</sup> Dufferin’s stigmatization was aided and abetted by some of its own population, perhaps in the belief that infamy was preferable to obscurity. This "loose talk" by community members was further evidence of a divided community.

The *Economist* criticized Toronto correspondents for grossly exaggerated reports of the fires and other criminal events in Melancthon Township.<sup>20</sup> What particularly irked the editor was a *Star* article characterizing a portion of the county as “Sodom and Gomorrah”. Under the heading “A Poor Country” the *Star* reporter wrote:

The gravel road, ..... stretches in a straight line from Toronto to Owen Sound, runs through the district known as Sodom and Gomorrah. It laps the worst agricultural section of the country, and Sodom and Gomorrah, which extends practically from Corbetton to Dundalk, is the worst part of the worst section. Northwest and east and all about, so the country folks say, the land is fecund and smiling. Here the acres are pinched and sullen and the reluctant soil yields a meager livelihood to its cultivators. This very sterility was a powerful ally to the fire-bugs. When the struggling farmer failed to win his bread from the obdurate fields he turned more easily to crooked schemes suggested at some critical moment.<sup>21</sup>

The *Orangeville Sun* also identified the poor quality of land as a factor in the township’s problems, although they communicated this with less moralizing overtones. The area was described as, “swamp land that has been reclaimed by cross country ditches and it supplies the sources of the Grand River that twists about from this unfertile district into the rich farm land of Southwestern Ontario.”<sup>22</sup>

---

<sup>19</sup> “Three Gangs.”

<sup>20</sup> “Those Melancthon Fires,” *The Economist* [Shelburne] 21 Jan. 1897.

<sup>21</sup> “Three Gangs.”

<sup>22</sup> “Melancthon Fire Gang.”

In this township where, “no comfortable homesteads graced its meadows”, and, “Ugly, dreary hovels rest on lonely hillocks and poverty and hardship are written on the face of the land, as on the brows of its owner”, hardworking farmers were vulnerable to the “get rich quick” schemes of men like the Ballards. In this marginal land, “the small farmer, tired of his fight against nature, is willing at all hazards to gain a little wealth at the expense of the moneyed insurance corporations.”<sup>23</sup>

The information used in these stories and editorials had come from interviews with local individuals, a fact that did not go unacknowledged by the *Economist*. The Editor wrote,

We fancy the reporters alone are not to blame for these disparagments. Residents of town and country have only been too eager to pour into the ears of the reporters all the little incidents, real and fancied, that were in any way-no matter how remotely-connected with the affair. The domestic affairs of the prisoners have been pried into and even the garbage heap resorted to in search of a sensation.<sup>24</sup>

The *Star* reporter concurred. “Not a yokel tramps along the side road but oozes with information to be poured out on the first newspaper man he meets. Since coming here, I have been regaled with all the burnings, cuttings, shootings, hanging and dark deeds in twenty years of the country’s history.”<sup>25</sup> Yet the informants were not merely “yokels”, the reporter cited as his sources a reeve, a former reeve, a township clerk and a former County Council member, all of whom had, “long memories and intimate

---

<sup>23</sup> “Melancthon Fire Gang.”

<sup>24</sup> “Those Melancthon Fires.”

<sup>25</sup> “Three Gangs.”

experiences of the prisoners”. It was also alleged in the *Star* based on its interviews that incendiarism had actually depressed land values in Melancthon township. Insurance companies would not insure the properties of “honest men”, fearing they would soon suffer the vengeance of the gang, and dishonest farmers would simply join them.<sup>26</sup> If these were widely accepted views it would suggest that there was support in the community for an investigation, even before Edward Fenton's death.

### **Tales of The Ballard Family**

According to the *Star*, poverty and “obdurate fields” were clearly factors in the rise of the gang, but they were not the only ones. Incendiarism alone was insufficient to earn the epithet “Sodom and Gomorrah”. It was claimed that race, and in particular, interracial families were also factors in the crimes. Two of the ring leaders, brothers David and James Ballard were black. Interestingly, this was a fact that the *Economist* did not mention in its coverage. In other papers the coverage of the Ballards was overtly racist.

According to interviews, David and James' father Watson had escaped enslavement in Mississippi, settling in Melancthon Township with a government land grant in 1852. He was remembered as a thrifty, hard worker, who attained a degree of prosperity with a lime kiln he operated on his farm. Ballard married a white woman and had James and David with her. This relationship allegedly incurred considerable resentment among some members of the community, including the woman's brother. The

---

<sup>26</sup> “Twenty-Five Farmers Banded in That Melancthon Gang,” *The Evening Star* [Toronto] 14 Jan. 1897.

Orange Lodge at Corbetton rejected Watson's attempt to become a member; when he persisted, he was threatened with a red hot poker and told that he would be branded if he did not back down. "All right; go ahead", was his reply, and after they burned his shoulder he told them defiantly to do it again. As reported in the press, it was part of local lore that many years later the barns of the brander burned down under mysterious circumstances. This was but the first intimation that incendiarism and racism had a connected history in the county. The *Star* commented on the Ballard men's relationships with white women: "The whole Ballard family have been remarkable for the favour they have found with white women, and not a man of them but had a white help-mate, and their matrimonial adventures makes a spicy chapter."<sup>27</sup> Rumors abounded of the Ballard's many other transgressions, including a story that David had distributed counterfeit currency to unsuspecting people in the county.<sup>28</sup>

As in other criminal cases involving black defendants, the press connected racial features to personality. David was, "subtle, oily and smooth-skinned", whereas James was "offhanded and a hairy man". Although James Ballard was the elder brother, it was David, the "superior", who would inherit his father's two hundred acres of land. He was a man of "brains and personal courage; James, though much the larger and blacker, is, by common report, a coward and a poltroon."<sup>29</sup> David married a white woman of Scottish ancestry, and "always clothed her like a lady. She has silks and satins that keep yeomen's

---

<sup>27</sup> "Three Gangs."

<sup>28</sup> "More Arrests in a Few Days," *The Evening Star* [Toronto] 16 Jan. 1897.

<sup>29</sup> "Three Gangs."

wives at Corbetton and Dundalk mad with envy.” Even as the details of the various crimes charged against the men came to light, the press treated David with more respect. The *Orangeville Sun* wrote that, “People assure one that he is a gentlemanly, decent fellow with only one fault and that fault is incendiarism”.<sup>30</sup>

James was not so fortunate in how he was depicted in the press. In the mid 1890s, he began an affair with a white woman named Mrs. Wiggins, who later left her husband for him. Wiggins had a daughter, who allegedly was “ruined” by Ballard, and became pregnant some time later. An unsuccessful attempt was made to frame and extort a white man for the pregnancy. Sadly, the newborn died “mysteriously” and was buried by Ballard in a shallow, back yard grave. Although many in the community assumed that this had been an infanticide to cover evidence that James was the true father, no charges were laid. The press attributed this to the “terror” inspired by the Ballard gang.

In the press, the brothers were presented as living in a rural setting that reflected and shaped their immorality. In describing the Ballard properties the *Star*’s reporter squeezed every drop of Gothic potential from the scene of so many crimes. James Ballard lived in a “bleak, garish house, clap-boarded as if ready for another fire”. Across the road was the ruin of the Fenton’s barn where stood two charred uprights surrounded by the blackend bones of cattle. David Ballard’s house just up the road was “unpainted and weather-beaten. It (had) a gaunt and hungry look.” Nearby was the “ancient hovel” of his deceased father’s home which was, “overtopped on a hillock by the lime-kiln, a sort of

---

<sup>30</sup> “Melancthon Fire Gang.”



Pharos on a dark night for belated way-farers".<sup>31</sup> The author imagined that as children the Ballard brothers had imbibed a love of incendiarism before the fire-light of the kiln.

### **Insurance Fraud, Exploitation and Intimidation**

In the wider investigation into what the *Star* called, the “organized conspiracy”, the Ballard brothers, along with Alonzo Smith, were identified as the ringleaders of the “firebug gang”.<sup>32</sup> Two others who had been apprehended were thought to be “willing tools”. The gang allegedly set thirty-five fires, most but not all designed as insurance fraud. Most seriously, the firing of the Fenton stable was portrayed as an act of revenge. Edward Fenton had openly impugned the character of the gang members and had even once successfully sued the brothers for an unpaid debt. Between 1889 and 1894, at least six fires occurred on the properties of James and David Ballard, and each resulted in a successful insurance claim with different companies. The Ballards appeared to have exhausted their ability to secure insurance in their own names, and in 1894 began insuring other properties in the name of new gang members.

Two of their accomplices served as the Crown’s star witnesses. Their testimony and that of other men whom had been active in the gang described how David Ballard had sought out new opportunities for fraud, and to grow his influence. Allegedly Ballard kept a keen eye on his neighbours and when these

---

<sup>31</sup> “Three Gangs.”

<sup>32</sup> “Firebugs Who Grew Rich,” *The Evening Star* [Toronto] 13 Jan. 1897.

“poor yeomen” suffered bad times and poor crops he marked them as his victim.<sup>33</sup> Being a, “man of capital”, he would offer to rent out some of his land, stipulating that the renter’s farm and crops be insured. When the farmer fell into debt, Ballard would enlist him in the gang, burn the buildings, and take some of the insurance pay-out for himself. Farmers were not the only victims. At the Fenton inquest, the jury was told of an old washer-woman named Margaret Armstrong who paid James Ballard \$100 after her house, insured for \$400, was burned to the ground. While she admitted to paying Ballard, presumably for a debt, she protested her innocence in the alleged fraud.<sup>34</sup> Although she may in fact have been a conspirator, it is also just as possible that she owed the money to Ballard and had little choice about the fate of her property, a home she had lived in for thirty-five years. The story helped establish the predatory nature of the gang leaders.

The Ballards were inventive. When David found it impossible to insure directly from the insurance companies, he proposed to mortgage his farm to a loan company who would then insure the house and barn as collateral. Burning the property would then trigger an insurance pay out that could cover the mortgages. However, the loan company would only lend on the value of the land.<sup>35</sup> The firebugs would also remove anything of value from a building prior to burning it, including the boards of the structure which were then used to construct new

---

<sup>33</sup> “Twenty-Five Farmers Banded.”

<sup>34</sup> “Net Closes About Them,” *The Evening Star* [Toronto] 28 Jan. 1897.

<sup>35</sup> “Firebugs Who Grew Rich.”

buildings. If they could insure crops, livestock, or any items within the structure they did. The Ballards had even insured horses along with the other items that were allegedly burned up in the fires. In one fire they removed their insured high value horses from a barn and replaced them with older ones so that there would be carcasses within the ruins for the adjuster to find.<sup>36</sup>

The press sought to reconcile the sophistication of these insurance fraud schemes with racial stereotypes. Attributing the schemes to David, one reporter commented that he had qualities that made him, “more fitted to be a stock operator or a bond juggler than a small farmer in an obscure country township”<sup>37</sup> The reporter explained that David’s “cleverness and wickedness” had come from his white mother; from his black father came a certain magnetism and mystical qualities which made, “superstitious people ascribe to him the quality of the evil eye”.<sup>38</sup> The implications of this, claimed the *Star*, was that, apart from his brother, members of the gang and other accomplices should rightfully be viewed as victims. In the eyes of a racist press, David Ballard brought the sinister qualities of both races to bear on the victims.

The Ballards ran two related gangs of eight men; Alonzo Smith led the third. Smith - a white man - was presented as a hardened criminal by nature. He claimed to be the descendant of a prolific fire-bug who was a member of the infamous “Markham Gang” - a large criminal organization engaged mostly in

---

<sup>36</sup> “Net Closes About Them.”

<sup>37</sup> “Twenty-Five Farmers Banded.”

<sup>38</sup> “Twenty Five Farmers Banded.”

petty and horse theft. They were active throughout Canada West in the 1840s.<sup>39</sup>

Smith, said the *Star*, was always, “mysteriously appearing and disappearing in Melancthon Township, and whenever he went, a train of fire followed him, like a red light that chases a stage Mephisto.”<sup>40</sup> He lived in the mountains at Collingwood but was well known in Melancthon where he had a bad reputation.<sup>41</sup>

### **The Preliminary Hearing and Trial**

As if the people of Shelburne and had not suffered enough, on the night preceding the trial of the fire-bugs, two city blocks of Shelburne were completely destroyed by fire and the explosion of dynamite kept at a hardware store. Over a dozen businesses and numerous residences were ruined. Incendiarism could not be proven but the fact that the fire occurred only hours after the arrival of the prisoners, police, lawyers, insurance men, reporters and other people attending the trial, was highly suspicious.<sup>42</sup>

At the start of the preliminary hearing, the defense challenged its fairness. First they made a motion to dismiss one of the local magistrates, alleging that he had a strong bias against David Ballard. Furthermore, they argued that the magistrate "had to a large extent acted as a detective in this case, going around with the detective interviewing witnesses, taking witnesses and others to his private offices, and attempting to extract

---

<sup>39</sup> Paul Arculus, *Mayhem to Murder: The History of the Markham Gang, Organized Crime in Canada West During the 1840's* (Port Perry: Observer Publications of Port Perry 2003).

<sup>40</sup> “Three Gangs.”

<sup>41</sup> “Conspiracy, Arson and Fraud.”

<sup>42</sup> “Disastrous Blaze in the Town of Shelburne,” *The Evening Star* [Toronto] 26 January 1897; “Disastrous Fire!” *The Economist* [Shelburne] 28 January 1897.

from them evidence against this prisoner”.<sup>43</sup> The presiding judge denied the motion. Counsel for the defense then attempted to change the trial from a trial by jury to a judicial proceeding where the judge alone would render a verdict. While the defendants initially believed that a trial before their peers would create a more sympathetic outcome, the number of Crown witnesses who had once been in the gang’s confidences was sufficient to convince them that the tide of public opinion had turned against them.<sup>44</sup> Regardless, the motion for a trial by judge was denied.

The motion suggested that the gang’s influence in the community had all but disappeared once they were behind bars. It did not however discourage David Ballard from issuing threats and casting aspersions on the Crown’s witnesses through the media. In a letter to the Toronto *Mail and Empire*, Ballard said, “. . . there is lots of decent, honest men in Melancthon, and there is plenty more that is neither decent or honest. But men that I will stake my last dollar on when it came to swaring, would sware crucked to screen themselves. It seems the rule to load the mule for all he can draw. Well, there is danger that the mule might make up his mind not be driven any further”.<sup>45</sup> It is unclear if the “mule” was a witness of dubious reliability, or if Ballard saw himself as a scapegoat for other men not yet behind bars.

There was concern expressed in the press that it would be difficult to find enough jury members acceptable to both the Crown and the defense. It was announced that a

---

<sup>43</sup> “Committed,” *The Orangeville Sun* 28 Jan. 1897.

<sup>44</sup> “They Plead Not Guilty,” *Economist* [Shelburne] 11 Feb. 1897.

<sup>45</sup> David Ballard, Letter, *Mail and Empire* [Toronto] 13 Feb. 1897.

supplemental panel of twenty-four potential jurors would be summoned for trial, and *The Orangeville Sun* remarked that this would carry considerable expense for the county.<sup>46</sup> As it turned out, the defense only challenged five prospective jurors, and the Crown four. The jury was empaneled with men from townships most distant from the gang's activities.

The Crown's chief witness, Hamilton Tisdale – one of the more active gang members – appeared in court with a newly scarred face. He had recently been “tripped up” by the son of James Corbett, one of the five accused men. Another friend of the Ballards had also threatened Tisdale, claiming that he would put him, “in such a condition that he would not be able to give evidence”.<sup>47</sup> The threat resulted in his arrest.

After only two days of the trial the defendants abruptly changed their pleas from not guilty to guilty. Among the damning evidence was testimony by two men who had come upon a fire just set at David Ballard's residence. When peering into the building they saw it was empty of all furnishings. This would be as close to direct evidence of fraud as the Crown could hope. Furthermore, a surprise witness came forward claiming David Ballard wrote him a letter from jail threatening a witnesses and also admitting guilt. While the letter had been destroyed and hence could not be admitted in evidence, the fact that the witness swore to its authenticity was enough to prompt the reversal of pleas.<sup>48</sup>

---

<sup>46</sup> “A Double Jury,” *The Orangeville Sun* 13 May 1897.

<sup>47</sup> “Big Trial at Orangeville,” *The Evening Star* [Toronto] 18 May 1897.

<sup>48</sup> “Firebugs Admit Guilt,” *The Evening Star* [Toronto] 20 May 1897.

With this abrupt end to the trial Judge J. Ferguson handed down the sentences. The Ballards and Alonzo Smith each received twelve years, two other gang members were given eight years – all to be served at Kingston Penitentiary.<sup>49</sup> In his final comments the judge made a point of noting that the crimes had all taken place within a relatively small section of the county. His comment implied that the rest of the county was free from criminality and that the scourge of incendiarism was contained.

The Jury recognized the seriousness of the crimes too, but also criticized the insurance industry for slipshod underwriting. They argued, “We believe that if the value of the property was ascertained by the insurance company before the insurance was effected the temptation of weakminded men to commit a crime altogether too prevalent throughout Canada would be removed.”<sup>50</sup> They also took issue with the extension of immunity to so many of the witnesses who had once been in league with the Ballards. While it could not be claimed that the accused were simply scapegoats, the investigation left many loose ends. “It is beyond a doubt”, said the jury, that, “that many persons of guilt equal with the prisoners are now at large in the county, and we find this a very serious question for us to consider. We believe that justice requires a more extensive inquiry and that the law should be applied and no immunity granted beyond the line of necessity for public protection.”<sup>51</sup> The jury also praised the provincial detectives saying that their work was “clear and clean”.

---

<sup>49</sup> “Get Their Time,” *The Orangeville Sun* 27 May 1897.

<sup>50</sup> “Sentenced,” *The Economist* [Shelburne] 27 May 1897.

<sup>51</sup> “Sentenced.”

The investigation of incendiarism in the county remained open and in July, a sixth gang member was convicted of burning down his own house and barns.<sup>52</sup> Then in December the Ballards were summoned from prison as witnesses in another case. The magistrate whom Ballard's attorney had tried to dismiss at the start of the trial was now himself on trial for perjury and forgery charges unrelated to the firebug cases.<sup>53</sup> David Ballard in particular relished the thought of revenge, telling a friend that he would be taking his Christmas dinner that year in Kingston with the magistrate.

### **Community Crime and the Economy**

The crimes associated with the Ballard gang occurred during a long period of global economic volatility and distress which had a major impact on the Canadian economy.<sup>54</sup> This environment helps provide context for interpreting the Ballard crimes. Economic and demographic factors resulting from the cyclical downturn of the 1880s and nineties played out differently in urban and rural Ontario. Although the provincial population grew from 1,620,851 in 1871, to 2,182,947 in 1901, urban areas grew, whereas rural communities shrank.<sup>55</sup> The chief factors in this rural depopulation were the growing employment

---

<sup>52</sup> "He is The Sixth," *The Economist* [Shelburne] 10 June 1897.

<sup>53</sup> "Ballards Go Through," *Star* [Toronto] 14 Dec. 1897; "Validity of The Oath," *Globe* [Toronto] 17 Dec. 1897.

<sup>54</sup> William L. Marr and Donald G. Paterson, *Canada, an Economic History* (Toronto: Macmillan of Canada, 1980), 339-41.

<sup>55</sup> Fourth Census of Canada, Volume I: Population. 1902. Comparative Tables of Population. (Internet Archive), 2.



opportunities presented by a rapidly urbanizing society as well as new farming opportunities in Western Canada. In the census sub-district of the Ballard gang and its victims, the rural population shrank from 21,426 in 1891, to 20,735 in 1901.<sup>56</sup> The local economic conditions were similarly bleak. Production volumes between 1881 and 1891<sup>57</sup> for wheat - the most valuable local crop - declined from 718,587 to 353,248 bushels.<sup>58</sup> Volumes of cut timber shrank drastically as well. In livestock production, the region generally showed meagre growth in horse and cattle production, and a decline in sheep and swine. Commodity prices during the depression were also poor. On average, a bushel of wheat sold in 1882 for a dollar whereas twenty years later it fetched only seventy cents.<sup>59</sup> Livestock prices during the period were essentially flat.<sup>60</sup> In terms of the total value of all farm property across the province, which included land, buildings, equipment and livestock on hand, between 1882 and 1900, values only rose from \$882,625, 610, to \$974,814,931. This was hardly a period where the farmers of the province would have felt either optimistic about the future, or that their labour was justly rewarded.

---

<sup>56</sup> Ibid 19.

<sup>57</sup> Note that prior to 1901, the census contained only production volumes, not values.

<sup>58</sup> Census of Canada, 1880-1881, Volume III. 1883. "Natural Products," 214; Census of Canada, 1890-1891, Volume IV. 1887. (Internet Archive), 44.

<sup>59</sup> Ontario. Legislative Assembly (OLA). Ontario Department of Agriculture: Annual Report of the Statistics Branch: Comparative Farm Statistics for Forty-five Years-1882 to 1926. (Sessional Papers 1927, No. 22). (Internet Archive), 51.

<sup>60</sup> Annual Report of the Statistics Branch: Comparative Farm Statistics for Forty-Five Years – 1882 to 1926, 1927. (Internet Archive), 53.

A notable bright spot in this otherwise gloomy economic outlook was the phenomenal growth in the fire insurance industry in Ontario. Since the 1860s, the fire insurance market in Canada had been dominated by a few large British insurers.<sup>61</sup> However, from the 1870s to the turn of the century a number of small, county and township based mutual fire insurance companies sprung up to provide coverage for much of rural Ontario. Insurance premiums also declined substantially during this period, which among other things increased the net payout of fraud.<sup>62</sup> In 1879, the first operational year for the new inspector of insurance for Ontario, there were sixty-one locally based insurance companies in the province, carrying \$85,186,427 worth of risks on their books.<sup>63</sup> In 1892, the year before the first confirmed fire set by the Ballards, these companies carried \$140,638,048 worth of risk.<sup>64</sup> By 1897 carried risks were \$192,794,480.<sup>65</sup> Significantly, none of these small companies, including the local Dufferin Farmers' Mutual Fire Insurance, were targets of the Ballards.<sup>66</sup>

This economic, demographic and business data suggest that conditions were ideal for the predatory "lending" that occurred when gang members targeted

---

<sup>61</sup> Darrell Norris, "Flightless Phoenix: Fire Risk and Fire Insurance in Urban Canada, 1882-1886," *Urban History Review* 16.1 (1987): 62-68, 63.

<sup>62</sup> Norris 64.

<sup>63</sup> OLA. Report of the Inspector of Insurance. (Sessional Papers 1880, No. 21), 87, 93.

<sup>64</sup> OLA. Report of the Inspector of Insurance. (Sessional Papers 1894, No. 13), b55, b194.

<sup>65</sup> OLA. Report of the Inspector of Insurance. (Sessional Papers 1898-99, No. 10), b72, b233.

<sup>66</sup> The named insurers were: Royal Canadian Assurance Co., Western Insurance Co., Norwich Union, and North British & Mercantile. "Firebugs Who Grew Rich."

financially distressed neighbours. Furthermore, the Ballard gang could exploit an asymmetry of information between themselves and the out of county insurance companies. They knew their victims in a way the insurance companies could not. Declining rural population when combined with lower agricultural production volumes and prices constrained the economic opportunities available to the community. And the easy availability of increasingly cheaper insurance presented the opportunity to supplement income. Moreover, the fraudulent claims would not be carried by local mutual insurance policy holders - an important point for minimizing the risk of detection and the aggravation of community members.

### **The McDermott and Forsythe Gangs, Simcoe County, 1927**

Revelations about serious crime in rural areas gained potency when triggered by violent deaths, such as occurred with Edward Fenton in Dufferin County. The connection of the victims to the emerging crime narrative could be unapparent at first. In June of 1927 an explosion on the farm of Charles Hammil of Beeton Ontario made front page news.<sup>67</sup> The residents of the small agricultural community just north of Toronto were no doubt saddened to learn of the death of six year old Billie Nevils and the serious injury of his two little sisters, Viola four, and Martha three. The children had discovered a case of dynamite percussion caps in a shed and had set them off. The older sister was expected to live, but not Martha, who, like her siblings had been peppered with shrapnel in the

---

<sup>67</sup> "Dynamite Explodes, Three Children Terribly Injured," *The Northern Advance* [Barrie] 30 June 1927.

explosion. It was not realized at the time, but the event was connected to gang activity in the county.

A month after the explosion, at roughly nine o'clock in the evening, a farmer named Alexander Hodge who lived alone in a secluded area just outside of Beeton heard voices calling him from out on the road.<sup>68</sup> Two drovers, Joseph McDermott and Charles Hammil, the owner of the farm rented by the Nevils, had arrived at Hodge's farm to pay him \$600 for livestock. Hodge extinguished a lamp and went out to meet them on the road, knowing that they would not want to risk getting stuck on his muddy lane. As he reentered his darkened home, he encountered an intruder, who threatened him with a revolver and demanded the money. A confrontation in the pitch black kitchen did not disadvantage the half-blind farmer. He lunged at the intruder and for the next forty-five minutes, fought a life and death, hand-to-hand struggle in the dark. The fight ended abruptly, when the would-be robber fell, hitting his head on the corner of the stove. After killing the intruder Hodge stumbled to a neighbour's farm for help. Hodge's fingers were swollen from bites and his face covered in lacerations.<sup>69</sup>

The encounter attracted considerable media attention. Barrie's *Northern Advance* described the event in detail as a, "grim, primitive battle", in which "Neither man asked quarter. Neither gave it". The *Barrie Examiner* similarly dwelt on the details of the struggle noting how the fight involved clawing, kicking, choking, and biting, and that Hodge as a small "wiry Scot" was outweighed by his much larger opponent. The

---

<sup>68</sup> "Beeton Farmer Kills a Robber," *The Northern Advance* [Barrie] 28 July 1927.

<sup>69</sup> "Fighting to Save His Life Beeton Man Kills Bandit in Grim Midnight Battle," *Barrie Examiner* 28 July 1927.

*Newmarket Era* reported that the fight lasted well over an hour, and that the stove was torn from its legs, the windows were shattered, and the table smashed.<sup>70</sup> Hodge was depicted as an underdog, a poor, nearly blind farmer, living alone in a small shack with a, “plain, shabby” kitchen. The struggle had a clear moral message where, in the words of the *Barrie Examiner*, “An industrious, honest farmer pitted the brawn and muscle which comes from tilling the soil, against the treachery and lawlessness of a criminal, and won.”

As a result of all the lurid details in the press, the crime scene became the focus of a great deal of attention from curious locals and Torontonians alike. The roadway leading to the farm was choked with cars from early morning until sundown as people came to see the bloody scene. It was claimed that souvenir hunters practically ruined Hodge's home.<sup>71</sup> After viewing the crime scene some sight-seers went on to view the body on display at the town hall.<sup>72</sup> It was in such a terrible state that the man's own brother later claimed he could not recognize him.<sup>73</sup>

While in hospital recuperating from wounds, a Toronto film company solicited Hodge with a proposal to appear as a celebrity for \$500 a week at two movie houses, one

---

<sup>70</sup> “Beeton Farmer Slays Bandit,” *Newmarket Era* 28 July 1927. (Violent crimes nearly always received front page coverage in the newspapers of the 1920s. The Beeton story shared the front page with another story about a home intruder outside of Toronto. The assailant beat a woman with a revolver until she knocked him down the basement stairs and locked him up. This would be another example of a “plucky” victim turning the tables on the intruder).

<sup>71</sup> “A Gift to Alex Hodge,” *The Stouffville Tribune* 12 Jan. 1928.

<sup>72</sup> “Beeton Farmer Slays Bandit.”

<sup>73</sup> Deposition of George Forsythe, 1927. F. G. Evans, Crown Attorney, Orillia, Ontario: Re - Death of one Dan Forsyth - killed by Alex. Hoidge (sic) at Beeton in attempted robbery. AO, RG 4-32.

in Toronto, the other in Montreal. Footage had already been shot of the terrible crime scene and a film tour was in the works.<sup>74</sup>

A week later local residents cleaned Hodge's house of the blood and wreckage, and a proposal was made to burn it down and raise funds for the building of a new home. This would have been both a practical and symbolic measure to erase the damage caused by the event. The throng of site-seers, news media, and a film crew invading the area was troubling for the people of Beeton. Hodge became a local folk hero. He was upheld as a man whom had defended his home against an intruder – an assailant who was not a member of the community. The people of the town drew around Hodge in support, and would take a protective interest in him for many years.<sup>75</sup>

### **The Investigation**

In 1927, rural communities could turn to the O.P.P. to help them deal with violent crimes. Investigators from the Barrie detachment of the force tried to identify the dead man, who was unknown to the people of the community. On the assailant's body were found stolen items from individuals and businesses, one from as far away as the town of Bradford. It was also believed that a wood chisel found at the scene was used in a number of local break-ins given that it matched marks left at the points of entry.

---

<sup>74</sup> "How Did the Robber Know of Money Paid to Hodge – Is problem for Police" *The Globe* [Toronto] 26 July 1927.

<sup>75</sup> Several months after the attack Hodge was still unable to work due to his injuries. He had sold his possessions and his farm was foreclosed. The community lobbied the government on Hodge's behalf and petitioned successfully for him to be given an administrative job at the government farm in Whitby. He was also presented with a gold watch and \$300. Hodge was honored at a well-attended ceremony in Beeton, where the MP, MPP and local politicians made speeches. "Hodge's Hand Useless," *Georgetown Herald* 1 Feb. 1928.

Residents of the county urged their Member of Parliament, W. Earl Rowe, to ensure a full investigation into the attack as well as the other robberies in the area. There were, “ugly rumors” afloat that locals were involved in the crimes.<sup>76</sup> Deputy Commissioner Alfred Cuddy of the O.P.P. responded that there was no need for Rowe’s involvement. The O.P.P. assigned Inspector William Stringer, “known as one of the cleverest investigators on the provincial force”, to aid in the investigation.<sup>77</sup> What remained unsaid was that a prolonged period of lawlessness and the public’s unwillingness to report robberies suggested that they may have had reservations about the effectiveness of the justice system. Early in the inquiry the O.P.P. became convinced that the southern parts of Simcoe County had for two or more years been experiencing unusually high incidents of unreported crime.<sup>78</sup> They alleged that a “Reign of Terror” existed and that every farm house had a rifle at the ready.<sup>79</sup> There were suspicions that the break-ins of homes and businesses were the work of a local gang. These crimes went unreported however because people were afraid they might suffer retribution. In a matter of days a stash of stolen goods was found in a swamp on the property of Edward Hickland, a farmer in West Gwillimbury Township. The stash included harness, clothing, ladies shoes, furs, and large amounts of tobacco. Police were able to connect the stolen

---

<sup>76</sup> “How Did the Robber Know of Money Paid to Hodge.”

<sup>77</sup> “Fighting to Save His Life Beeton Man Kills Bandit.”

<sup>78</sup> “Farmer Under Arrest; Receiving Charge Laid In Probe at Beeton,” *The Globe* [Toronto] 30 July 1927.

<sup>79</sup> It is difficult to say whether this notion of a “reign of terror” put forward by the O.P.P. can be taken at face value. It may have been embellished by the press, and/or it may have served a defensive purpose for the O.P.P. in explaining why they had not heard earlier of the problem and nipped it in the bud. In any case, it could potentially have been taken as evidence that the O.P.P. had fallen down on the job, or, on the other hand, were in need of more resources to combat such problems.

goods to Hodge's assailant, and were finally able to identify the body as well. Hickland admitted that the man was named Daniel Forsythe, and was a frequent visitor to his farm. He also denied any knowledge that the stolen property had been hidden there. As the police made this discovery, they also encountered two men on Hickland's farm, one of whom was one of the drovers that had paid Hodge the \$600.

On August 3, a coroner's inquest determined that Hodge had acted in self defense and cleared him of any wrongdoing.<sup>80</sup> Also at the inquest was Joe McDermott who had provided testimony along with more than a score of other witnesses. As he went to leave the building after the proceeding he was arrested by police and taken, with a throng of bystanders in tow, to a waiting police car. The charges were perjury and receiving stolen property. Joe's brother Walter and Charles Hammel were also later arrested. It was also confirmed from fingerprints that the dead man was indeed Daniel Forsythe, a resident of Stouffville Ontario. He had served two prison terms in Oregon and Kingston as well as one in 1894 at the Old Central Prison in Toronto, all for robbery.

The continuing investigation uncovered that Forsythe and Joe McDermott had led an informal gang composed largely of Beeton area residents whose crimes included not only thefts and robberies, but cattle, pig and sheep rustling too. The day after the killing, McDermott visited Forsythe's Nephew, Roy, and instructed him to tell his father, Hickland and another man not to, "Own Forsythe's " body. It was feared that if the body was identified the trail might lead back to Forsythe's accomplices.<sup>81</sup> The image of a

---

<sup>80</sup> "Second Arrest Made Following Inquest at Beeton Yesterday," *Barrie Examiner* 4 Aug. 1927.

<sup>81</sup> Deposition of Roy Forsythe, 1927. F. G. Evans, Crown Attorney, Orillia, Ontario: Re - Death of one Dan Forsyth - killed by Alex. Hoidge (sic) at Beeton in attempted robbery. AO, RG 4-32.



lawless territory in the heart of Ontario, close to the city of Toronto prompted an editorial in the *Globe* that captured the expected features of placid rurality in contrast to criminal events.

Ontario is shocked that a social condition such has been uncovered in the vicinity of Beeton could exist in one of its fairest counties. Here is a smiling countryside, with good roads, rich farms, pretty villages and towns, and every evidence of thrift and prosperity. Many of its homesteads are old, its families long settled, and the churches and social institutions well established.<sup>82</sup>

The editorial went on to suggest that the police of Simcoe County should not be blamed for unreported crime due to the “terrorism” in the area.

As the *Globe* stated, Simcoe was not a newly settled frontier type county in 1927, nor was it remote, inaccessible, or poverty stricken. As early as 1881 the county was one of the top six wheat producers in the province, even though at the same time it embraced a tradition of crop rotation and mixed farming.<sup>83</sup> Census data for 1921 indicates that total farm values were over \$63,000,000.<sup>84</sup> When the farm value is divided by the total rural population - a rough indicator of per capita wealth - the figure is \$1,478 per person. The provincial measure is \$1,378 of farm equity per rural inhabitant, indicating that as a group, Simcoe's rural residents were better off than their peers elsewhere in the Province. At the very least there was no economic basis for anyone to assess the region as one

---

<sup>82</sup> “The Beeton Outrages,” *The Globe* [Toronto] 9 Aug. 1927.

<sup>83</sup> Robert Leslie Jones, *History of Agriculture in Ontario, 1613-1880* (Toronto: University of Toronto Press, 1946), 248-90.

<sup>84</sup> Sixth Census of Canada, 1921. Volume V - Agriculture. 1923. (Internet Archive), 116.

where poverty and crime were a problem. The one caveat here of course is that townships or other imagined sub-regions of the county might have had a different economic profile not visible through census data.<sup>85</sup>

By August 9<sup>th</sup>, a total of eight individuals had been charged in the Beeton conspiracy. By the fall the number would grow to ten. The most shocking arrest was that of Samuel Nevils, the father of the two children who had died in the explosion on Hammil's farm. It was believed that the explosives had been hidden there by Forsythe, left over from his bank robbing days. Nevils had participated in the theft of cattle from a local farmer and consequently was caught up in the Forsythe investigation. Significant for the community, *The Northern Advance* reported that some of the victims of livestock rustling were friends and relations of the Forsythe-McDermott gang members.<sup>86</sup>

The investigation into Forsythe's activities indicated that he and McDermott were operating two related gangs in Simcoe County, one dealing with home and store robberies the other with livestock rustling. With Forsythe's connection to the explosives on Hammil's farm established, the police also reopened old cases. Robberies of two banks in Stouffville and Mount Forest five years earlier where \$115,000 in bonds were stolen were connected to Forsythe. The police were also informed by the Pinkerton detective agency

---

<sup>85</sup> An "asset based" evaluation of wealth rather than one based on annual agricultural production addresses the problem of accounting for annual swings in crop production that might distort a longer-term view of a population's economic condition. Furthermore, rural annual income was not based exclusively on crop production but sometimes included irregular and seasonal industrial, trade or service work in the rural towns and nearby cities. This income was not measured for rural populations in the census. On the other hand, a disadvantage of measuring assets is that farmers could of course have non-farm assets such as stocks, bonds or non-farm real estate. This was in fact the claim made of affluent farmers in Simcoe.

<sup>86</sup> "Wholesale Thieving of Cattle in Beeton District Revealed," *The Northern Advance* [Barrie] 11 August 1927.

in New York that some of these missing bonds had been recovered there in the possession of a man named Floyd Austin. Forsythe and Austin had once been cell mates in a Texas prison and it was believed that the two were participants in the Canadian robberies, and possibly ones in the United States as well. Austin had once been brought to Guelph to stand trial for the Mount Forest robbery, but was acquitted because he had an alibi. At some point after returning to the United States he wrote a letter to his Canadian accomplices demanding money for his legal expenses and threatening to tell the authorities of everyone's involvement. According to Pinkertons he was shot and killed soon after by his Canadian gang mates.<sup>87</sup>

Throughout the summer of 1927 the investigations centered on the southern portion of Simcoe County. But on August 25, *The Northern Advance* reported on an arrest for cattle rustling that was made in the township of Tiny in the northern part of the county.<sup>88</sup> A French-Canadian farmer named Louis Legault had allegedly stolen a calf belonging to a neighbor. Police seized the calf and also discovered the carcass of a butchered heifer in the bush. After the arrest three provincial police officers made a hundred mile trip through the "wilds of Tiny and Tay", interviewing many farmers about crimes in the area. They learned that over the past year, nine head of cattle and seven pigs had disappeared. No connection was made to the Beeton gangs, but similarly, the local citizens were fearful of reprisals. It appeared that a small gang had been operating in the northern townships.

---

<sup>87</sup> "Bank Robbery Bonds May Be Recovered; Police Obtain Clue," *The Globe* [Toronto] 24 Aug. 1927.

<sup>88</sup> "Cattle Rustling in North Simcoe," *The Northern Advance* [Barrie] 25 Aug. 1927.

The discovery of an unrelated group of rustlers suggested something was wrong in this part of rural Ontario where crime was un-reported. Were it not for the Forsythe investigation it is unlikely that these other events would have been revealed. There is a repeating theme here in the history of rural crime in Ontario: investigations by the province typically opened a window onto unreported crime.

The story of the gang in north Simcoe broke on the same day as the preliminary hearings in Beeton. Joe McDermott faced seven charges and allegations of being the ringleader. Through accounts provided mainly by Edward Hickland, a courtroom packed with hundreds of spectators, some of whom crowded the stairways and corridors, learned about how the gang operated. According to Hickland, the gang stole livestock from a number of victims, some of whom were their relatives. One night the gang stole eight head of prized cattle from the pasture of John Nevils and drove them overland to Hickland's farm. This location was often used as a place where the stolen livestock was parceled out to the gang members, or sold for cash to other people. Cattle and pigs were butchered on the scene with quarters given out as shares to gang members, although on one occasion, they took the live cattle to the CPR railway station in Beeton for transport. Sections of meat were also sold or bartered with people the gang members felt they could trust. In a deposition, George Forsythe claimed to have traded his labour of wood-chopping with Hickland for a quarter of beef. He said he had no idea the beef was stolen.<sup>89</sup> Typically the livestock was delivered to Hickland by McDermott, who always

---

<sup>89</sup> Deposition of George Forsythe, 1927. F. G. Evans, Crown Attorney, Orillia, Ontario: Re - Death of one Dan Forsyth - killed by Alex. Hoidge (sic) at Beeton in attempted robbery. AO, RG 4-32.

brought along Sam Nevils to help. Animals were brought at all hours, sometimes without notice. There was no evidence that these late night cattle drives were witnessed, or that victims tried to track down their cattle. However, in one case after the loss of thirteen pigs, a victim named Job Nevils assumed that they had wandered off and placed an advertisement in the newspaper.<sup>90</sup> Another rustling took place during a heavy snowstorm, which perhaps was used to cover the tracks from the drive or muffle the sound of the cattle.

With the exception of Sam Nevils and Frank Skelly, the other seven men standing accused had requested a trial by judge under the “Speedy Trial” Act (1859). The Act provided for a trial without jury so defendants spent less time in jail awaiting trial. Ostensibly the gang members made the request so that the men could attend to their harvests. In appealing for both a speedy trial and a reduced bail, Hickland claimed that his two boys, age nine and ten were out in the field doing, “man's work”.<sup>91</sup> In rural Ontario it was not uncommon for farmers to make such heart-felt pleas and petitions to the courts, especially at harvest time.<sup>92</sup> The accused men may also have thought that given the nature of their crimes, the connection to an unsavory character like Forsythe, and the tragic death of the two Nevils children, they were not likely to receive a fair trial from a jury of their peers. Hickland had learned in trying to raise \$5000 in bail money that his friends were

---

<sup>90</sup> “Cattle Rustling in North Simcoe.”

<sup>91</sup> “Beeton Men Refused Speedy Trial By Crown,” *The Northern Advance* [Barrie] 15 Sept. 1927.

<sup>92</sup> Oliver 35.

unreliable.<sup>93</sup> Through their attorneys the accused also requested that their preliminary hearings be held by a particular county judge in Barrie named A.E Wismer.<sup>94</sup> Even though Crown Attorney F. G. Evans wrote the deputy attorney general requesting that a judge from outside the county be assigned to the case, Wismer was allowed to preside. Ironically for the defendants, County Judge Wismer refused the accused their speedy trials.<sup>95</sup> The Attorney General of the province, W.H. Price, had also objected to the requests, and according to Section 825 of the Criminal Code of Canada, had the right to refuse speedy trials if the charges in question carried penalties of five years or more.<sup>96</sup> The assize opened on October 11 with Justice John M. McEvoy, presiding. All but one defendant, Frank Skelly, who was said to have resisted the authorities in the investigation, pleaded guilty to the charges of theft and receiving stolen goods.<sup>97</sup> His trial ended on October 14 and he was sentenced to two years less a day.

In preparation for McDermott's sentencing, his lawyer was able to secure the signatures of ninety-seven people on a petition requesting leniency, one of whom was the treasurer of Adjala Township. The degree of support he enjoyed attested to his status within the social hierarchy of the community. Colonel Thomas H. Lennnox for the Crown

---

<sup>93</sup> "Jury Will Decide Fate of Beeton-Cookstown Men," *The Barrie Examiner* 15 Sept. 1927.

<sup>94</sup> Letter from F. G. Evans, Crown Attorney, Orillia, to E. Bayly, Deputy Attorney General, Sept. 1, 1927. F. G. Evans, Crown Attorney, Orillia, Ontario: Re - Death of one Dan Forsyth - killed by Alex. Hoidge (sic) at Beeton in attempted robbery. AO, RG 4-32.

<sup>95</sup> "Speedy Trial Denied Nine Beeton Accused at Crown's Request," *The Globe* [Toronto] 10 Sept. 1927.

<sup>96</sup> "Jury Will Decide Fate of Beeton-Cookstown Men."

<sup>97</sup> Defendant: Skelly, Frank; Charged with Theft; Receiving: Simcoe County, 1927. AO, RG 22-392. See also "Skelly Sentenced to Two Year Term; Langley is Freed," *The Globe* [Toronto] 15 Oct. 1927; "Cattle Rustlers Plead Guilty," *The Northern Advance* [Barrie] 13 Oct. 1927.

argued however that McDermott had not been fully cooperative with the investigation and had remained mute during the proceedings. Lennox argued that the other men had been manipulated by McDermott, a person of influence in the community. Sam Nevils on the other hand was socially inferior, poor and uneducated. Moreover he had lost two children and not profited much from his affiliation with the gang. Justice McEvoy was unmoved by McDermott and handed down a sentence of six years.

Edward Hickland, although a full participant in the gang, had a better case for leniency. He was orphaned at the age of four and raised in a Barnardo home.<sup>98</sup> His farm was heavily mortgaged and he was having difficulty supporting his seven children. Hickland had also provided a full confession to the police and cooperated in every way. Justice McEvoy said he felt sorry for Hickland before passing a sentence of three years at Kingston Penitentiary. The other men received light or suspended sentences with the exception of Sam Nevils, whose case had been put forward until December on compassionate grounds.<sup>99</sup> When Nevils appeared before the court in December, his lawyer successfully argued that his client was no hardened criminal and had been led into crime by men of, “superior intelligence and education”.<sup>100</sup> Nevil’s lawyer, Nathan Phillips, told the court that his client had been born in Simcoe County, as had been his parents, and that at the age of twelve, Nevils had brought up four of his younger siblings

---

<sup>98</sup> “Cattle Rustlers Plead Guilty.”

<sup>99</sup> “Four Beeton Men Must Serve Time,” *The Northern Advance* [Barrie] 20 Oct. 1927.

<sup>100</sup> “Beeton Affair Ends When Samuel Nevils is Allowed Freedom,” *The Globe* [Toronto] 14 Dec. 1927.

after the death of his mother. These facts plus the loss of his children may have persuaded the judge to render a suspended sentence.

### **Rural Crime in Boom Times**

Compared to the conditions in which gangs operated in Dufferin County thirty years previously, the conditions in which gangs worked in south Simcoe County were similar in terms of population decline, but far brighter in economic outlook. Following the end of WWI, the Canadian economy entered a short slump, but by 1921 began a steady climb, accelerating in the final years of the decade until the Great Depression.<sup>101</sup> While population growth in Toronto and other Ontario urban centres was robust, between 1921 and 1931 the population of the little town of Beeton shrank from 582 inhabitants to 563.<sup>102</sup> The population of the surrounding rural township also declined. Farm production and commodity prices however rose. In 1927 the county produced almost exactly the same volume of wheat as it did in 1923. However, rising prices increased the value of production from \$1,839,943 to \$2,186,486.<sup>103</sup> The value of all livestock also rose from \$9,543,467 to \$10,400,627. And whereas Ontario farmers in the last two decades of the nineteenth-century saw only ten percent growth in the value of their

---

<sup>101</sup> K. H. Norrie and D. O'ram, *A History of the Canadian Economy*, 2nd ed. (Toronto: Harcourt Brace Canada, 1996), 293, 317.

<sup>102</sup> Seventh Census of Canada, 1931, "Population of Canada, 1931". Bulletin xx. (Internet Archive), 29.

<sup>103</sup> OLA. Report of the Statistics Branch. (Sessional Papers 1923, No. 46), 26-27. OLA. Ontario Department of Agriculture: Annual Report of the Statistics Branch: Comparative Farm Statistics for Forty-five Years-1882 to 1926. (Sessional Papers 1927, No. 22), 21-22.



properties, in the first two decades of the twentieth-century, aggregate growth in value rose sixty-eight percent.<sup>104</sup>

The livestock thefts of the McDermott gang can thus be seen as a response to the rising value of livestock, and in particular, the county's adjacency to the largest city in the province where population increase drove a rising demand for meat. It should be realized as well that the theft of cattle, swine and sheep are ideally suited property crimes for rural areas, especially in the days when farms did not have much valuable equipment worth stealing. Once they are butchered farm animals are impossible to identify. Livestock is valuable and portable, and stock losses are an accepted part of farm life.

The general prosperity of the region should not to suggest that the McDermott gang members were prospering themselves. Edward Hickland and Sam Nevils certainly were not. Rather, livestock theft presented relatively lucrative opportunities during boom times. Conversely, at the "hard" time and place of the Ballard gang, conventional property theft provided lesser opportunities than did insurance fraud.

### **Rural Idealism and the Stigma of Criminality**

In both Dufferin and Simcoe counties, the revelation of criminal events created the potential for community stigmatisation. In Dufferin county, the long history of

---

<sup>104</sup> OLA. Ontario Department of Agriculture: Annual Report of the Statistics Branch: Comparative Farm Statistics for Forty-five Years-1882 to 1926. (Sessional Papers 1927, No. 22), 55. Given that data used for this calculation only goes back to 1882, I compared two 18 year periods, 1882-1900, and 1900 to 1918.

incendiarism, the poor quality of land in a section of Melancthon township, combined perhaps with the racial dimensions of the Ballard case, were key elements in the process. Simcoe county, on the other hand, was able to use its agricultural heritage in an attempt to restore a peaceful image.

Alex Hodge's life and death struggle with Daniel Forsythe was a key component in the criminal characterizations of the county. It was a spectacularly violent and horrific event due to its brutality and duration. The unsecured and easily accessible crime scene and the beaten and putrefying body of Forsythe lying in plain public view aided a potential for stigmatization.<sup>105</sup> The fight occurred but a short distance from Toronto in a place here-to-for thought of as placid and bucolic. Subsequent revelations about the Forsythe and McDermott gangs also challenged the image of rural Ontario as the heart of the peaceable kingdom.

As the Beeton affair was coming to a close in October of 1927 an article appeared in the Toronto *Globe* that tried to counter the negative image of south Simcoe.<sup>106</sup> It said not a word about Hodge and his "duel". A correspondent with the nom de plume of G.L.S. described a trip through the county where he witnessed, "A land of well-worked

---

<sup>105</sup> Since the night of the homicide, the attacker's corpse lay in the town hall while locals came by to see whether they knew him. Nearly a week after the incident, various town officials were at loggerheads over what to do with the body. It was felt by some that, after committing such a despicable act, he should not be buried in the same cemetery as the township's most venerable citizens. Crown Attorney F. G. Evans threatened to prosecute the cemetery directors under the Public Health Act if they did not soon bury the putrefying body. When Forsythe was buried in a cemetery next to indigents, this too gave rise to complaints, as the citizens claimed that a criminal had "polluted" an indigent cemetery. "Inquest on Beeton Tragedy Adjourned," *The Northern Advance* [Barrie] 28 July 1927.

<sup>106</sup> G.L.S. "In Prosperous South Simcoe," *The Globe* [Toronto] 12 Oct. 1927.

farms, snug homesteads and splendid live stock”.<sup>107</sup> Accompanied by the local Agricultural Representative, F.J. Webster, the author toured the region taking particular note of anything that would counter the image of an impoverished, lawless place.<sup>108</sup> He wrote,

“I was rather bewildered, expecting to find run-down farms, unpainted building and vast areas of swamp. The lawless activities of an insignificant portion of the population in this district have been stressed overmuch, giving the general public an entirely erroneous impression of a splendid agricultural community”

He encountered, “magnificent hills”, “rich soil” and “prosperous farms” that reminded him of, “Mariposa, Markham, or some other of the famous townships of Ontario where everything in the agricultural line is above average”. The magnificent woodlands were also well looked after, providing a “profitable source of fuel and maple products”. Observations about soil drainage, composition, and the wide variety of crops and livestock rounded out the picture of a bucolic region of plenty that was well stewarded by idyllic farmers.

The author added that, “investment brokers will tell you that there are plenty of farmers through here who have two to five thousand dollars to put into securities every year, after all expenses have been paid.” But the hard working and industrious people of south Simcoe had also taken a balanced approach to farming in an area of great geographic diversity. For the most part they grew a variety of crops and kept various livestock and were true mixed farmers in every sense of the word. There was “no risky

---

<sup>107</sup> “In Prosperous South Simcoe.”

<sup>108</sup> It is quite possible that the excursion and article were either instigated or facilitated by the local Agricultural Association in an indirect attempt to burnish the county’s image.

boom in one or two crops here”. One farmer told the author that even though he would make more money from specialization, he was producing excellent seed crops and “particularly good hogs and good sheep”.

The narrative concluded with a description of the county seen from Sharp’s Hill, a “near mountain” that offered an incredible vista. From here one could see the valley of the Nottawasaga, the smoke of the Collingwood factories, and a famous beach on Georgian Bay. “This would be a wonderful setting for a great painting, but not by the wildest stretch of the imagination could one vision it as the home of bandits and cattle rustlers.”

The image of Simcoe put forward in the article was one that combined the natural beauty of the land with the hard work and pride of property that the farmers of the region exemplified. Agricultural achievements and rural life-ways were thought to be the antidote for what ailed Simcoe. Importantly, the article suggested that these farmers were not crassly commercial and did not seek to profit from the land at any cost. They did not recklessly pursue commodities markets and took pride in quality breeding, animal husbandry and crop development. In short, the author presented a picture of mixed farmers resisting modern industrial trends and the values that attended them. They were the idealized traditional form of mixed farmers, embodying values contrary to those of the lawless bandit. When arrayed against the image of cattle rustlers and squalid little farms in swampy places, the people of south Simcoe could not have asked for a better rendering than that which appeared in the *Globe*.

In her study of perceptions about family violence in early twentieth-century Ontario, Joan Sangster relates how townships outside the city of Peterborough became stigmatized as a result of perceived criminal behavior in a rural context.<sup>109</sup> The stigmatizations of south Simcoe and Dufferin counties may not have been as extreme as that which occurred in Peterborough, and they each played out in different ways. Nevertheless it is worth comparing these cases. When violence is successfully “territorialized” it can absolve those who live outside the boundary from culpability. Moreover, it aids in a form of othering that reinforces power disparities between elites at the “centre”, and those whom exist on the “margin”.

Sangster explains how the so-called “Badlands” report, a grand jury report stemming from a disturbing child abuse case, was used in multiple trials over a decade “to explain away all the varieties of violence, abuse, and murder in the rural townships surrounding Peterborough.”<sup>110</sup> Incorporating the work of Rob Shields on imaginary geographies, she concludes that “In the process, violence was situated and externalized with an “imaginary geography” of place, region, and social class yet never located as a oppressive consequence of power and patriarchy”.<sup>111</sup>

---

<sup>109</sup> Joan Sangster, “Masking and Unmasking the Sexual Abuse of Children: Perceptions of Violence Against Children in ‘the Badlands’ of Ontario, 1916-1930,” *Journal of Family History* 25.4 (2000): 504-26.

<sup>110</sup> Sangster 505.

<sup>111</sup> Sangster. See Rob Shields, *Places on the Margin: Alternative Geographies of Modernity* (London: Routledge, 1991), 7.

The Grand Jury report explained the existent problems in terms of poverty and the difficulties of living off of marginal agricultural land.<sup>112</sup> A portion of the report incorporated a recent agricultural study describing the problems of settlement in a rocky and barren region.<sup>113</sup> The report implied eugenic fears as so called "progressive settlers" were leaving the area, and those with "less ability and initiative", remained.<sup>114</sup> The media and courtroom discourses in the Beeton and Ballard cases made a number of cultural references about poverty, class and immoral behavior. Unlike the cases in Peterborough, however, the negative characterizations that would have served to stigmatize Simcoe and Dufferin Counties did not stick. Simcoe County in particular had agricultural and settlement "credentials" that counteracted stigmatization. Furthermore there were no sexual or incestual dimensions to the Beeton events nor were issues of race, eugenics or parenting ever present in the discourse. Insofar as poverty was a feature of the media coverage, as in the case of the north Simcoe crimes, it was not ascribed to a dangerous, morally bankrupt class of people. Also, unlike the haunts of the Ballard gang, described in the press as lying within, "Sodom and Gomorrah", the criminality in Simcoe was dispersed throughout the region rather than localized.<sup>115</sup> G.L.S was thus able to employ all the positive qualities of the county in his restorative article.

What the Beeton, Ballard and Peterborough stories illustrate, is that behavior which transgress the norms of society can influence the reputation of rural places and

---

<sup>112</sup> Sangster 511.

<sup>113</sup> Sangster 511.

<sup>114</sup> Sangster 512.

<sup>115</sup> "There Were Three Gangs With Eight Men in Each."

people. The process can be contested by local elites and boosters with some success especially if the community can place itself in the company of others with good reputations. G.L.S. was reminded of Markham and Mariposa with his arrival at Beeton. Also, Simcoe enjoyed a positive geographic endowment. The fact that south Simcoe was not a site of "hard scrabble", marginal farming, such as in Peterborough or Dufferin for example, made it easier to counter the media's negative image of the place and its population. The geography, soil and climate of Peterborough and Dufferin County, on the other hand, would not be of same use to those communities which found themselves the target of criticism in the media and the courts. It was also fortunate that the farmers of Simcoe practiced a form of farming that was both idyllic and profitable thereby placing them above the lower classes.

### **Crime and The Social Organization of Rural Communities**

The events in Dufferin County and to a lesser extent, Simcoe, are evidence that rural communities, with their typically higher levels of social integration than urban communities, were not immune to crime. In fact social organization, as much as economic or other factors, may go a long way towards explaining why these events occurred and how a sustained level of criminality was able to take root and flourish. The explanation requires a brief summary of certain developments in the field of rural criminology.

The studies of the Chicago school of criminologists were primarily focused on urban problems. However, their work implied that rural communities,

with their high density of acquaintanceship, social structure and hierarchy were more resistant to crime. The presence of formal and informal community “guardians” such as government and religious leaders, business leaders, or anyone firmly established and highly regarded in the community provided a high degree of surveillance, and could intervene in problems before they led to criminal activity. Conversely, urban communities were often seen by sociologists as “socially disorganized” and thus susceptible to problems of crime.<sup>116</sup> Since the 1960s this particular ecological approach to the study of crime has been seen as too simplistic.<sup>117</sup> Scholars seeking to explain differences in crime rates in communities focus less on assumed difference in social ties, looking instead for actual evidence of differences in interpersonal ties.<sup>118</sup> Such analyses nevertheless continue to associate strong collective efficacy and community resilience with lower crime rates.

Sociologist Joseph Donnermeyer, as well as some of his colleagues, argue instead that social ties and community structure may be important, but challenge

---

<sup>116</sup> Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas: A Study of Rates of Delinquency in Relation to Differential Characteristics of Local Communities in American Cities*. rev. ed. (Chicago: University of Chicago Press, 1969).

<sup>117</sup> For a discussion on the evolution of the theory, see Charis E. Kubrin and Ronald Weitzer, “New Directions in Social Disorganization Theory,” *Journal of Research in Crime and Delinquency* 40.4 (2003): 374-402. See, also, Lorraine Mazerolle, Rebecca Wickes, and James McBroom, “Community Variations in Violence: The Role of Social Ties and Collective Efficacy in Comparative Context,” *Journal of Research in Crime and Delinquency* 47.1 (2010): 3-30, 5.

<sup>118</sup> Matthew Lee and Shaun Thomas, “Civic Community, Population Change, and Violent Crime in Rural Communities,” *Journal of Research in Crime and Delinquency* 47.1 (2010): 118-47, 119. See, also, Yuh-Yuh Li, “Social Structure, Social Control, and Crime in Rural Communities: A Test of Social Disorganization Theory,” diss., The Ohio State University, 2009. The author argues that the social disorganization perspective still maintains some usefulness in explaining variations in crime statistics of nonmetropolitan counties in the United States.



the idea that they necessarily lead to less crime. They began to ask somewhat contrarian questions about crime and social structure after they uncritically adopted social disorganization theory in a 2004 rural crime study in rural Australia.<sup>119</sup> In that and subsequent studies, a picture emerged of farmers not wanting to report livestock theft in order to keep the peace with neighbours whom they suspected of being guilty.<sup>120</sup> In other cases, even when the crimes were reported to police it was discovered that officials had not taken the allegations seriously due to the fact that the victims were in some way marginal to the community. In some instances the police even felt constrained about investigating a theft because the suspect was a member of high standing in the community. Law enforcement officials also complained about the reluctance of farmers to report crimes. Donnermeyer states, “These officers believed that there was concern among farmers that reporting their neighbours would upset the cohesion of the community and that they themselves would be stigmatized. Officers believed there was strong peer pressure within many small, agricultural communities of New South Wales to accept some amount of theft as part of the regular, day-to-day running of a farm enterprise.”<sup>121</sup>

There are a number of points to consider in mapping the connections between this notion and the facts of the Ballard and Beeton cases. In regard to the

---

<sup>119</sup> P. Jobes, E. Barclay, and H. Weinand, “A Structural Analysis of Social Disorganisation and Crime in Rural Communities in Australia,” *Violence and Abuse Abstracts* 11.1 (2005): 42.

<sup>120</sup> Donnermeyer 11.

<sup>121</sup> Donnermeyer 12.

Ballard gang, for the opportunity of large scale insurance fraud to present itself, the core members of the gang needed fairly deep knowledge of their neighbours in order to select those who were both financially vulnerable, but also unlikely to go to the authorities if anything went wrong. The exploitation of Margaret Armstrong, the washer woman who lost her home is a case in point. For the farmers who rented out land and fell into the Ballard's debt, their likelihood of failure would also have taken some knowledge to assess. And given the very public aspect of arson as a crime, the gang members would have needed to know that their activities would remain unreported not only to the authorities but ultimately to the insurance adjusters who would be expected to investigate the burn sites. The burning of a barn, stable or home served two functions: first as a means of destroying insured property, and second, as a way to convey a threatening message to all who might report the crime. As witnesses reported, the gang was not above intimidation tactics to keep people in line. These too would have required an understanding of who to intimidate and how to do it. It would have been a process assisted by knowledge developed over many years, but also reputations gained sometimes over a generation. Stories of Watson Ballard's revenge on the Orangemen, or Alonzo Smith's connection through his father to the famed Markham Gang would have paid off in the currency of intimidation. The Fenton death was most certainly an accident (although the fire may not have been), and there is no reason to believe that otherwise the gang's activities might have persisted. On the whole, the operation of the Ballard gang relied heavily on a

community structure where people knew each other and could accurately assess the likelihood of participation in, victimisation by, or resistance to the gang.

This same kinds of community knowledge would have been a factor in the operation of the Beeton gang. Individual farmers with accessible livestock, some of whom were relatives of gang members, would have been assessed as potential victims based on detailed knowledge. As Donnermeyer's research suggests, the gang may even have counted on their victims choosing not to report the thefts due to concerns of upsetting community cohesion, or even of retribution. McDermott appeared to be a person of some influence in the community, as the petition for light sentencing suggests. It is noteworthy as well that larger scale cattle rustling can be a conspicuous sort of crime. The McDermott gang drove cattle at night - when their noise might have attracted attention - to Edward Hickland's farm for butchering, and in some cases to a railway depot. Even with the commotion this would have created, the gang may have believed their crimes could be carried out without them being reported by any witnesses.

The connections between the McDermott and Forsythe gangs, including the targeting of Alex Hodge after a cattle sale also suggest an ability to assess opportunity and risk based on local knowledge. One might ask, for example, how much Forsythe and McDermott knew about Hodge. Was he seen as a marginal, lower-status person in the community who might be easier to victimize on account of his poor vision, and the possibility he might not go to the authorities? The Forsythe gang had been able to break into people's homes for some time, with

authorities being none the wiser. We might ask then if this international bank robber chose to "retire" in the county he grew up in, secure in his local knowledge that he could commit crime with near impunity.

### **Organized Crime and the Rural Criminal**

While the Ballard and Beeton gangs bear some of the hallmarks of organized crime enterprises, the part-time status of most rural criminals suggests they were not. The members of the gangs could easily be seen as more or less ordinary people acting opportunistically with co-conspirators they knew by other means or were related to. Organized crime suggests different kinds of relationships and more regular criminal activity.

In its basic form the term "organized crime" describes a group economic activity that is ongoing, structured not unlike a business.<sup>122</sup> There is an organizational hierarchy, a degree of discipline and planning, a regular frequency of activity, and a series of externally focused relationships designed to deal with competitors and provide protection from the state. Violence and the threat thereof may be a part of the structure, but it is primarily instrumental in the sense that it must ultimately serve the economic rationale of the enterprise. The quintessential representation of organized crime is the Mafia in early nineteenth-century rural Sicily. Large landowners engaged in livestock rustling by preying on weaker neighbours and then taking the herds to market in Palermo - a dynamic not unlike

---

<sup>122</sup> Howard Abadinsky, *Organized Crime*. 9th ed. (Belmont: Wadsworth/Cengage Learning, 2010).

what Donnermeyer described in New South Wales, and the situation that existed in Simcoe. In Italy, corrupt government officials and the Magistracy protected the gangs, with the result that rustling became an important commercial activity in Western Sicily.<sup>123</sup> We should note however that this kind of rural, community crime dynamic is not unique to Italy.<sup>124</sup> These features bear some resemblance to the Ballard and Beeton gangs, but only in a very limited way.

Aside from the rural origins of organized crime, late nineteenth and early twentieth-century gangs had different features depending on whether they operated in urban or rural areas. While it is possible within an ongoing urban criminal enterprise to support and develop so called, “career criminals”, the smaller populations of rural areas, the “scarce opportunity structures” coupled with the material obligations of land ownership help develop a different kind of criminal<sup>125</sup>. When a rural criminal is a farmer and land owner, if he values his property and if he wishes to maintain any kind of reputational stake in the community he must tend to his buildings, livestock, fences and fields while simultaneously engaging in illegal activities. At the same time, criminal opportunities may only present themselves infrequently given the environment.

Livestock theft is therefore an ideal activity given that animals are available,

---

<sup>123</sup> John A. Davis, *Conflict and Control: Law and Order in Nineteenth-Century Italy* (Atlantic Highlands: Humanities Press International, 1988), 86.

<sup>124</sup> See, for example, Florike Egmond, “Between Town and Countryside: Organized Crime in the Dutch Republic,” *The Civilization of Crime: Violence in Town and Country since the Middle Ages*, eds. Eric A. Johnson and Eric H. Monkkonen (Urbana: University of Illinois Press, 1996), 138.

<sup>125</sup> M. T. Berg and M. DeLisi, “Do Career Criminals Exist in Rural America?” *Journal of Criminal Justice* 33.4 (2005): 317-25, 324.

valuable, difficult to guard but easy to transport once taken. Rustling also requires a “farmers” skill set in the handling of livestock.

While rural environments and populations do not favour the development of organized crime, rural criminals can associate in gangs and informal groups. Smith and McElwee’s case study of illegal pluriactivity in rural Scotland similarly revealed a loose knit association of farmers who engaged in part-time criminal activity to supplement their income.<sup>126</sup> As with the Ballard and Beeton gangs, these individuals maintained property and connections with their communities. In their study they first address the “accepted” social construction of the rural criminal as a sort of alien, urban marauder. In this myth the farmer, who enjoys high levels of social esteem is typically seen as the victim. In contrast to this depiction, Smith and McElwee examined farmers who exist on the margins of agriculture and engage in the theft of animals and property. By simultaneously pursuing both legal and illegal activities, these individuals retain their status as farmers. Furthermore, the popular myth of the farmer as inherently lawful serves to shelter those who engage in criminal activity. The interplay of these phenomenon help explain how illegal activities can carry on for years, and even generations, without anyone outside the community being the wiser.

The authors advanced other arguments about why rural crime often goes unreported in Scotland. Citing other Scottish studies, they point out that crime

---

<sup>126</sup> Robert Smith and Gerard McElwee, “Confronting Social Constructions of Rural Criminality: A Case Story on ‘Illegal Pluriactivity’ in the Farming Community,” *Sociologia Ruralis* 53.1 (2013): 112-34.

victims were reluctant to report incidents because they believed the crime to be trivial, or they thought it unlikely that the authorities could solve the problem.<sup>127</sup> One should bear in mind of course that property crimes in particular have always been extremely difficult to solve, regardless of the professionalism or competence of the authorities. Regardless, these factors likely contributed to a failure to report. Ultimately the research, including the cases presented here, reveals a lack of faith in the justice system.

Significantly, Smith and McElwee point out that there were individuals in their study who enjoyed considerable status as farmers within their communities. They further suggest that these individuals engaged in illegal pluriactivity perhaps in fear of losing their status given the precarious nature of their farm enterprises.<sup>128</sup> If farmers use their status and reputation for all kinds of important transactions more so than their urban counterparts, and if this status is tied to their success as farmers, then the need to supplement income during difficult times will be very compelling. In these cases they could be regarded as struggling small business people. Provided that any criminal behaviour falls within the accepted norms of the community, it is feasible that even if detected, illegal pluriactivity will not diminish a person's reputation within the rural community. On the surface it may have appeared to some in Melancthon Township that the only victims of the Ballard gang were the insurance companies. This was likely to have been the

---

<sup>127</sup> S. Anderson, *A Study of Crime in Rural Scotland* (Edinburgh: The Scottish Office, 1997). See, also, Gavin Sugden, "Farm Crime: Out of Sight, Out of Mind: A Study of Crime on Farms in the County of Rutland England," *Crime Prevention and Community Safety: An International Journal* 1 (1999): 29-36.

<sup>128</sup> Smith and McElwee 127.

case when the core group of offenders were only burning their own properties. Perhaps it was only when the gang began to prey upon unfortunate individuals, or to burn or threaten to burn properties as a form of intimidation, that their days became numbered.

Potter and Gaines have observed that the low population of rural areas limit the opportunities for crime, the number of potential victims or “customers”, and the ability to recruit gang members. And the typical structure of rural society makes any sustained criminal activity difficult to conceal from the community. For these reasons the operation of a rural gang requires a highly developed understanding of each member of the community; are they likely accomplices, recruits, victims or customers, or will they report crimes to the authorities? This, according to Potter and Gaines, is the reason why criminal networks in the Southern United States typically grow through extended family connections. Kinship is an important part of rural society nearly everywhere, so it is perhaps natural that family members are the most trusted individuals of interest to gangs. Perhaps not surprisingly then, given the role that women play at the centre of family relations, the majority of crime networks in this Kentucky based study had women in positions of management and coordination. While stipulating that rural society in Kentucky is hardly matriarchal, the authors claim that women there



have traditionally occupied strong leadership roles in the areas of family discipline, organization and business.<sup>129</sup>

### **Unreported Crime in the Rural Context**

Finally, the Beeton and Ballard stories suggests that there is a rural dimension to the phenomenon of unreported crime. Generally there are a number of reasons for a victim, accomplice, witness, or even an officer of the court not to report a crime. If the crime is minor it may not be worth the effort or expense to make a report. A common saying among farmers in early nineteenth-century England was, "that the first expense viz the loss of [their] property is the last".<sup>130</sup> For farmers the time away from work and the demands of court appearances, especially if long travel time was an issue, could dissuade reporting especially at planting and harvest time. Crimes associated with youthful hi-jinks or attributable to simple bad judgment might also have gone unaddressed. These considerations applied to rural magistrates and constables who had other responsibilities outside the courts as well. If they felt it necessary for whatever reason they might have chosen to either talk the informant out of pursuing things formally or otherwise deal with problems off the record.<sup>131</sup>

---

<sup>129</sup> Gary Potter and Larry Gaines, "Country Comfort: Vice and Corruption in Rural Settings," *Journal of Contemporary Criminal Justice* 8.1 (1992): 36-61, 46. The figure of the rural criminal matriarch is popularized in Daniel Woodrell's *Winter's Bone* (New York: Little, Brown and Co., 2006).

<sup>130</sup> Philips and Storch 48. Cited from: PRO (Public Records Office, England) Home Office, 73/9/1 Return of the Guardians of Newchurch parish, Kent to Constabulary Force Commission.

<sup>131</sup> Susan Lewthwaite, "Violence, Law and Community in Rural Upper Canada," *Essays in the History of Canadian Law: Volume Five – Crime and Criminal Justice*, eds. Jim Phillips, Tina Loo, and Susan Lewthwaite (Toronto: Osgoode Society and University of Toronto Press, 1994), 353-86.

This kind of thinking can exist even with more serious crimes, but in those cases there are other more weighty issues to consider. The individual may be worried about how his or her involvement will be perceived in the community and how it will alter relations with family and neighbours, some of whom may be connected with the crime.<sup>132</sup> For example, in Beeton some of the victims of the cattle rustling were relatives of the rustlers. If these victims were suspicious of their relations in any way, this would make reporting more problematic. In fact, the very nature of the crime of cattle rustling is one that can create suspicion about one's neighbours. This is because it is a crime, like home robbery, or predatory insurance fraud, for example, that favours local knowledge, participants and victims. Not only does handling livestock require a farmer's skill set, but ideally the rustlers should know exactly where and when to steal the cattle, and how to drive it to sale or slaughter without being witnessed. For added assurance it would be helpful to know the personality and the place of the victim within the community's social hierarchy.<sup>133</sup> This would allow victims to be selected who are less likely to report the crime. If the victim of the cattle rustler was aware of these factors it would serve to heighten suspicion of one's neighbours. Thus in the structured rural community of kith and kin, with many forms of mutual dependencies and where one's individual and family reputations determine nearly all social relations, the choice to report a crime may be complicated.

---

<sup>132</sup> Vania Ceccato and Lars Dolmen, "Crime prevention in rural Sweden," *European Journal of Criminology* 10.1 (2013): 119-135, 124.

<sup>133</sup> Donnermeyer 11.

Another aspect of the failure to report rural crime is the inclination not to air dirty laundry in public - a phenomenon that relates both internally and externally to community perception. As Hafley found in her research of rural organized crime, rural residents can feel disinclined to share information about community crime with outsiders and can even take pride in their silence.<sup>134</sup> And in light of all these factors, if there is little or no faith that the justice system will effectively and appropriately address the problem then the choice will be to either mind one's own business or seek to remedy the problem informally within the community.<sup>135</sup>

The failure to report crime can also be linked to the belief that the authorities will be unwilling or unable to successfully prosecute, or that even if sentenced, the punishment will not be commensurate with the crime. A population's concerns about the quality of the justice system is a theme of chapter four. Suffice to say at this point, the mere existence of laws, courts, police and the other parts of a justice system is not sufficient to instill public confidence in the state's method of addressing crime. The system needs to work, to be seen to work, and it must repeatedly achieve the kinds of outcomes people expect. However, it must be said that in the period under review here, it was not intended that the state should provide a comprehensive system to uphold law and order such as exists today. Prosecutions stemmed from victim complaints, most judicial officials were stipendiary and part-time, and economy, thrift, and efficiency influenced any discussions of systemic improvement. And as we will see in chapter four, concerns

---

<sup>134</sup> Sandra Riggs Hafley, *Rural Organized Crime: Marijuana Growers in Kentucky* (Louisville: University of Louisville, 1994), 223.

<sup>135</sup> Sarah L. Boggs, "Formal and Informal Crime Control: An Exploratory Study of Urban, Suburban, and Rural Orientations," *The Sociological Quarterly* 12.3 (1971): 319-27, 324.

about “government” (meaning the province) over-reach created problems for the centralization, professionalization, and modernization of the system as well. Yet at the same time, perceptions of lawlessness, however localized were potentially embarrassing for the government. This is why the attorney general's office was seen to be moving Heaven and Earth to investigate the crimes in Simcoe. Demands to involve the member of the legislature were rebuffed by the O.P.P., so that presumably, they could have complete authority, and garner most of the credit. They most likely also wanted to keep any potential local participation under control, and political involvement at bay.

## **Conclusion**

The events in Dufferin and Simcoe counties suggest that the system of local, amateur justice was unable to manage crime before it reached crises proportions. Investigations by provincial detectives, working with local officials exposed a disturbing level of criminality. In Dufferin county, suspicious fires over a number of years did not trigger a response from local officials until the death of Edward Fenton. That, and the involvement in the investigation of a possibly corrupt magistrate, suggest that the system of local justice was incapable of handling the problem. Thirty years later a similar level of systemic limitation compelled the province to intervene in Simcoe county, where allegedly, a state of terror existed. By this time in the development of the justice system, the province could apply the resources of the O.P.P. to the investigation. As we will see in

chapter four however, it would not be until the 1930s that the force had the proper authority and resources to adequately police rural Ontario.

The social organization of rural communities influences the nature of crime. Communities that have social cleavages along class, race or sectarian lines can experience criminal disorder, but so too can more homogeneous ones. The high density of acquaintanceship typical within rural society may simultaneously increase awareness of criminal activity, while also furnishing the kinds of information that makes criminal exploitation of one's neighbours possible. Even the hierarchical structure of a community can be turned to the benefit of community leaders who have criminal inclinations and interests. In Dufferin and Simcoe, the structure these communities allowed the gang leaders to carefully select their accomplices and their victims. Regardless of living in areas of high surveillance, gang leaders were likely confident that witnesses and even victims would keep their mouths shut and not report anything to the authorities. It was a pattern that might have remained unchanged for years until homicides made the silence untenable.

The failure to report crime in rural communities has other, distinctly rural dimensions too. With less serious crimes, it may not be worth the time and expense, for example, to leave the farm, make a report, help pursue an investigation, and possibly appear in court. For serious crimes involving other community members, there may also be concerns about disturbing the existing social order, harming one's reputation, or suffering retribution. These

considerations are compounded with the understanding that the victim and perpetrator, as well as their kin and future generations, may have to live side by side for years to come. Under such conditions, the biased and amateur nature of the system of local justice would further inhibit reporting.

The Ballard, Forsythe and McDermott gangs developed in the context of specific demographic and economic environments. The crimes of the Ballard gang in particular seemed clever, well conceived and suited to both their rural environment, and the easy availability of insurance. However, the difficulties of supporting full-time criminal activity among low populations challenges the development of organized crime enterprises such as they are typically understood. As seen in the secondary literature on the subject, resident rural criminals, whether operating in gangs or not, will normally use crime to supplement regular farm activities. This form of illegal pluriactivity allows the individual to maintain status in the community while also providing them with both "cover", and "intelligence" about potential victims and accomplices.

Both the Ballard and Beeton cases portray an uncommon, dark view of rural life in Ontario in the late nineteenth and early twentieth centuries. The events in Beeton in particular were even more alarming occurring as they did over a century after the settlement of a county that was relatively prosperous. It was, furthermore, adjacent to the largest city in the province and the center of government authority, thus calling into question the quality of law and order in rural Ontario. The brutal beating death of Daniel Forsythe, and the tragic death of

the Nevils children added a Gothic dimension to stories of rustling, robbery and a terrorized community. The successful conclusion of the case and the death of Dan Forsythe, when combined with the community's efforts at restorative agricultural boosterism, would have given the people of county a degree of peace and closure. The public perception of Simcoe County was presumably realigned back to its normal state. In terms of popular perception and regional stigmatisation, the case of the Ballards in Dufferin County is more difficult to assess. There was apparently less shock at the notion that a "fire belt" existed in that part of the province. The quality of the land - "obdurate" - as the *Star* said - as well as the racial background of the Ballards were thought to create the problems that had existed there for more than a generation. The stigmatizing and marginalizing stories in both counties bear some similarities to the depictions of Peterborough county as described by Sangster.

When collective crimes of a lesser nature occurred in rural Ontario, the obligations of the Attorney General's Department to get involved was less clear. In the next chapter we will examine how group violence of a "recreational" sort highlighted both the limitations of the rural justice system, and the tensions between local and provincial authorities in managing crime. The cases presented also offer an opportunity to explore, conjecturally at least, how rural populations may perceive risk and respond to the fear of crime.

## **Chapter 2**

### **Charivaries, Vandalism and Intimidation: The Limits of Rural Justice**

In the nineteenth and early twentieth-century's moderate forms of collective violence and vandalism in rural areas could create nettlesome problems for local authorities. They also exposed the Attorney General's Department to criticism when it chose not to intervene, leaving the problem in the hands of the community. An antiquated system of rural justice, upheld by members of the community, was not always ideal in addressing problems generated by their neighbours. This was especially the case when charivaries got out of hand, resulting in serious injury, property damage, and even death. Charivaries are traditional community rituals somewhat analogous to a raucous hazing of individuals in their homes by a mob of neighbours. They targeted newlyweds in marriages that elicited the community's disapproval. Owing to their well established traditional place in rural society, "normal" charvaries which applied "acceptable" levels of violence and intimidation were not viewed by local authorities as problems they needed to address. But in extreme cases, communities relied upon provincial detectives to investigate charivari related crimes after the fact. On some occasions they would seek more immediate help from municipal constables from the nearest town or city, although officials there could be ambivalent about assisting.



While, technically speaking, a charivari may contain a number of illegal actions, this is not the main reason for examining it in a study of rural crime. Instead charivaris should first be seen as a manifestation of community judgment and correction that survived in tandem with the rise of state law. As seen in the late nineteenth and early twentieth centuries, they are evidence of communities transitioning from reliance on local, traditional authority to formal and modern civil authority. And charivaris also shed light upon the importance of personal ties, the enduring features of community structure, kinship, and the integration of new families into the rural fold. Most importantly, the social and cultural meaning of the charivari is multi-faceted; the ritual can represent a plurality of sentiments. It is not exclusively a form of correction in a family of vigilante type actions. It is also a form of entertainment and recreation, albeit usually of a violent, intrusive, and intimidating nature. The charivari contains all the menace of a home invasion, but the threat is compounded by the fact that it can express community disapproval, is punitive and corrective, and is carried out by one's neighbours – the very people who would otherwise be there to provide security.

The meaning of the charivari changed in early twentieth-century North America, and it ultimately became a positive mechanism for the expression of community approval and the integration of a new family into the community. The contemporary charivari is no longer experienced as a harbinger of threats to the community, but rather as evidence that rural society remains vibrant and distinctive in its social relations.

The last case presented in this chapter involves the community of Ostrander's response in 1910 to a predatory youth gang that terrorized and vandalized farms,

apparently for their own amusement. The behaviour of the gang and the victims' reactions to it are similar to what typically occurred during a charivari. Yet this episode was an unsanctioned, non-ritual event. It provides an opportunity to examine the limits of community authority when confronted by locally generated problems. The belief that authorities will not, or cannot protect people and their property is an important factor in determining how individuals and communities experience crime. It also influences, as will be seen in the next chapter, their willingness to take the law into their own hands.

The Ostrander and charivari cases also suggest that the isolation of the typical farm provides specific opportunities for perpetrators to engender fear in their victims. This is especially the case when women and children were targeted while the men were away. The literature on the fear of crime is worth considering in order to interpret these events. As historian Susan Sessions Rugh argues in her study of rural crime in Illinois, the fear of crime influences community acceptance of justice system modernization.<sup>1</sup> And as suggested in chapter one, fear can also shape peoples' choices about when to report crime. More significantly, the fear of crime and crime discourse can be powerful forces in any society given that they affect far more people than are influenced directly by crime.

### **An Upper-Canadian Charivari**

Susanna Moodie's *Roughing it in the Bush* (1852) is a popular, first person description of life in Upper Canada written by a woman who might herself be described

---

<sup>1</sup> Susan Sessions Rugh, "Civilizing the Countryside: Class, Gender, and Crime in Nineteenth-Century Rural Illinois," *Agricultural History* 76.1 (2002) 80-81.

as a settler.<sup>2</sup> It offers an insightful, if highly subjective, account of farm settlement, surviving in the wilderness, and facing the hardships of pioneer life. Moodie's relationship with her Canadian neighbours was often tinged with classism, and she expressed a great perplexity and frustration in regard to the social "levelling" of frontier life. At one point in the book, Moodie describes a curious, violent, popular custom that she found most offensive and disagreeable. She writes, "I was startled one night, just before retiring to rest, by the sudden firing of guns in our near vicinity, accompanied by shouts and yells, the braying of horns, the beating of drums, and the barking of all the dogs in the neighbourhood. I never heard a more stunning uproar of discordant and hideous sound."<sup>3</sup> A neighbour soon arrives saying, "You and Mary [the maidservant] look as white as a sheet; but you need not be alarmed. A set of wild fellows have met to charivari Old Satan, who has married his fourth wife to-night, a young gal of sixteen. I should not wonder if some mischief happens among them, for they are a bad set, made up of all the idle loafers about Port— and C—."<sup>4</sup>

Moodie's neighbour then explains the custom in detail:

When an old man marries a young wife, or an old woman a young husband, or two old people, who ought to be thinking of their graves, enter for the second or third time into the holy estate of wedlock, as the priest calls it, all the idle young fellows in the neighbourhood meet together to charivari them. For this purpose they

---

<sup>2</sup> Susanna Moodie, *Roughing It in the Bush: Or, Forest Life in Canada* (Toronto: McClelland and Stewart, 1962). Moodie's work as a writer, combined with the fact that her husband was a District Sheriff, sets her own experiences at somewhat of a distance from that of typical settlers.

<sup>3</sup> Moodie 144.

<sup>4</sup> Moodie 144.

disguise themselves, blackening their faces, putting their clothes on hind part before, and wearing horrible masks, with grotesque caps on their heads, adorned with cocks' feathers and bells. They then form in a regular body, and proceed to the bridegroom's house, to the sound of tin kettles, horns and drums, cracked fiddles, and all the discordant instruments they can collect together. Thus equipped, they surround the house where the wedding is held, just at the hour when the happy couple are supposed to be about to retire to rest – beating upon the door with clubs and staves, and demanding of the bridegroom admittance to drink the bride's health, or in lieu thereof to receive a certain sum of money to treat the band at the nearest tavern.<sup>5</sup>

Other charivaris are also described by Moodie's neighbour, including one where an African-American man married an Irish woman and was murdered by a mob. The marriage had created a sensation in the town, and the neighbour describes how, "all the young fellows were indignant at his presumption and her folly, and they determined to give them the charivari in fine style, and punish them both for the insult they had put upon the place."<sup>6</sup> In a second charivari with a violent end, one man was killed and two wounded when the bridegroom retaliated, feeling his home to be threatened. Moodie's sensibilities are outraged by such a rough and intrusive custom. It triggers within her a, "British indignation at such a lawless infringement upon the natural rights of man."<sup>7</sup> This reaction is not at all out of character for Moodie, who claims earlier in the book that her "inferiors" had the vexing habit of coming into her home without knocking and, "while boasting of their freedom, violated one of its dearest laws, which considers even the

---

<sup>5</sup> Moodie 145.

<sup>6</sup> Moodie 147.

<sup>7</sup> Moodie 145.

cottage of the poorest labourer his castle, and his privacy sacred.”<sup>8</sup> Her neighbour argues that the government should get involved and put down these riotous affairs. She then goes on to express a further view, undoubtedly more common at this time, especially in the context of a settler society where equanimity and good relations with one’s neighbours were paramount for survival: “A charivari would seldom be attended with bad consequences if people would take it as a joke, and join in the spree.”<sup>9</sup> As we shall see, negative consequences were not an infrequent part of charivaris, even when they were taken as jokes. Before parting, the neighbour offers one last observation, “Oh, but custom reconciles us to everything; and ’tis better to give up a little of our pride than endanger the lives of our fellow-creatures.”<sup>10</sup>

### **The Pre- and Post-Modern Charivari in Old World and New**

Moodie’s description of the charivari touches on the core elements of a tradition that began in Europe centuries prior, and continues on to the present day in rural societies, albeit in an altered form. Her observations and conversation with the neighbour also capture the rough outline of a popular and enduring discourse about the meaning of the ritual. Is it a form of extra-judicial correction that violates personal rights, or an invitation to join in some rough amusement or a joke? The historiography of the charivari addresses these and other themes by analyzing incidents that span centuries both in North America and in Europe. More importantly, though, for the study of rural crime, charivaris shed

---

<sup>8</sup> Moodie 139.

<sup>9</sup> Moodie 148.

<sup>10</sup> Moodie 148.

light on the meaning of a closely related phenomenon – vigilantism. Through its various permutations in late nineteenth and early twentieth-century Ontario the charivari can be considered part of a family of behaviours related to rural vigilantism. It connects to corrective impulses of rural communities and bears a relationship to sanctioned participation in law enforcement, judgment, and keeping the peace.

The decline of the charivari as a mechanism of extra-judicial correction in the late nineteenth-century affirms Elias's model of the "civilizing" process in a way that also illuminates the relationship of the rural to the urban. Bryan Palmer describes this process in terms of class relations. For our purposes, this can be read as fundamental to a better understanding of rural society. He writes, "By the late nineteenth-century, then, the charivari had shed its patrician elements; it's very vulgarity, often culminating in violence, posing a serious threat to order and stability, repelled any bourgeois support it had once attracted."<sup>11</sup> Describing the play of this process over time and space, he writes, "The large centers were apparently the first to succumb, followed by the smaller cities, towns and villages, trailed by the frontier regions, the outposts of North American civilization. Where bourgeois consciousness was developing weakly it tended to survive the longest."<sup>12</sup>

The historiography of the charivari tends to minimize its recreative aspects in favour of a rational, instrumental view that sees it primarily as judicial, corrective, and in some ways, political. Brian Palmer, in particular, argues that historical approaches to the

---

<sup>11</sup> Bryan D. Palmer, "Discordant Music: Charivaris And Whitecapping In Nineteenth-Century North America," *Labour / Le Travail* 3 (1978): 54.

<sup>12</sup> Palmer 54.

early modern charivari outlined by Natalie Zemon Davis, which focus on youth groups, the social nature of play, and mock ceremony, are “woefully inadequate” for application in nineteenth-century North America.<sup>13</sup> They may be inadequate, and given the disparity in time periods, problematic, but we should not dismiss a consideration of charivaris that treats them as an amusement. We are speaking, after all, of a culture that valued prize-fighting, cock-fighting, bull-baiting, Saturday night donnybrooks, public floggings and hangings, and every manner of grizzly performance and publication. The notion that some people, particularly young men, would delight in terrifying, tormenting and bullying newlyweds should not seem far-fetched. Furthermore, the two dominant conceptions of charivari, one that is extra-judicial and instrumental, the other based on amusement and arousal, are not mutually exclusive. Each participant in riotous groups can have multiple motivations, and it is of course dangerous to ascribe motivations to entire groups, particularly if or when they are unstructured and contain no hierarchy or leadership.

One of the foremost scholars to examine the charivari in its original, European context is E. P. Thompson.<sup>14</sup> He notes five key features of the charivari. Firstly he states that the charivari is a dramatic type of performance with the intent of publicizing a scandal. The forms are also pliant – and even within the same region it can connote either community jest or antagonism. Thirdly, even though charivaris could result in violent behaviour, they can be regarded as rituals that displace and channel violence, thus

---

<sup>13</sup> Palmer 56.

<sup>14</sup> E. P. Thompson, “‘Rough Music’: Le Charivari Anglais,” *Annales. Économies, Sociétés, Civilisations* 27.2 (1972): 285-312. See also, E. P. Thompson, “Rough Music Reconsidered,” *Folklore* 103.1 (1992): 3-26.

rendering it symbolic rather than direct. An obvious cue for this insight can be found in the role played by effigies in some forms of the ritual. Fourthly, a charivari is a form of public announcement to disgrace its victims. The final feature that Thompson sees is the suggestion in some cases that the ritual was performed as a consequence of deliberative judgment, “however shadowy,” by the local community.

Neither Thompson, nor any other historian who has examined the charivari prior to the twentieth-century, regards it as a distinctly rural phenomenon. This is because it only requires a community to instigate one, and, as Thompson says, a victim who is sufficiently “of” that community. Urban neighbourhoods prior to the advent of police forces and local ordinances prohibiting large, noisy assemblies could support a charivari. Even shop floors, and spaces that urban workers controlled or contested, could become sites of a charivari.<sup>15</sup>

Thompson describes the mechanism by which charivaris eventually ceased to be a universal phenomenon, practiced both in urban and rural areas, and by members of all classes.

Both dialect and customs can reproduce themselves together, and can long persist into mature industrial society. But at a certain point those engines of cultural acceleration, literacy and schooling, combine with increasing in-migration and general mobility, to “saturate” the old culture, to disperse it as a living practice, to break down the old sensibility, leaving nothing but antiquarian survivals.<sup>16</sup>

---

<sup>15</sup> Palmer, 54. Palmer cites examples of late nineteenth-century urban “labour” charivaris in Hamilton and Guelph.

<sup>16</sup> Thompson, “Rough Music Reconsidered” 20.



As Thompson argues the charivari might be regarded as “folksy and reassuring” in terms of how it sometimes non-violently corrected bad behaviour (wife and child beating would be the best examples). It was, furthermore, “a property of a society in which justice is not wholly delegated or bureaucratized, but is enacted by and within the community.”<sup>17</sup> It could thus be a form of correction more humane than corporal or capital punishment, or incarceration by the state in a prison. They could be brutal, terrifying, and lead to fatal consequences. They could be caused by a perceived transgression, or just as easily be an excuse for a drunken orgy of violence and petty extortion. As we will see in the examples from late nineteenth and early twentieth-century Ontario, it is hard to miss this non-judicial dimension of charivaris.

Bryan Palmer draws on Thompson’s analysis in tracking the charivari from the old world to the new, emphasizing the extrajudicial and corrective aspects of the ritual. He notes the incredible diversity of the tradition both in Europe and in North America. He concurs with the common theory that the charivari made its way to the new world through the French colonies, beginning with Quebec. Even in early nineteenth-century Upper Canada, the ritual was considered to be French, and, in line with the conventional meaning of charivaris in French culture, they were most typically used to express disapproval over problematic marriages. Yet, as Palmer indicates, there was also transference of politically motivated charivaris to North America, which was well established in England by at least as early as the seventeenth century, with the enclosure of lands in the Western districts. Charivari customs appropriated for political use were

---

<sup>17</sup> Thompson, “Rough Music Reconsidered” 20.

also a feature of the Rebecca Riots in Wales, which were prompted by unfair taxation and tolls.<sup>18</sup> In Canada, Alan Greer identified the most overtly political use of charivaris during the Lower Canadian rebellion of 1837. Prior to this charivaris were always occasioned by marriages. Greer also notes, as does Palmer, that the Canadian charivari was stripped of much of the pageantry that had existed in Europe. There was no Canadian equivalent, for example, of the early modern “Skimmington” – the riding backwards of a donkey or mule within a mock procession.<sup>19</sup> This was a charivari component in England and France used in particular to humiliate scolding wives, submissive husbands or other “deviants.” The Canadian charivari, occurring under a variety of diverse circumstances, was in substance and form a somewhat watered down version of the European equivalent.

Greer argues, as well, that the Canadian charivari seemed to place great emphasis on the fining or gifting aspect of the ritual.<sup>20</sup> The charivari party demanded cash, or drinks, as payment in order to resolve the perceived problems of the marriage. This transaction signified the acceptance by the victims that the community indeed had the right to involve itself in exclusively personal or familial matters. In some cases, this involved a form of negotiation by an intermediary over several nights or even weeks until a satisfactory sum could be determined. As Greer notes, the charivari proceeds were typically divided fifty-fifty between the participants and a local charity. Interestingly, in the case of the later nineteenth and early twentieth-century Ontario charivaris I have

---

<sup>18</sup> David J. V. Jones, *Rebecca's Children: A Study of Rural Society, Crime, and Protest* (Oxford: Clarendon Press; Oxford University Press, 1989).

<sup>19</sup> Allan Greer, “From Folklore to Revolution: Charivaris and the Lower Canadian Rebellion of 1837,” *Social History* 15.1 (1990): 27.

<sup>20</sup> Greer 30.

examined, there is no indication that the funds were divided this way. It is thus difficult to escape the impression that charivaris in this period were simply a ritualized means of compelling a gift - an oxymoron to be sure - but therein, perhaps, was the fun of it.

What both Palmer and Greer have established is that the North American charivari, which is to say the early modern / modern variant of the tradition, could have an extra-judicial and punitive dimension to it. It could be applied as a mechanism of outright rebellion against the state, to protest working conditions, or to signal disapproval of problematic marriages. It was also a form of punishment ideally suited to rural communities in that it did not involve expensive or time consuming court actions, or the loss of population to incarceration or banishment. Rural communities could choose how to dispense punishment without the need of a law or any other mechanism of state justice. Punishment could also take place without the involvement or oversight of outsiders.

Charivaris were generally intended to be non-violent interventions – a factor worth remembering given the lack of sufficient prohibitions against violent behaviour at the time, especially among rural populations. Greer states, “Aiming as it did to reintegrate ‘deviants’ rather than to expel them, the charivari was not the expression of pure hostility; on the other hand, it was hardly a friendly and anodyne operation. It took resistance for granted and was designed to overcome that resistance.”<sup>21</sup>

Pauline Greenhill’s studies further enrich our picture of what charivaris were and what they have come to be. As a folklorist and historian, her research is significant because it tracks the contours of the tradition as it evolved from pre-modern to

---

<sup>21</sup> Greer 32.

contemporary times.<sup>22</sup> She discovered not only that that the ritual is alive and well in rural Canada, but that it became in the early twentieth-century an expression of community approval, rather than disapproval, of marriages. In fact, *not* providing a charivari for newlyweds could be deemed an insult.<sup>23</sup> This is because, as Loretta Johnson claims in her study of Midwestern American charivaris, the tradition was “a ritual that tied the married couple together in a shared experience and also, by implication, integrated them – with a somewhat rowdy seal of approval – into the community of married folks.”<sup>24</sup> It would seem that Palmer’s assessment of the charivari’s displacement and demise requires reconsideration, although his view of the essential dynamic is not necessarily incorrect.<sup>25</sup> The contemporary charivari is not meant to be penal, but it still asserts the community’s claim to influence the marriage from its beginning. Furthermore it appears to be a testing, judgmental interrogation and certification of the couple that marks their expected transition into the community as husband and wife.

Greenhill argues furthermore that the post-modern charivari represents to some degree a test of the newlywed couple to see how well they can bear up to the trials and tribulations of married life in a rural environment, including the raising of potentially

---

<sup>22</sup> See, for example, Pauline Greenhill, “Welcoming the Newlyweds: Charivari, Shivaree, Serenade, Banjo, and Saluting in Nova Scotia, 1917–c. 1975,” *Acadiensis* 38.1 (2009): 52-74; Pauline Greenhill, “Dressing Up and Dressing Down: Costumes, Risky Play, Transgender, and Maritime English Canadian Charivari Paradoxes,” *Canadian Theatre Review* 151 (2012): 7-15.

<sup>23</sup> Greenhill, “Welcoming the Newlyweds” 60.

<sup>24</sup> Loretta T. Johnson, “Charivari/Shivaree: A European Folk Ritual on the American Plains,” *The Journal of Interdisciplinary History* 20.3 (1990): 372.

<sup>25</sup> Palmer does note that he found anecdotal evidence of charivaris continuing well into the twentieth-century. This in itself would not contradict his central notion that whitecapping and other vigilante actions ultimately took the place of the charivari as a judgemental and penal instrument.

demanding children. A concern with reproduction, Greenhill says, is at the very core of charivari, and marks a feature of the tradition that has endured from historic to present times. She states, “Within charivari’s complex weaving of noise, food, and sociability with humour, trickery, and danger is a metaphorical concern with what the community sees as the proper objective of marriage: reproduction.”<sup>26</sup>

How do we explain the transition of the charivari from disapproval and correction into its new "welcoming" form? Following the logic of Palmer’s claim, it might be that the rise of other forms of extra-judicial correction, combined with improved legal correction, created space for the charivari, a long-standing feature of rural life, to take on a new meaning. Firstly, as a form of amusement, charivaris retained their value and most likely enjoyed some added buoyancy through their long-established connection to wedding celebrations. Clearly there is an element of danger that is built into charivaris, particularly as they relate to the boundaries of humour in good or bad taste. For the male participants especially, there is a theme of pushing boundaries, of running right up to the edge of damaging property and hurting people. This is after all the common feature of nearly all charivaris that are recorded in press and court documents. Therein lays the erotic and suspenseful thrill of playing a joke on someone that could elicit laughter, tears, or retaliation. And as a demonstration of one’s ability to ride that “ragged edge,” charivaris are rituals par excellence for performing maleness.

To describe what is “rural” about the charivari today is to understand as well what a significant role it has played in the functioning of rural society over the centuries. As to

---

<sup>26</sup> Greenhill, “Welcoming the Newlyweds” 72.

why they became a phenomenon relegated to rural areas, Greenhill cautions that the rise of municipal noise ordinances and the like can only partially account for the transition.<sup>27</sup> For example, in Canada, Greer has noted that the magistrates of Montreal issued a local ordinance prohibiting charivaris as early as the 1820s.<sup>28</sup> And Palmer describes how a magistrate, commenting on a particularly violent charivari, indirectly conflated urbanism with security and rural society with its opposite:

...it is scarcely to be credited that such a tumultuous concourse of persons would have dared to assemble at different days and times, and to proceed to such violence, in the heart of a populous town where order and authority existed – it would lend to a belief that we had no laws for enforcing order and tranquility, or for protecting life and property, or if such laws did exist that the execution of them was an object of listless indifference.<sup>29</sup>

These examples and interpretations imply a negative view of rural areas and populations based on disorder. There is however a more positive explanation for how and why the charivari has survived in rural areas, which has nothing to do with urban prohibitions or the supposed lack of authority in rural communities. As the views of Susanna Moodie's neighbour attest, there was, even in the early nineteenth-century and before, a belief that the 'charivaried' couple ought to accept their fate with equanimity. The degree to which the couple could express their "good sportsmanship" speaks to certain values held dear in rural society, especially as it became increasingly defined against a dominating urban world. There is also a certain fatalism about natural events

---

<sup>27</sup> Greenhill, "Welcoming the Newlyweds" 53.

<sup>28</sup> Greer 33.

<sup>29</sup> *Montreal Gazette*, 6 Sept. 1823, quoted in Palmer 61.

that rural folk, specifically farmers, must cultivate if they are to prosper, and the charivari is meant to render the newly married couple powerless to external forces. A related notion would be that the rough humour of the charivari conforms to the self image of rural folk being tougher than their urban counterparts.

Descriptions of Ontario charivaris in the late nineteenth and early twentieth centuries contain evidence of both the negative and positive attributes of the tradition. Primarily, though, it is the negative that comes to the fore. Insofar as can be determined, charivaris rarely resulted in court action or even a notice in the local papers, but when they did, it was because something went wrong. This of course means that for the historian, the public documents upon which we rely can create a negative distortion of what might be the truer, more positive picture. Furthermore, the motivations behind the violent behaviour at charivaris are quite varied. The groom or his proxy could over-react to the hostility of the charivari party, or the party itself could get out of hand and cause the kinds of damage that demanded some form of response or compensation.

The cases below express this diversity within the tradition of the Ontario charivari. Charivaries occurred for a variety of reasons and typically revealed divisions in the community along class, factional, ethnic and religious lines. Community disapproval of the marriages was not always a motivating factor. More importantly, these cases illustrate the utility and appeal of charivaries, highlighting the challenges faced by a developing justice system in providing a better alternative for preserving the peace and regulating communities.

### **The Stanley Charivari, Lucan, 1885**

In 1885, Captain Bernard Stanley of Lucan, just north of London, Ontario, married a woman considerably his junior, instigating a traditional charivari of the “disapproving” sort.<sup>30</sup> Stanley was sixty-two years of age, she, a widow of forty-one. Some of the villagers did not approve of the union, and consequently a charivari took place that resulted in, among other things, doors and windows being smashed. Stanley soon bought off his assailants and convinced them to leave with the offer of \$15, a considerable sum of money. The Stanley family were prominent merchants in Lucan at the time. There were five brothers, some of whom were variously reeves, councillors and JPs.<sup>31</sup> Captain Stanley’s wealth, his age and that of his new wife would have made him worthy of a charivari. Complicating matters further, Lucan at the time was still reeling from the aftermath of the vigilante killing of five members of the Donnelly family in 1880. The attack had exposed deep factional and familial divisions in the community that continued on for some years. Given that the Stanleys were known to be leaders in the “anti-Donnelly” town faction, the charivari might have offered an opportunity for Donnelly supporters to exact a degree of retribution.<sup>32</sup>

Perhaps sensing this more sinister motive for the charivari, Stanley did not let the matter rest. At some point thereafter, he brought charges against four of the men and had them brought to court for damages. Within the accepted unwritten rules of the charivari,

---

<sup>30</sup> "A Charivari," *Globe* [Toronto] 29 Dec. 1887.

<sup>31</sup> N. N. Feltes, *This Side of Heaven: Determining the Donnelly Murders, 1880* (Toronto: University of Toronto Press, 1999), 121.

<sup>32</sup> Feltes 121.



this sort of legal retaliation would have been in bad form – something akin to a contract violation. Charivari parties operated with a sense of entitlement that provided collective justification and security for all sorts of obnoxious and violent behaviour. By paying out his \$15 to the crowd, Stanley was signifying that the event was satisfactorily resolved. By then opening a court action, he directly challenged the participants and the ritual itself. As Greer states in regard to victims using the law, “From the crowd’s point of view, the offence was then compounded for, in addition to soiling the wedding rites, the subjects had also challenged its own authority to right the wrong.”<sup>33</sup>

Stanley's response to the charivari was most likely influenced by his wealth and social position in the community. The charivari crowd was paid off because Stanley had the funds, and it was an expedient way to end the event before matters got out of hand. Aside from the physical risks to himself and his property, as someone of status, he would have been unwilling to endure any humiliating encounters. Furthermore, the particularly ineffective and biased state of the local constabulary in Lucan, which will be discussed in the next chapter, would have rendered official help unlikely. Stanley's wealth and his connections to the judiciary would also have made prosecution something he could afford to instigate in the hope of recovering his losses. This class distinction in the community appears to have been a factor in how the charivari played out, possibly in addition to whatever factional problems remained after the vigilante killing of the Donnellys.

---

<sup>33</sup> Greer 31.

### **The Addy Charivari, Brantford, 1896**

When charivaris involved firearms, accidental as well as deliberate discharges resulting in injury or death were not uncommon.<sup>34</sup> Shooters seemed strangely unaware of the likelihood they might actually hit someone; as if warning shots fired near a crowd at night would not bring the most terrible consequences.<sup>35</sup> On a winter's night in January 1896, on the outskirts of Brantford, Ontario, a group of twenty-nine "boys" gathered to charivari George Addy.<sup>36</sup> Mr. Addy had been married a week or two prior and was living with his new wife at his father Hugh Addy's farm.<sup>37</sup> Addy Sr.'s home, as the *Toronto Globe* described in detail, was at the foot of a large, winding hill east of Brantford. The home stood back from the road on a slight elevation looking over a creek, and to this point the crowd marched, up the lane. True to the custom of the charivari, the gang woke the occupants, crying out, "George come out and show yourself." They asked him to make a speech and there was some bantering back and forth. Although the *Globe* described it as a "frolic," Hugh Addy took a far more serious view of the event. At some point he rushed out of the home, partially dressed and set upon the boys with a large club

---

<sup>34</sup> Between 1891 and 1918 there were four recorded charivari shootings by accidental discharge in Ontario. See the *Toronto Globe* on the following dates: 22 July 1891 (Tweed); 3 Oct. 1905 (Peterborough County); 5 Oct. 1905 (near Bellville); 17 September 1918 (Tavistock). The details of each case suggest that the shootings were indeed accidental and not deliberate.

<sup>35</sup> Blake Brown, "'Pistol Fever': Regulating Revolvers in Late-Nineteenth-Century Canada," *Journal of the Canadian Historical Association* 20.1 (2009): 107-38. Brown illustrates that the easy availability of cheap revolvers was deemed a growing danger in Canada by the 1870s. Young, working class men, in particular, were seen as using guns to demonstrate their manliness.

<sup>36</sup> "William Knight Shot," *Globe* [Toronto] 13 Jan. 1896.

<sup>37</sup> Year: 1901; Census Place: Grey, Huron (east/est), Ontario; Page: 2; Family No: 18 Library and Archives Canada. Census of Canada, 1901. Ottawa, Ontario, Canada: Library and Archives Canada, Series RG31-C-1. Statistics Canada Fonds. Microfilm reels: T-6428 to T-6556.

in his hands. The boys retreated, making jeers and insults, but soon returned. Addy reappeared on his doorstep, now fully dressed and brandishing a revolver. When he fired two or three times into the group, the revellers scattered. They then regrouped and decided it was time to end things. In order for some of the boys to go home, they had to pass by the Addy house. An incensed Hugh Addy, believing no doubt that the charivari was still in full froth, took chase and fired his revolver wildly at them. This time he hit one of the young men; the bullet entered William Knight's back near the spine. Addy surrendered himself to the police and was released on bail pending the outcome of Knight's injuries. Fortunately, Knight survived the encounter. In March, he entered a suit for damages of \$5,000.<sup>38</sup> The outcome of the suit is unknown; all we know is that the Addy family moved on to purchase a farm in Huron township a few years later. George and his wife still lived with George's parents.

While the *Globe* presented this case as involving an overreaction to a "frolic", the account is open to other interpretations. Hugh Addy shot at the boys two separate times during the charivari, and allegedly fired multiple rounds both times. This very strong reaction to the charivari, and his ownership of a revolver, which is of little use on a farm beyond personal protection, suggest that Addy may have had unusual concerns about his family's security, or previous worrisome encounters with these boys or other people in the area. The fact that the Addys sold the farm and moved away within a few short years may also suggest that their relationship with the neighbours had been strained, and deteriorated after the shooting.

---

<sup>38</sup> "Panic in a Church," *Globe* [Toronto] 3 Mar. 1896.

In the case of the Addy family, the bride and groom appear to have been the target, although, because of where they lived, other family members were involved incidentally. The family and guests of the married couple otherwise do not usually have a place in the traditional charivari. In the next two examples, the charivaris occurred on the wedding day and clearly involved other members of the wedding party. When they are targets too, the affair takes on the look of something more than a commentary on a marital union.

### **The Dalton-Moss Charivari, Goderich, 1906**

If a groom or some other member of the wedding party was wounded by a gunshot at a charivari, it could leave doubt as to whether or not the shooting was accidental. A large, loud, drunken group of people carrying firearms at night, especially when they were bent on confronting and provoking another group, was a recipe for disaster. Accidents occurred, but so too did more deliberate acts of violence, and the difference between the two was difficult to determine. In the town of Kingsbridge, fourteen miles north of Goderich, a charivari took place in June of 1906 that elicited a prompt response from the provincial authorities.<sup>39</sup> The nature of the event suggests that charivaris could be used as a pretext for more personal motivations.

The Dalton-Moss wedding at Kingsbridge was reported to be a large affair, with many of the townsfolk attending. Both families were Irish Catholic. However, most of the neighbours near the Daltons' home were Presbyterian. There was also a moderate age

---

<sup>39</sup> "Hussey May Die," *Globe* [Toronto] 30 June 1906.

disparity between the bride and groom: he was thirty-three, she only twenty. Celebrations took place throughout the day and continued on into the night at the new home of the couple, John Dalton and Frances Moss. Later that night, at around midnight, a crowd of people who had not been invited to attend gathered outside the Dalton home. This group, who claimed to have come for a charivari, seemed to bear a certain amount of ill feeling at not having been invited to the wedding. Two or three men of the party had shotguns, some of which were loaded with only gunpowder and bran. The effect of firing them off at night, with the burning bran erupting from the barrel, was akin to setting off fireworks. Clearly, not all guns brought to a charivari were intended to hurt or intimidate people or cause damage to property. At least one gun at this charivari, however, was loaded with bird shot.

When the charivari party arrived, two men, Charles Taylor and Thomas Farrish, both Protestant, approached the house and demanded money from Dalton.<sup>40</sup> They asked for three or four dollars, threatening that there would be trouble if they did not get it. Dalton refused and ordered them off the premises. The men retired and Dalton returned to confer with his guests. In attendance at the party was a man named Joseph Hussey, a member of a well-known family in the township and quite likely a relative of the Daltons. Presumably at the request of Dalton, Hussey stepped outside with his gun, and fired a warning shot. As he turned to re-enter the home, he was hit in the upper body with a shotgun blast that wounded him terribly. Twenty-seven pellets of birdshot penetrated his head, neck and torso, some of which drove deep into his lungs. Doctors were able to

---

<sup>40</sup> "The Kintail Shooting," *Goderich Star* 6 July 1906.

remove some, but not all, of the shot, and their prognosis was that he would not survive. Wounds of this kind from a gun loaded with bird shot would have been inflicted from close range, and would thus have likely been deliberately aimed.

The very next day, the crown attorney, a provincial detective from Toronto, and a county constable went to the scene, and three arrests were made. More were pending. Three young men, Matthew McCreight, Tomas Farrish, and Charles Taylor, were placed in the jail to await a hearing. McCreight and Farrish were both Protestant. A detective from Sarnia arrived a day later, indicating the seriousness of the affair.

Within a few days, however, Hussey made a recovery, and while the doctors would offer no guarantees, he was likely to survive the shooting. Consequently, the three young men who had been detained were only charged with unlawful wounding.<sup>41</sup> In the meantime, eight further arrests had been made, but these men were allowed out on bail. Five of the men were related to the group, suggesting that some families at the charivari felt more slighted than others. It had been determined, through Matthew McCreight's confession, that he was the individual who had fired the shot. The court proceedings drew an audience from all over the county – the *Goderich* paper wrote that only a quarter of those who wanted to attend were able to fit in the council chambers. The incident was further described as an unfortunate accident borne of “the foolish freak which is yet tolerated in civilized Ontario.”<sup>42</sup>

---

<sup>41</sup> "Hussey Will Recover," *Globe* [Toronto] 5 July 1906.

<sup>42</sup> "The Kintail Shooting."

The Toronto *Globe* was even more critical. Under the heading, “Idiotic Race Still Survives,” they reprinted this assessment by the Brockville Times: “The wedding charivari is just a few pegs more imbecile than rice-throwing, boot hurling and other similar wedding buffoonery.”<sup>43</sup> Acknowledging the charivari’s use of dark, tasteless humour, the *Globe*, earlier, had written, “The sense of humour that finds expression in a charivari requires some reflective cultivation within the four walls of a jail.”<sup>44</sup>

At his trial in October, McCreight faced charges of intent to do grievous bodily harm, as well as unlawful wounding. The judge returned a conviction for the second count and sentenced McCreight to three months in jail.<sup>45</sup> The inability of the Crown to prove intent and the resulting light sentence suggest, perhaps, that by discharging his revolver first, Hussey had opened the door to some form of retaliation or defensive action. It may also be that violent actions such as these were mitigated by the fact that they issued from a tolerated tradition.

Given the differences in religion between the wedding party and the men arrested, it is possible that cultural antagonism played a role in this particular charivari. The age disparity between bride and group may not have been so great as to trigger a charivari in and of itself, but the thirteen-year difference in their ages would nevertheless have been noticeable. The newspapers made no mention of either of these factors, reporting instead that the attackers were aggrieved at not having been invited to the wedding.

---

<sup>43</sup> “Idiotic Race Still Survives,” *Globe* [Toronto] 7 July 1906.

<sup>44</sup> “Notes and Comments,” *Globe* [Toronto] 2 July 1906.

<sup>45</sup> “McCreight Sentences to Three Months,” *Globe* [Toronto] 23 Oct. 1906.

### **The Signett - Whitford Charivari, Brockville, 1910**

A charivari near Brockville in 1910 similarly occurred during a reception.<sup>46</sup> Again, there appeared to be a sense of urgency to the event. An hour after their wedding ceremony, Elijah Signett and his new wife Maggie Whitford retired to the home of their friend, John Earl, where the wedding reception was to take place. A “disorganized band” of one hundred men and youths surrounded the home and demanded money. Signett, armed with a shotgun, faced the crowd and refused, marking his determination with several shots in the air. The crowd retreated to safety but did not give up their demanding behaviour until the Brockville chief of police arrived and took Signett’s gun. It is significant that rather than request the help of county constables, who would have been closer to the scene, a professional officer from Brockville was summoned. As will be seen in chapter four, this is but one example of how amateur and “interested” local constables could not be depended on in sensitive and potentially violent cases.

Birth documents reveal that Signett’s daughter was born a month before the wedding, strongly suggesting that this may have been a factor in deciding to charivari the couple.<sup>47</sup> More importantly perhaps, Maggie Whitford was black and the identity of her father was not mentioned in official documents. Elijah’s race cannot be determined.<sup>48</sup>

---

<sup>46</sup> "A Bridegroom Shoots," *Globe* [Toronto] 1 Apr. 1910.

<sup>47</sup> Reel 210, MS 929, Registrations of Births and Stillbirths – 1869-191, Archives of Ontario, (Ancestry.ca).

<sup>48</sup> Family No: 27. Page: 2. Census Place: Athens (Village), Leeds (south/sud), Ontario, Microfilm reels: T-6428 to T-6556; Series RG31-C. Statistics Canada Fonds. Census of Canada, 1901. Library and Archives Canada. (Ancestry.ca).



Census information reveals that Signett was a mill hand at the time his daughter was born in 1910.<sup>49</sup> When his son Fred was born in 1911, he was listed on the birth certificate as a labourer, which may have indicated a decline in economic status following the wedding.<sup>50</sup> His refusal to pay the crowd may have been due his lack of money, but, given the context of his marriage, he may also have found the large crowd quite threatening.

### **The "Newlywed" Charivari, Scarborough Junction, 1913**

By the early twentieth-century, charivariéd couples could look to the courts for redress with less concern that it might offend community sensibilities, much as it might have at the time of the Stanley charivari in Lucan. As the ritual was both in decline and in transition into its less belligerent and judgemental form, aggrieved couples could find support from the courts as well as the press. In 1913 a “well staged” charivari in Scarborough Junction resulted in five youths being fined for their behaviour. The *Toronto Globe* did not mention the name of the couple and referred only to the groom generically as “Mr. Newlywed.” The article was part news, part editorial. It argued,

The charivari, with all its noise, its embarrassing and unpleasant situations for Mr. Newlywed, is still much in vogue in Ontario’s rural sections. The success of this old-time custom, however, is on the wane. The bride-groom of today is too practical, with the high cost of living thrusting itself ever before his eyes, to be parted from his wherewithal even to commemorate the blissful happiness of his marriage.<sup>51</sup>

---

<sup>49</sup> Reel 210, MS 929, Registrations of Births and Stillbirths – 1869-191, Archives of Ontario, (Ancestry.ca).

<sup>50</sup> Ibid, Reel 219.

<sup>51</sup> "Serenade of Newlyweds Stayed by Prosaic Court," *Globe* [Toronto] 12 Aug. 1913.

After the couple arrived home following their wedding, a group of local youths serenaded them and pounded on the hinges of the front gate. When their demands for drinks were refused, “love songs were merged into warwhoops and congratulations became accusations, but still the bridegroom held his tongue – likewise his cash.”<sup>52</sup> Had this been the extent of things, it is unlikely that the party would have found themselves in court. However, for an entire week they kept returning to the home with their demands before the bridegroom brought them to court. The judge found them guilty of creating a disturbance. The repeated visits to the newlywed's home, and the lack of any evidence that the marriage was objectionable, suggests that for whatever reason, the "entertainment value" of this particular charivari was high. The paper commented tongue-in-cheek that the defendants, “left the Court convinced that the days of romance and revelry are forever gone.”<sup>53</sup> Given when this charivari occurred, we might wonder if it began as one of approval and only degenerated into the other kind as “love songs were merged into warwhoops.” As Greenhill argues, charivaris ultimately became events that only transpired between very close friends and family, and lacked the belligerence of earlier periods. This could therefore be an example of a charivari carried out in the midst of the transition.

---

<sup>52</sup> "Serenade of Newlyweds Stayed by Prosaic Court."

<sup>53</sup> "Serenade of Newlyweds Stayed by Prosaic Court."

### **The Black Charivari, Orangeville, 1919**

Under the heading “Disgraceful Occurrence,” the Orangeville *Banner* reported in August of 1919 that a terrible charivari occurred at Caledon Lake.<sup>54</sup> A gang of “hoodlums” numbering a dozen or so gathered at the home of Mr. and Mrs. Howard Black, a young, newly married couple. The “indescribable” din of tin pans, shotguns and mouldboards<sup>55</sup> was said to be so loud it could be heard for two miles or more. This offers a good example of the kind of noise that a charivari could generate, making it unacceptable in urban areas. The charivari lasted about six hours, during which the gang repeated the threat, “your money, beer, or your life.” The property damage was extensive too. By the end of the charivari, every door, window, and gate on the farm were destroyed. The paper concluded with the claim that, “Much sympathy is felt for the young couple in the indignity to which they have been subjected. They are both highly respectable and just starting out in life.” Neither the form nor the outcome of this charivari seems uncommon. It is noteworthy, however, that the paper describes the couple as young, and does not suggest that there was anything pertaining to the marriage about which the community might disapprove. At this point in the twentieth-century, a charivari resulting in this much damage might have led to charges being laid – something the article makes no mention of. The comment by a rural paper that “much sympathy [was] felt” also suggests that by 1919, charivaris causing this much damage had little or no place in rural society. Furthermore, the fact that respectability of the couple was

---

<sup>54</sup> “Disgraceful Occurrence,” *Orangeville Banner*, 7 Aug. 1919.

<sup>55</sup> A mouldboard is the curved metal blade part of a plow.

mentioned by the paper suggests, as Palmer states, that charivaris ultimately became déclassé.

### **Three Charivaries of the 1920s**

A charivari accompanied by generous use of alcohol sometimes provided a context for all kinds of obnoxious and belligerent behaviour having little to do with wedding celebrations. Within a crowd of more peaceable revellers there might be one or two individuals who used the opportunity to settle scores or vent frustrations on the bride, groom, or wedding party. In such cases, the personal backgrounds of the primary offenders, to the extent they are known, are relevant to the events that unfold. In 1921, in Whitchurch Township, just north of Toronto, an event described as a charivari turned ugly when Willard Rogerson ran amok, firing his shotgun through the door of Robert Carlisle's house.<sup>56</sup> He threatened to blow out Carlisle's brains and those of a county constable in attendance at a reception. Rogerson had earlier been fighting with some of the wedding guests and had gone home to get his shotgun, uttering threats as he left. After the shooting, he escaped into the bush and eluded a posse that was in pursuit of him. He later turned himself in to the police and claimed that he was so drunk he had no idea or memory of the shooting. As a result of his actions, he was sent to Kingston Penitentiary for two years.

While the newspaper identified this celebration as a charivari, it is not clear whether the other people in attendance were part of the reception or a charivari. The

---

<sup>56</sup> "Willard Rogerson Sent to Jail," *Globe* [Toronto] 7 Sept. 1921.

description of the event mentions nothing of demands for money, cacophonous music or noise, or even whether it occurred at night. Were the guests that Rogerson was arguing with part of the reception? Was he, for that matter, a guest as well or part of another party? In 1921, with the custom on the wane, it is also possible that the reporter and editors were unaware of what typically constituted a charivari.

According to census information from 1911, Rogerson, then twelve years old, had two younger brothers and the “head of household” was their mother.<sup>57</sup> At the time, she had no employment. The father, a man named George Bell, lived only a few houses away, with his wife, two children and a farm labourer. The difficulties for a single, unemployed mother raising three boys could conceivably have had a detrimental effect on Willard’s development. Furthermore, if it were known in the community that Bell was his father, it would have compounded the stigma of bastardy as experienced by Rogerson. The fact that he singled out a county constable in his threats also indicates that he had experienced previous run-ins with the law – a fact mentioned in the newspaper report. A charivari such as this one serves to remind us that the classification of the tradition into their various species, while no doubt required for scholarly examination, can exclude some seemingly anomalous, but relevant, personal events.

Charivaris in early twentieth-century Ontario sometimes appeared as pretexts for vandalism. The relationship between the participants and their community affiliation could be unclear. On the shores of Lake Huron, in 1920, two

---

<sup>57</sup> Family No: 100, Page: 10, Census Place: 25 - Whitchurch, York North, Ontario, Microfilm reels T-20326 to T-20460, Series RG31-C-1. Statistics Canada Fonds, Census of Canada, 1911, Library and Archives Canada, (Ancestry.ca).

men and two women were charged with damaging a number of cottages following a charivari.<sup>58</sup> The fact that these cottages were not associated with the married couple speaks to the wanton damage that could attend the charivari. Damage in this case was not attributed to the charivari itself, but there was no mistaking the implication that charivaris had unintended negative consequences beyond the actual event. The aspects of the ritual that serve to channel and restrain violence, and in this case signal the end of the event, are not well defined. This case also is one of the few, incidentally, that mentions the participation of women.

Within the time-frame of this study, the latest charivari I was able to find on record occurred in 1926. It happened on a farm in Norfolk County and was used to mark a wedding anniversary.<sup>59</sup> The fiftieth anniversary of Mr. and Mrs. Charles Almas was described as a happy event, with seventy-five friends and family showing their appreciation for the marriage by coming to the home at night, and “serenading” the couple. The paper described the participants as “stepping back” fifty years, and celebrating the golden event with a “good, old fashioned charivari.” Not only did this mark the passage of time, but it acknowledged various forms of the tradition (this one being old fashioned) and how it had changed over the years. The article appeared in a section on social events, weddings, and news about women’s organizations, thereby ending the association of charivaris with crime stories.

---

<sup>58</sup> "Four Young Persons Fined for Charivari," *Globe* [Toronto] 7 Aug. 1920.

<sup>59</sup> "Couple is Charivaried on Golden Wedding," *Globe* [Toronto] 30 Dec. 1926.

The charivaries described above illustrate degrees of community division along class, ethnic, religious, and possibly racial and factional lines. We cannot say how these divisions may have contributed to the events, only that the wedding parties and the charivari gangs had different profiles. The Dalton-Moss, Signet-Whitford, and Whitchurch charivaries, occurring during the wedding reception, are unusual in that they did not isolate and target the newly married couple on the wedding night. Because of the larger number of people who were targets and victims, this increases the complexity of possible motivations. It is noteworthy that the account of the Whitchurch charivari did not even mention the names of bride and groom, calling into question the relevance of the marriage to what transpired. A large social gathering of neighbours, fueled by alcohol and past grievances provided an occasion and setting for violence.

The secondary literature on charivaries and the cases here indicate that these were events which occurred outside the bounds of the local justice system. This is due in part to the belief that they could have superior punitive and corrective value. As we will see in the next chapter, the lines between vigilantist action and official criminal justice could be unclear, putting "interested" local officials into situations where they would not, or could not keep the peace. Moreover, even if local officials had chosen to intervene (they are notably absent from the accounts above) the notion of crime prevention was in its infancy and the resources to support it simply did not exist. And, despite the criticism of charivaris in the press and the regular examples of how quickly they could spiral out of control, there were no laws created to prohibit the behaviour in rural environments such

as had existed for some time in urban areas.<sup>60</sup> In cities they were a disturbance of the peace and a conspicuous affront to the justice system. In rural communities they could be as raucous as the neighbours permitted with no one else the wiser. As such, rural charivaries were given both the legal space and the time to change and develop a positive tradition.

Both Palmer and Thompson's interpretation of the decline of the charivari - its loss of any respectability it once had and its antiquarian survival - illustrate how the underlying cultural behaviour would be resistant to the rise of civility and the growth of the justice system. To the extent that charivaries were corrective, they were expedient, inexpensive and beyond the control of outsiders. Furthermore, the transactional gifting aspect legitimized the process, allowing community participation in the informal system of justice.

### **A Vandal Youth Gang in Ostrander, 1910**

In the fall of 1910, a number of farm families near the village of Ostrander, just north of Tillsonburg, in southwestern Ontario, decided to confront a problem that had plagued their township for over a year. This otherwise quiet and law abiding farm community was going through a troubling period of lawlessness that had raucous, “charivari-like” features. A group of nearly twenty youths had gotten in the habit of

---

<sup>60</sup> Greer 33.



harassing local families who lived within several miles of the town.<sup>61</sup> Their behaviour, which initially amounted to little more than high jinks, had become intolerable following the suspicious poisoning death of two cows. The wanton killing of a farmer's livestock was a serious and disturbing crime. Depending on the context, it might symbolically represent a physical threat against the owner himself.<sup>62</sup> More troubling was the fact that the gang had gone beyond youthful pranks such as tying up chickens and committing acts of minor vandalism, to firing revolvers at their victims and intimidating women and children at night when their husbands were away.

For William and Nina Burn, the most seriously affected farm couple, the best hope for a resolution was to ask the Attorney General of the province, J. J. Foy, to send a provincial detective to investigate.<sup>63</sup> The local county constable, it was believed, would not be able to address a problem of this magnitude. This was a clear example of how the rural justice system, with its poorly paid, part-time constables and their local conflicts of interest, were out of their depth.

In addition to having their cattle poisoned, the Burns had suffered a particularly terrifying attack one night while William was away. The gang surrounded the barn and smashed windows while a farm hand was holed up inside. At some point during the attack he was seriously injured by flying glass. At that time, William and Nina had three girls

---

<sup>61</sup> V.A. Sinclair, Barrister, Tillsonburg: Asks assistance of government detective re alleged lawlessness in the township of Dereham near Ostrander and poisoning of cattle of W.J.S. Burn. 1910. File #1519. AO, RG-4-32.

<sup>62</sup> John E. Archer, *By a Flash and a Scare: Incendiarism, Animal Maiming, and Poaching in East Anglia, 1815-1870* (Oxford: Oxford University Press, 1990), 119.

<sup>63</sup> No records were found of other complainants.

under the age of four, one of whom was an infant. A fifteen-year-old labourer named Earnest Goddard lived with them but, being little more than a boy himself, was unlikely to offer much security when William was away.

In November they hired an attorney in Tillsonburg named Victor Sinclair to represent them and to help coordinate and advise what became a community campaign to bring the gang under control. The correspondence between Sinclair, the attorney general's office, and the crown attorney for Oxford County tells the story of the gang and the community's frustrated attempt to address crime in a rural township. The documents also illustrate the challenges faced by local authorities, including the constable, magistrate, and township council, in resolving the problem.

The first letter sent by Sinclair to the attorney general described the general state of lawlessness in the township and the clear escalation of attacks over the prior months. In addition to bothering the Burns and their neighbours, the youths in question had been interrupting church services with "obnoxious behaviour" and vandalizing properties on Saturday nights, when many of the local citizens gathered at the town store.<sup>64</sup> The Burns had attended a recent Township Council meeting to ask for an investigation and police protection. Their complaints fell on sympathetic ears, but they were told that the council had no authority in the matter. In any case, the letter explained that there was no constable within four miles of the Burns farm and therefore no practical way to offer them protection. The problem, claimed Sinclair, had gotten to the stage where it could no longer be managed locally. Sinclair did not mention what efforts, if any, the people of the

---

<sup>64</sup> V. A. Sinclair to Attorney General of Ontario, 23 Nov. 1910, File #1519, RG-4-32, AO.

town had previously made to get the problem under control. Complicating matters further, many of the boys in the gang were known to come from good, respectable families, and people were fearful of getting involved. It was a clear example of the sort of local entanglements faced by justice officials and county politicians when dealing with home-grown criminality.

The final straw for the Burns, it seems, had been the poisoning of their cattle with “Paris Green” stolen from their own barn. In addition to hiring a lawyer, the Burns incurred the further expense of having a veterinarian remove and investigate the stomachs of the dead cattle in order to prove poisoning. Sinclair duly informed the attorney general of the veterinarian’s report, taking the opportunity to also explain that a number of people were now being verbally threatened by the gang as the investigation was getting underway. The response came from Deputy Attorney General J. R. Cartwright, who argued that the local County High Constable Hobson should investigate, rather than a provincial detective, as this was purely a local matter.<sup>65</sup>

This point was repeated in correspondence dated December 10 from the Attorney General’s Department to Sinclair, which also stated, “If more assistance is needed provision is made by 10 Edward VII cap 41 section 11 for obtaining such assistance.”<sup>66</sup> The statutory provision in question empowered the county Warden and the crown attorney to authorize payment of an exceptional “reasonable allowance” to county

---

<sup>65</sup> Deputy Attorney General J. R. Cartwright to R. N. Ball, 26 Nov. 1910, File #1519, RG-4-32, AO.

<sup>66</sup> Unsigned correspondence from Department of Attorney General, to V. A. Sinclair. 10 Dec. 1910, File #1519, RG-4-32, AO.

constables for the detection of crime or the capture of suspects.<sup>67</sup> The county and the province would pay equal shares of such expenses. Without this provision, constables would normally only be paid for their time and effort if they successfully captured an individual under a warrant. As will be discussed in chapter four, this was regarded as a serious disincentive for constables to investigate crimes where the probability of making an arrest was low or the arrest was particularly difficult. In regard to the problems in Tillsonburg, the reference to this statute indicates that the government saw no need to dispatch one of its provincial detectives. The county had a constable of its own and the authority to pay him for an extraordinary investigation, with half the cost covered by the province. Unfortunately for the Burns and anyone else in the community facing the same predicament, county government could be stingy when it came to special expenditures of an indeterminate size. The fact that the province would pay half of what might be a large expense was irrelevant.

There is no evidence as to whether or not the county finally agreed to take advantage of the special funding. Regardless, the county constable began his investigation within a few days. Unfortunately, he was unable to secure enough evidence to lay any charges. Indeed, he would later claim that he had been out to the township two or three times, looking at the evidence and following up all leads. As he told the Crown Attorney for Oxford County, R. N. Ball, however, the people he talked to were very reluctant to provide any information.<sup>68</sup>

---

<sup>67</sup> "An Act respecting the Expenses of the Administration of Justice", (SO), 1910, ch. 41, s. 11.

<sup>68</sup> R. N. Ball to Deputy Attorney General J. R. Cartwright, 5 Jan. 1911, 1910, File #1519. RG-4-32, AO.

By December, the constable's efforts failed to produce results. A petition was taken up requesting that the attorney general hold a full investigation not only into the cattle poisoning but all acts of lawlessness as well.<sup>69</sup> Throughout the month of December, the signatures of seventy-eight citizens who resided within a few miles of Ostrander were collected. In his cover letter for the petition, Sinclair asked to meet with the provincial detective (in the event one might be sent) prior to further investigation. This might have implied that he possessed confidential information that the locals had not wished to share with Hobson, the high constable, during his own failing investigation. In his final communications with the crown attorney, Hobson stated he would continue his investigation until some evidence came to light. There is no record of any further investigation or charges being laid in the case. The attorney general's offices still maintained, even in light of the petition, that this was a local matter that ought to be dealt with by the county high constable.

### **Problems of Local Law and Order, Provincial Involvement, and the Fear of Crime.**

In regard to crime in the rural context, the events in Ostrander raise questions about how local authorities and guardians of the peace face limitations in addressing both crime itself and public reactions to it. The people of Ostrander were willing, perhaps with some enthusiasm, to sign a petition seeking outside help. According the county constable, however, they were reluctant to be seen directly participating in an investigation of their own people, regardless, or perhaps especially because, of the perpetrators' age. As to the

---

<sup>69</sup> Petition to Attorney General of Ontario, 10 Dec. 1910, File #1519. RG-4-32, AO.

tepid response of the attorney general's office and the crown attorney's seeming lack of interest (having been bypassed by Sinclair with his direct communication to the attorney general himself), there are a number of possible explanations. In truth, from the standpoint of the administration of justice, there were few serious crimes committed here.<sup>70</sup> County constables and magistrates were the first point of contact between victims, defendants and the state in all matters of law and order, both minor and serious. Furthermore, the Attorney General's Department felt that the community had the means to deal with the problem on its own, with the province covering half the expenses. It had a high constable, and it had the means to cover his compensation and other costs for an extraordinary investigation. What the attorney general and his officers did not seem to appreciate, however, was that an unrelenting series of minor offenses generated within a rural community by the youth of some of its leading members would present an intractable problem for the social guardians – formal and informal – of the township. The potential financial cost of bringing the gang to heel may have been a consideration for the county authorities, but given the fact that this intimidating gang was comprised of community members, there were other issues at stake as well. Aside from any potential issues of constabulary competence, or the costs of investigation, the constable's membership in the community put him in a compromised position, which any outside investigator would not have faced. What the community needed was a provincial

---

<sup>70</sup> A key purpose of the Act creating Crown Attorneys in 1857 was to reduce vexatious and unnecessary prosecutions. Romney 214-231.

detective working together with Constable Hobson, and using his community knowledge, similar to what transpired in Dufferin and Simcoe Counties.

The Ostrander story challenges our conceptions of serious, episodic, criminal events in relation to minor, chronic crimes as they unfold in rural environments. How would a mother with three small girls, left alone at night in a rural setting without her husband, perceive the arrival of a gang of male youths to her home? The severity of these attacks should not necessarily be measured by the resulting physical injury or damage alone. As the Ostrander case makes clear, county constables did not always reside close enough to offer much protection to victims of crime. In fact, the notion of police protection of potential victims and their property did not figure into the perceived duties of rural constables. A more likely response for aid would have come from neighbours, provided that the distances between farms permitted it and, of course, that the neighbours felt inclined to intervene. Adding to the terror and helplessness experienced by the Burns would have been the fact that these events were escalating in severity over a considerable period of time.

The decision of the Burns to hire a lawyer, and perhaps to a lesser degree the community's willingness to sign a petition, also speak to the climate of fear and worry that existed in Ostrander in the summer and fall of 1910. This would first have been a concern of personal, familial, and community dimensions – a fear perhaps of a loss of physical security, the security of property, and damage to honour and reputation. At this point, it is worth further examining the literature on fear of crime to better contextualize the Ostrander events.

In recent years the fear of crime in both its urban and rural dimensions, especially as it relates to women, has received significant attention.<sup>71</sup> This area of study is now wholly interdisciplinary and synthesizes the work of sociologists, historians, psychologists, and geographers. One of the few sociologists to examine the topic in the late twentieth-century was Sarah Boggs, and her work exposes fundamental aspects of the perception of crime.<sup>72</sup> While her study was concerned mainly with whether people attributed their security to existent informal or formal social controls, she discovered that fear of crime was not directly related to personal or local experience and that, when people expressed their fear, it was more related to societal concerns.<sup>73</sup> Individuals living in urban, suburban, and rural areas felt secure about their own neighbourhoods and communities, but believed that crime was a growing problem elsewhere. This sentiment was expressed even by people living in high-crime areas. Similarly, research on public confidence and policing indicates that crime perceptions can serve as a marker of societal breakdown and decaying moral norms.<sup>74</sup>

The tendencies of the Ostrander gang to target women at home when their husbands were away may have revealed a desire to elicit a greater level of fear from

---

<sup>71</sup> See, for example, Jo Little, Ruth Panelli, and Anna Kraack. "Women's Fear of Crime: A Rural Perspective," *Journal of Rural Studies* 21.2 (2005): 151-63. See also Elizabeth Gilchrest, Jon Bannister, Jason Ditton, and Stephen Farrall, "Women and the 'Fear of Crime': Challenging the Accepted Stereotype," *British Journal of Criminology* 38.2 (1998): 283-98.

<sup>72</sup> Sarah Boggs, "Formal and Informal Crime Control: An Exploratory Study of Urban, Suburban, and Rural Orientations," *Sociological Quarterly* 12 (1971): 319.

<sup>73</sup> Boggs 319, 323.

<sup>74</sup> Jonathan Jackson, and Jason Sunshine, "Public Confidence in Policing," *The British Journal of Criminology* 47.2 (2007): 217.



women who felt themselves without protection. Generally, both women and the elderly today report higher levels of fear about victimization, and there is little reason to believe this would not also have been the case in the past. And while there is no evidence that the gang members behaved in a sexually threatening manner, their female victims would not have mistaken the very real danger in which they found themselves. As Dubinsky argues, while most sexual assault perpetrators in the late nineteenth and early twentieth centuries were family members or close associates rather than total strangers, the wider group of male community members could also be dangerous and threatening. “Neighbourliness,” she states, “was no guarantee of sexual safety.”<sup>75</sup> It is also worth considering DeKeseredy, Rogness, and Schwartz’s work on rural masculinity and spousal abuse. Their research describes the lengths to which abusers will go to utilize the rural “old boys” club in subjugating women.<sup>76</sup> The very social structures that are thought to make rural environments more secure can sometimes be turned to the advantage of the privileged, abusive male. But male privilege may also be tied to male obligations to protect one’s family and home, and this was at stake when a gang of male youths targeted women while their husbands were away from the farm.

In their studies of women’s fear of crime in New Zealand and the United Kingdom, Little, Panelli, and Kraack argue that a rural perspective is useful in understanding the relationship between fear and the social and cultural construction of

---

<sup>75</sup> Karen Dubinsky, *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago: University of Chicago Press, 1993), 52.

<sup>76</sup> Walter S. DeKeseredy, McKenzie Rogness, and Martin D. Schwartz, “Separation/Divorce Sexual Assault: The Current State of Social Scientific Knowledge,” *Aggression and Violent Behavior* 9.6 (2004): 303.

place.<sup>77</sup> In the case of rural environments, they point out that the experience of fear of crime is seemingly at odds with the notion that safety is a central part of rurality. Their subjects' ideas of, and expectations about, rurality influenced their experience of fear. Furthermore this research identified a perception among rural women that threats to their personal security were growing. Regardless of whether or not this subjective observation is, in fact, true at any given time or place, it is an anxiety that juxtaposes an ideal past, perhaps only realized in a few years or decades, with a threatening present and future. One cannot know if the women of Ostrander had similar concerns, but it could be argued that an encounter with violent crime and intimidation would have potentially been seen as not only a personal threat, but also a challenge to how rural communities ought to function. Concerns about the welfare of the community, or rural life in general, might even arise upon later reflection, with the passage of time, once the immediate threat had subsided. Or stated different we might say that there is a discourse about crime concerns, but also an experience of fear near the moment of victimization. The act of being victimized may then shape a person's crime concerns.

It has been argued that the methods used to measure fear of crime have led to an underestimation of the impact of that fear on men.<sup>78</sup> Furthermore, if gendered assumptions about the perception of violence are made in the study of violence against women, they would likely lead to the wrong questions being asked if one were looking for insight on male perceptions of violence. While men do not normally perceive the

---

<sup>77</sup> Little, Panelli, Kraack. See also Ruth Panelli, Jo Little, and Anna Kraack, "A Community Issue? Rural Women's Feelings of Safety and Fear in New Zealand," *Gender, Place and Culture* 11.3 (2004): 445-67.

<sup>78</sup> Gilchrest et al.

same threats to their physical person, especially as they relate to sexual violence, they nonetheless can be fearful. As Carrington and Scott argue in their paper on masculinity, rurality, and violence, “To understand the relationship between rurality, masculinity and violence, we need to understand masculinity in relation to structured discourses that are often incoherent, contradictory and mutually exclusive.”<sup>79</sup>

This relationship does not exclusively cast men in the role of perpetrator. It also applies wherever men are situated within or around the violent act. One apparent contradiction in the Ostrander case is that on the reverse side of male violence against women is the male imperative to protect them. The members of the Ostrander gang were the sons of mothers, the brothers of sisters, and otherwise young men presumably brought up with the same expectations about protecting women as those of the victims’ spouses. And the more mature men of Ostrander would have understood the threat posed by the gang to the women and girls about whom they cared. While the sociological literature on rural patriarchy today is mainly focused on intimate partner violence, which, as in the nineteenth-century, is still the main form of violence experienced by rural women, it nonetheless provides useful insight into how men perceive threats to women and girls whom they believe to be in their charge. It may also help explain why members of the community in Ostrander signed the petition. Since the men could do little to protect their families themselves, their gendered paternalistic response was to petition the government for help.

---

<sup>79</sup> Kerry Carrington and John Scott, “Masculinity, Rurality and Violence,” *The British Journal of Criminology* 48.5 (2008): 641.

Not only does rural isolation provide violent men with exceptional opportunities to abuse women, it also makes it harder for women to communicate their fears and experiences and to seek help.<sup>80</sup> This same isolation can complicate the situation for the patriarch when faced with an external threat to his home, thereby engendering a specific kind of fear over and above his fear for a loved one. As Hightower argues in her study of community responses to rural woman battering, one of the salient dimensions of rural patriarchy is the “primacy of the private sphere of the household.”<sup>81</sup> Or, as conceived by Websdale, there is a form of privatized rural patriarchy that is specific to the home and is constructed typically by the male head of the household.<sup>82</sup> This private patriarchy is reinforced by rural traditional values placing the father as the key authority in the home.<sup>83</sup>

With this authority comes an obligation to protect the women in the home, and perhaps a fear or frustration about being unable to do so. As conceived, constructed, and experienced in the late nineteenth and early twentieth centuries, masculinity was imbued with notions of chivalry and the protection of the “fairer sex.” For the rural male in particular, the need to be self-sufficient in matters of strength and security, together with the need to protect family, farm, and livestock, would have reinforced this traditional male ideal. The threat posed by violent assaults against women includes potentially a loss of honour within the community and an accompanying loss of masculinity. William Burn,

---

<sup>80</sup> Nikki Van Hightower and Joe Gorton, “A Case Study of Community-Based Responses to Rural Woman Battering,” *Violence Against Women* 8.7 (2002): 846.

<sup>81</sup> Van Hightower 847.

<sup>82</sup> Neil Websdale and Byron Johnson, “The Policing of Domestic Violence in Rural and Urban Areas: The Voices of Battered Women in Kentucky,” *Policing and Society* 6.4 (1997): 297-317.

<sup>83</sup> Van Hightower 849.

charged with the protection of his wife and two girls, would have faced a severe challenge to his perceived paternal role beyond his concerns for his family members' safety.

One should consider, as well, that it is this gendered tension that the Ostrander gang was seeking to aggravate whenever they threatened someone's home. In a manner similar to the charivari, the gang may have been attempting to indirectly threaten the male heads of households by mocking their inability to secure their homes and female occupants. Their actions could also be seen in the context of youths testing parental, primarily paternal, limitations: the gang's violent behaviour was not only about exerting domination over women or, indirectly, their spouses, but also, as Hautzinger would claim, an expression of the fragility of patriarchal power. In certain contexts, he argues, male violence is caused by fears of weakness that are brought on by social concerns about modernity and the ascendance of women in traditionally male dominated areas.<sup>84</sup> Again, this is a hypothesis that more clearly applies to intimate partner violence in a heterosexual context but is suggestive in other ways too. It may also be a somewhat strained interpretation when applied to youth, although it would be dangerous to claim that the age of the Ostrander gang put them outside the concerns felt by males at the time more generally.

## Conclusion

The cases presented here were of a relatively minor nature as compared to those in Dufferin and Simcoe Counties. While they may suggest the existence of more frequent

---

<sup>84</sup> S. Hautzinger, "Researching Men's Violence: Personal Reflections on Ethnographic Data," *Men and Masculinities* 6.1 (2003): 93-106.

and widespread incidents, they do not reveal an extended pattern of local criminality over a number of years. Nevertheless, they occurred beyond the bounds of responsibility and capability of the local justice system, thereby presenting a problem for the province. Relatively minor crimes and disruptive behaviours, especially those not regarded as problematic by virtue of their traditional status, went largely unaddressed.

As the charivari came to represent community approval rather than disapproval of marriages, the physical threat to property and people diminished, creating space for the growth of the formal justice system and its institutions. The violence of the earlier form became largely recreational and symbolic in a manner consistent with Elias' notion of the civilizing process. The change would have occurred first in urban areas, followed by suburban and other areas in closer communication with cultural centers, and then more remote regions. It was a cultural change but also one enforced by urban legal standards of civility, and security of the individual and property. In the context of rural Ontario, we can also see that charivaris occurred under a variety of circumstances - some of which strained the definition of the term.

The cases in this chapter suggest something of the complexities around who should be responsible for addressing community based crime under different circumstances. As in the Ballard and Beeton cases it appears that most of the charivaries here, as well as the Ostrander case could not be handled without official intervention in spite of any reluctance to involve outsiders. But unlike the cases in chapter one, the reluctance to report an charivari, for example, would be partly based on the cultural imperative to handle the situation with the equanimity required of rural living. The Addy

and Dalton-Moss events were violent enough to provoke a response from the authorities regardless, but the other cases might simply have been endured. The fact that they were not suggests a growing willingness to use the courts, changes in the tradition itself, and in the case of Ostrander, an expectation that the province should help.

Rural environments and social structures favour the tradition in a way that urban life cannot. Prohibitions against wild, unruly and intrusive behaviour are different in rural areas. Moreover, prohibitions against such conduct that are based on urban requirements for peaceful coexistence in high-density environments, are not always welcome in rural communities, and are thus difficult to support. The Ostrander and charivari cases also offer examples of factors that shape the fear of crime in rural environments. The relative isolation of the typical farm, together with the meaning and implications of an attack carried out by one's neighbours, speak to how rural social and environmental structures impact crime concerns.

Charivaries belong in the same family of social control mechanisms as vigilantism. Although they are more widely accepted and have transitioned to a benign form, they represent the belief that communities have a traditional right to control their members. It is a feature of rural society that supports the kinds of volunteerism required of an amateur justice system. But as the next chapter illustrates, these features also presented challenges for the modernization and uniformity of the system.

## Chapter 3

### Community Crime: Vigilantism and Social Control

Vigilantism can be broadly defined as "taking the law into one's own hands." Fuller definitions exist, but a simple one serves as a useful starting point for understanding rural societies and crime.<sup>1</sup> As seen in the chapter on charivaris, which can be regarded as belonging within the family of vigilantist attitudes and behaviour, the structure of rural communities can create and support vigilantism in ways that modern urban life cannot. When the justice system is perceived as impotent, and where there are sufficient conservative ideological underpinnings in place, vigilantism can become a tool of crime and social group control.<sup>2</sup> And, as Durkheim claimed, concerns and fears about crime can help bind communities together.<sup>3</sup> Community responses to crime that may be vigilantist could be regarded

---

<sup>1</sup> Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), 95-96; Craig B. Little and Christopher P. Sheffield, "Frontiers and Criminal Justice: English Private Prosecution Societies and American Vigilantism in the Eighteenth and Nineteenth Centuries," *American Sociological Review* 48.6 (1983): 796-808; Nicole E. Haas, Jan W. de Keijser and Gerben J. N. Bruinsma, "Public Support for Vigilantism, Confidence in Police and Police Responsiveness," *Policing and Society* 24.2 (2014): 224-41.

<sup>2</sup> Arye Rattner and Dana Yagil, "Taking the Law into One's Own Hands on Ideological Grounds," *International Journal of the Sociology of Law* 32.1 (2004): 88.

<sup>3</sup> Emile Durkheim and W. D. Halls, *The Division of Labor in Society* (New York: Free Press, 1984).



then as exercises in restoration.<sup>4</sup> This of course raises troubling concerns about the nature of community values and their enforcement.

Today vigilantism is an unwanted, atavistic crime that represents a threat to the state's monopoly on violence and the rule of law. While it may in some instances help curb crime, it is undoubtedly an infringement on the rights of individuals and marginalized people who are often its targets. Also problematic is that in the historical, rural context, vigilantism was borne from the same spirit of volunteerism and community self help that the state relied upon and encouraged for the functioning of its cheap and expedient, amateur system of local justice. While it often might appear that vigilante violence is senseless, as Sundar has argued, "vigilantism is seen as reflecting decision making no more or less rational than that we see in other social behaviour."<sup>5</sup>

The cases presented in this chapter illustrate the diversity of vigilante responses to crime and marginalized social groups in rural Ontario. In the history of Ontario, there are few verifiable examples of structured vigilante groups with ongoing activities. Typically, groups existed for short periods and dealt with a wide range of problems. The chronically violent husband, as well as anyone abusing children were common targets. And there were threats and attacks made on individuals, groups and families who were thought to contribute to lawlessness. Vigilantism in rural Ontario, however, could also be much more prosaic. It was used to deal with more common nuisances and petty crimes,

---

<sup>4</sup> Michael Supancic and Cecil L. Willis, "Extralegal Justice and Crime Control," *Journal of Crime and Justice* 21.2 (1998): 191-215. The authors argue that acts of community, "repressive justice" can become "social rituals which serve to increase the solidarity of the law-abiding citizens". 198.

<sup>5</sup> Nandini Sundar, "Vigilantism, Culpability and Moral Dilemmas," *Critique of Anthropology* 30.1 (2010): 139.

providing a form of deterrence that could not be met by the state until the early twentieth-century. Even then, the formal system of justice did not always operate effectively. The fragility and inconsistent nature of the Common Law, county-based system left a vacuum that vigilantism would fill.

### **Vigilantism in Theory**

Before examining cases in detail, it will be helpful to review some of the scholarly work on both the history of vigilantism and its more universal sociological aspects. Given the prominence of community-based crime and social group control prior to the modern liberal state, the prevalence of the phenomenon today suggests that it is rooted in long-standing fundamental views about law and order and local participation in maintaining them. Thus there is remarkable continuity in vigilantism over the centuries. What has changed, however, is that vigilantism, like all forms of collective violence, is influenced by the civilizing and liberalizing forces of the state.<sup>6</sup> Not only did these forces help to curb crime by, among other things, reducing impulsive behaviour and violent dispute resolution, but they also undermined the appeal of, and need for, vigilante action. And, as in the case of *charivaris*, these forces and phenomena have played out differently in urban and rural areas.

Rosenbaum and Sederberg argue that vigilantism is essentially establishment violence consisting of ". . . acts or threats of coercion in violation of the formal boundaries of an established socio-political order which, however, are intended by the

---

<sup>6</sup> Elias 447-51.

violators to defend that order from some form of subversion.”<sup>7</sup> More specifically they identify three main types. *Crime control* vigilantism is the most common and usually a component of the other two as well: *social group control* and *regime control*. In his study of American violence and vigilantism, Richard M. Brown identifies the first two types as well. He also locates them temporally, with crime control vigilantism beginning in America in the eighteenth-century and social group control as a nineteenth and twentieth-century phenomenon.<sup>8</sup> Crime control vigilantism concerns the regulation of criminal behaviour, typically when the state system is seen as deficient, whereas social group control vigilantism targets minorities and marginalized groups that are seen as threatening the social order. The overlap between the two occurs when the behaviour of marginalized people is seen as criminal, or when actual criminal acts are used as pretexts for attacks on the othered group.

Brown makes a further distinction that is helpful for analyzing vigilantism in Ontario, given the lack of formal organizations found in historical records.<sup>9</sup> He distinguishes formal organizations, of which he identified over three hundred in the United States between the mid eighteenth-century and about 1900, from loosely organized or unorganized lynch mobs. While both are vigilantist, only the former exist as

---

<sup>7</sup> H. Jon Rosenbaum and Peter C. Sederberg, *Vigilante Politics* (Philadelphia: University of Pennsylvania Press, 1976), 4.

<sup>8</sup> Brown 22-23.

<sup>9</sup> Other than the Ku Klux Klan, which was active in both urban and rural Ontario primarily in the 1920s, the Lucan vigilantes who murdered the Donnelly family in 1880 represent the only verifiable, formally structured *violent* vigilante group in Ontario. For an excellent history on the KKK in Canada, see Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: Osgoode Society and University of Toronto Press, 1999).

a specific response to what is perceived as a chronic crime or social group control problem. Ontario in the late nineteenth and early twentieth centuries not infrequently experienced isolated vigilante actions as well as threats uttered to commit them. It must be pointed out that such threats made to individuals –whether or not they are executed – are coercive and illegal – and therefore vigilantist. These acts are no less vigilantist if they involve the participation of the police.

Two other authors interested in the definition of vigilantism are Les Johnston, a criminologist, and Travis Dumsday, a contemporary philosopher.<sup>10</sup> Johnston makes a number of points that are relevant to historical cases. A primary feature of vigilantism, according to Johnston, is that vigilantes are private citizens whose engagement is voluntary. Dumsday, however, points out that police officers acting anonymously can be vigilantes.<sup>11</sup> When studying vigilantism in the historical context, this is an important distinction. Within an immature and developing justice system, the lower degree of professionalism and accountability can complicate how we determine whether a police officer or other official was operating within the law. In nineteenth and early twentieth-century Ontario, stipendiary magistrates and constables, whether aware of the limits of their authority or not, took action without the sanction of law or of higher officials. This was the case in the murder of five members of the Donnelly family in Lucan, a

---

<sup>10</sup> Travis Dumsday, "On Cheering Charles Bronson: The Ethics of Vigilantism," *The Southern Journal of Philosophy* 47.1 (2009): 1-112; Les Johnston, "What is Vigilantism?," *British Journal of Criminology* 36.2 (1996): 220-36.

<sup>11</sup> Dumsday 52.

whitecapping in Wheatley, and a questionable arrest attempt outside of Chatham which led to the murder of a police officer.

Johnston also regards the threat or use of force as being a foundational element of vigilantism. All law, state or otherwise, rests on force. However, it would be wrong to limit our conception of force to its physical or material application. Given the importance of reputation and honour in rural societies, the definition of vigilantism extends to threats against these too. In rural society, a person's reputation was a necessary component of nearly all transactions, for example exchanging goods or services on credit or securing marriage prospects. Hence, we speak of "damaging" or "rebuilding" one's reputation. This notion of reputation as property is echoed by Malcolm Greenshields in his study of violence in early modern France. He makes use of the term "psychic property," which includes "honor, dignity, space possessions, and the physical person."<sup>12</sup> In a more contemporary example, Pauline Greenhill describes a charivari that took place in Nova Scotia in 1917, where the sole intent was to damage the reputation of a woman rumored to be adulterous.<sup>13</sup> It developed from a morally corrective gossip campaign, thus making it vigilantist.

Vigilantes may believe that their actions are in fact lawful and supportive of the system of justice. This is particularly evident when vigilantism is examined in the

---

<sup>12</sup> Malcolm R. Greenshields, *An Economy of Violence in Early Modern France: Crime and Justice in the Haute Auvergne, 1587-1664* (University Park: Pennsylvania State University Press, 1994), 2.

<sup>13</sup> Pauline Greenhill, *Make the Night Hideous: Four English Canadian Charivaris, 1881-1940* (Toronto: University of Toronto Press, 2010), 111. In another example of women using talk for vigilantist purposes, Backhouse describes how "poison squads" in the Arkansas KKK spread rumour and slander to force Jews, Catholics and Blacks out of their communities.185.

historical context, where immature systems of justice may require extensive citizen participation. The dichotomous view of vigilantism that regards it as a threat to the state has been challenged by Supancic and Willis, who see formal and informal systems of justice as complementary, even today.<sup>14</sup> The authors argue that "The inclusion of complimentary justice alternatives is especially crucial when an overloaded formal justice system must respond to rapid social change brought on by social, political and economic upheaval."<sup>15</sup> Similarly, Little and Sheffield's comparative study of English and American vigilantism highlights the degree to which English prosecution societies from the mid-eighteenth to the late nineteenth centuries functioned in tandem with the state.<sup>16</sup> These societies existed to pool member resources and help defray the costs of private prosecution. Unlike most vigilante organizations in America, they respected the rule of law and rarely, if ever, acted as courts. Similarly, in nineteenth and early twentieth-century Ontario, vigilante organizations in Pickering and King City worked with the authorities to apprehend thieves.

It is in part because of this complicated relationship of vigilantism to the state that it makes more sense to view most acts of vigilantism as existing on a continuum. On the milder side would be associations that may be coercive, but that seek to supplement or complement the existing justice system. At the other end of the spectrum would be organizations which try to take over all functions of the formal system, thereby willingly

---

<sup>14</sup> Supancic and Willis 191-215.

<sup>15</sup> Supancic and Willis 194.

<sup>16</sup> Little and Sheffield 796.

risking conflict with it. This was the case with the vigilante group that murdered the so-called "Black Donnellys."

### **The Donnelly Murders**

The murders of five members of the Donnelly family in 1880 raises a number of important questions about the quality of the locally based justice system in late nineteenth-century Ontario. The existence of so large a vigilance society, as well as the comments to the press made by local Donnelly detractors, suggest that many people believed some kind of local extra-judicial action was justified in addressing rampant lawlessness. As Johnston argues, a prerequisite for the existence of vigilantism is that the established order must be seen to be under threat. Furthermore, the vigilante group must offer assurances of providing security to the population that supports it.<sup>17</sup> The Lucan vigilantes found support in an environment where the justice system was impotent and for the most part unable to protect the community. This was not simply a belief held by those who had a conflict with the Donnellys. It was borne out repeatedly and very publicly on a number of occasions that made it clear that the Donnellys were difficult to arrest and incarcerate. This is not to suggest that the murderous actions of the vigilantes were in any way necessary or justified. Rather, the people of Lucan had endured years of lawlessness and ineffective crime control. The choice to join the "peace society" at the urging of the parish priest may have been morally questionable, but it was not irrational.

---

<sup>17</sup> Johnston 220.

Lucan was notoriously lawless, from its settlement into the early twentieth-century. So common were violent incidents there that when a snowstorm in 1875 brought them to a momentary halt, the *Exeter Times* remarked, "One week passed and no cases of lawlessness to chronicle. Truly Lucan is improving."<sup>18</sup> Not only was the township known to be lawless, but by 1880, the Donnelly family were infamous in south-western Ontario. In 1857, James Donnelly, the family patriarch, had murdered a man during a drunken fight and then served seven years in Kingston Penitentiary. In the 1870s, several of his seven grown sons were regularly in and out of court for theft, assault, arson and robbery.

The morning after the Donnelly murders reporters began to arrive in Lucan. Reports in papers further from the scene expressed unqualified condemnation of the "assassins" and "murderers". The story appeared in American newspapers such as the *Detroit Press* and *The New York Times*, as well as Canada's major papers. However, newspapers closer to Lucan were more nuanced in their commentary. The *Listowel Banner* made a distinction between legitimate membership in a vigilance society and those members who committed murder:

The organization of the Vigilance Committee was evidently for the purpose of mutual defence, and it would have been well had the members never overstepped their legitimate object; but in taking the law into their own hands, and butchering the Donnellys in cold blood, for real, or doubtless imaginary offences, they have made themselves the perpetrators of a wrong of much greater magnitude than those against which they exercised their misdirected energies, and stand before the bar of justice as criminals in the first degree.<sup>19</sup>

---

<sup>18</sup> *Exeter Times* 13 Jan. 1875.

<sup>19</sup> "The Biddulph Tragedy," *Listowel Banner* 13 Feb. 1880.



The newspaper in nearby St. Mary's offered this qualified editorial:

While every person regrets that so foul a deed was perpetrated, no one regrets that the community is rid of most of a family who have made themselves a terror to the part of the country in which they resided. The Donnellys were desperadoes of the worst type, and their neighbours were afraid to witness against them, and no magistrate had backbone enough to convict them. ....And while we regret exceedingly that such an atrocious murder was committed in our neighbourhood, yet the people of the township of Biddulph will breathe the freer.<sup>20</sup>

The *Kingston Whig* put the murders in a national context, claiming that the killings had "brought the law-abiding reputation of the people of Canada into contempt and disgrace."<sup>21</sup> The *Toronto Globe* featured commentary by some community members:

"The murders are looked upon by many as the natural result of the Donnellys' lawless career," was what a man was overheard to say to-day in conversation with a friend, who seemed to agree with the remark. "I'll tell you what it is," the speaker continued, "HUNDREDS OF THE PEOPLE ARE GLAD in their own minds that the family has been reduced by five members."<sup>22</sup>

Thirteen men were shortly in custody and awaiting trial in London. Much to the disappointment of the surviving Donnellys, their supporters, and the Crown, both vigilante trials resulted in hung juries. Furthermore, celebrations of the acquittals took place in packed London taverns, as well as on the streets of Lucan.<sup>23</sup> The crown attorney assigned to the case was dejected, telling a colleague, "I still feel too much disgusted with

---

<sup>20</sup> "The Donnelly Massacre," *St. Marys Journal Argus* 4 Feb. 1880.

<sup>21</sup> *Kingston Whig* 9 Feb. 1880.

<sup>22</sup> "The Biddulph Tragedy – Callousness of the Community over the Great Crime," *Globe* [Toronto] 10 Feb. 1880.

<sup>23</sup> Fazakas 272.

the result of the trial to talk about it. It is another confirmation of my view of the utter absurdity of that useless & most expensive relic of barbarism, trial by jury.”<sup>24</sup>

The trial exposed important details about vigilantism in the area. There had been talk of vigilante actions for at least three years, some of which made its way into the local newspapers.<sup>25</sup> However, it was not until the arrival in 1879 of Father Connolly, the new parish priest, that a formal organisation was created. Connolly was influenced by Donnelly detractors and soon formed a negative opinion about the family. In June he created the Biddulph Peace Society and asked members of the community to join. The group had a formal structure, with regular meetings, a president and a treasurer. A smaller, splinter group called the Vigilance Committee was formed in August, and this was the group that ultimately attacked the Donnellys. They remained active after the murders, soliciting funds for the defendants, intimidating potential witnesses and conspirators.<sup>26</sup>

The origins of vigilantist sentiment in south-western Ontario as it was captured by the press is difficult to pinpoint. Although the level of crime forms the basis, so too does the apparent impotence of the justice system. For it is not enough for justice to be done; it must be *seen* to be done in order for communities to forgo their traditional perceived right to extra-judicial measures. When the public witnesses a dramatic and violent failure to execute a warrant, for instance, there is arguably no greater example that the formal

---

<sup>24</sup> File #526, B4878, Charles Hutchinson Letterbook, Donnelly Family Papers, J.J. Talman Regional Collection, University of Western Ontario Archives.

<sup>25</sup> “Reign of Terror in Lucan,” *London Free Press* 18 May 1877.

<sup>26</sup> “The Biddulph Tragedy – Callousness of the Community over the Great Crime.”

justice system is incapable of maintaining order. The point is further underscored when local officials appear to be biased.

### **Problems With Rural Constables**

Four years before the Donnellys were murdered, an attempt to serve warrants on two family members helped lay a foundation for vigilantism. One of the many people of Lucan who held a grudge against the Donnellys was Rhody Kennedy.<sup>27</sup> In December of 1875, Kennedy, who had only one arm, had a violent argument with Thomas and Robert Donnelly that resulted in Kennedy serving twenty-five days in jail. Adding insult to injury, Kennedy had also recently become a brother-in-law to William Donnelly. Kennedy exacted his revenge against the family by falsely implicating James Donnelly Jr. in a recent arson case.<sup>28</sup>

In January of 1876, Kennedy was riding shotgun on a stage coach when the driver's life was threatened by John and Robert Donnelly.<sup>29</sup> Assault charges were laid and Kennedy himself, sworn in as a special constable, determined to make the arrests. Here was a perfect example of "interested," vengeful local justice, the outcome of which was a

---

<sup>27</sup> Butt 87-89.

<sup>28</sup> Queen vs. Thomas Donnelly et al., Arson, Patrick Flanagan's Stables, March 11, 1876, File #14, B4877, Donnelly Family Papers, J.J. Talman Regional Collection, University of Western Ontario Archives. Kennedy was later charged for perjury in the case.

<sup>29</sup> Queen vs. John and Robert Donnelly, Assault Against Peter McKellar, March 18, 1876, File #12, B4877, Donnelly Family Papers, J.J. Talman Regional Collection, University of Western Ontario Archives.

public, brutal humiliation for Kennedy.<sup>30</sup> While attempting to make his arrest he was pistol whipped and bitten by the two brothers, while other family members held back a crowd of onlookers. While there were forty or fifty people who witnessed the encounter, and although Kennedy cried out for help, “in the Queen’s name,” nobody intervened.<sup>31</sup> The attack was no more brutal than any other that had become commonplace in late nineteenth-century Lucan. However, the sight of a one armed constable being beaten while a crowd stood by would have been a remarkable testament to the impotence of the law.

The next attempt to arrest Donnelly family members resulted in an even greater display of systemic ineffectiveness. On February 24, Constables John Bawden, John Reid and John Coursey were tasked with making the arrests.<sup>32</sup> The men decided to serve the warrants at a wedding celebration at the Fitzhenry Tavern. The Donnellys and a large number of their friends were there, and when the arrest attempts were made, a large brawl ensued. Multiple shots were fired, and by the end of the encounter, Constable Reid had been wounded twice in the abdomen.<sup>33</sup> The Donnellys escaped, but James and John Donnelly were soon apprehended by the local militia detachment.<sup>34</sup> Thomas, James, John

---

<sup>30</sup> Queen vs. John Donnelly and Robert Donnelly, Assault & Wounding Rhody Kennedy, March 18, 1876, File #15, B4877, Donnelly Family Papers, J.J. Talman Regional Collection, University of Western Ontario Archives.

<sup>31</sup> “More Lawlessness in Lucan,” *London Free Press* 31 Jan. 1876.

<sup>32</sup> Queen vs. John, James Jr. and William Donnelly, Assault and Wounding Constable Bawden, Reid and Coursey, March 14, 1876, File #16, B4877, Donnelly Family Papers, J.J. Talman Regional Collection, University of Western Ontario Archives.

<sup>33</sup> Ibid.

<sup>34</sup> “Lawlessness at Lucan, Donnellys on the Rampage,” *London Free Press* 25 Feb. 1876.

and William Donnelly faced multiple charges for assault, arson, larceny and shooting with intent. Only three convictions were made and all of the defendants were sentenced for less than a year.<sup>35</sup> William Donnelly, while only eighteen days into a nine-month sentence, became sick with a mysterious illness and was released. In the eyes of the community, not only were Donnellys hard to arrest, but they also had a knack for avoiding the full penalties of the law.

Over the next few years the bias and corruption within the local system of justice remained on display. In 1877, Lucan hired its first full-time paid police constable, Sam Everett. Most of his evenings were spent drinking at the Queen's hotel, leaving him unfit for duty.<sup>36</sup> He took bribes to arrest or release people, and bribes to turn and look the other way when crimes were committed.<sup>37</sup> So hated was Everett that one evening in March of 1878 he was shot at on his doorstep.<sup>38</sup>

Everett was also hated by Constable William Hodgins, one of the three or four part-time policemen who worked in Lucan. One evening in April of 1879, Everett made remarks at a local bar criticizing Hodgins' arrest of Tom Donnelly for robbery. Hodgins responded that he had only arrested Donnelly because Everett was too afraid to. Everett laid a hand on Hodgins, exclaiming, "I could whip you on the ground you stand on, but I

---

<sup>35</sup> Butt 111.

<sup>36</sup> William Porte diary entry for Nov. 21 1877, William Porte Diaries, B4940, J.J. Talman Regional Collection, University of Western Ontario Archives.

<sup>37</sup> Butt 139.

<sup>38</sup> "Another Outrage – Cold-Blooded Attempt at Murder – A Heavy Charge Fired at Constable Everett, of Lucan," *London Advertiser* 20 Mar. 1878.

am not fool enough to lay myself liable to the law with such a slink as you are.”<sup>39</sup> A fight ensued, in which Hodgins, armed with a stick, beat Everett senseless. Several days later, Hodgins laid charges against Everett and arrested him on the street in front of a crowd of people. Again, they argued, and once more, Hodgins beat Everett on the head with his baton, this time even more severely. Only the intervention of a bystander brought an end to the beating, and Everett was finally put in his own lock-up. Later on, Everett counter charged Hodgins for both beatings. When the cases went before the magistrates the charges against Hodgins were dismissed; Everett, however, was found guilty of assault and fined two dollars.<sup>40</sup>

While there were multiple reasons for the existence of vigilantism in Lucan, a key element was the repeated and public displays of justice system failure. The beating of Constable Rhody Kennedy, the affray at the Fitzhenry Hotel, and the fight between two Lucan constables are three examples. In these cases, justice appeared to be not only ineffective, but partial. Consequently, what could have helped avert the Donnelly murders was less local justice, and a greater provincial response. As will be seen in the next chapter, however, in 1880 the provincial justice system was hardly capable of mounting the kind of intervention that might have made a difference with the Lucan crisis.

---

<sup>39</sup> Queen vs. Sam Everett, Assault of William Hodgins, April 21, 1879, File #27, B4877, Donnelly Family Papers, J.J. Talman Regional Collection, University of Western Ontario Archives.

<sup>40</sup> Everett was soon fired by the Lucan town council and replaced by Hodgins.

## Kent County Vigilantism

Kent County in south-western Ontario had a long exposure to vigilantism in the nineteenth-century. As early as 1858, a black vigilance committee helped enslaved Americans escape to Canada.<sup>41</sup> In October of that year, a party of Americans were traveling near Chatham on the Great Western Railroad. On board the train with his master was a ten-year-old enslaved boy named Sylvanus Damarest. During a stopover, a large group of black men and women, including a small number of white abolitionists, forcibly took the boy off the train. A group called the “Chatham Vigilance Committee” were held responsible, and six of their members put on trial.<sup>42</sup> The treatment of the case by the American and Canadian newspapers played out according to the slavery discourse of the time.<sup>43</sup> The *Detroit Free Press* depicted the vigilantes as violent rioters, whereas the *Chatham Daily Planet* saw them as liberators enacting British justice.

Both Kent and the adjacent Essex County had, since mid-century, seen a greater influx of black settlers from the United States than other Ontario counties. While in some cases these settlers were able to coexist with the wider population, they faced severe opposition. Outside of Chatham for example, a black settlement founded in 1849 experienced the ire of white settlers from the outset.<sup>44</sup> It was proposed that a vigilance committee be created to obstruct future black settlers.

---

<sup>41</sup> Barrington Walker, 37.

<sup>42</sup> “The Slave Case – Merwin’s Story,” *Chatham Tri-Weekly Planet* 4 Oct. 1858.

<sup>43</sup> Barrington Walker, 38.

<sup>44</sup> Robin W. Winks, *The Blacks in Canada: A History* (Montreal: McGill-Queen’s University Press, 2000), 212.

Nearly forty years later, a series of incendiary fires led to another vigilante response in Chatham. As reported in the *Toronto Globe* in October of 1894, a “Plague of Incendiaries” had fallen upon Chatham Township, the area also being “overrun with lawless characters.”<sup>45</sup> The attack on four farms in a single night was the cause of serious alarm, especially since one victim, Alexander Lucas, claimed to have suffered two previous incendiary fires.<sup>46</sup> The tension was heightened by the fact that two weeks earlier a farmer named William Paxton had also suffered incendiarism. On that day, warning notices had been posted on fences, one of which said, “Take warning that Luckes (Lucas) says he is going to do us niggers some harm we heard that he is going to get some neighbours if he does we will pay him and youse to.”<sup>47</sup>

A reward of \$100 for the arrest of the firebugs was raised by a group of farmers, and a newly formed vigilance committee scoured the area of the crime-scenes. The *Toronto Empire* reported, “If any of those whose footprints were seen and traced from house to house be found, they will be dealt with in an exemplary manner, as threats of lynching are plentiful.”<sup>48</sup>

The *Toronto Mail* had dispatched a reporter who dug further into the story. He wrote:

Tramps are not charged with the work, but it is generally believed that idle, vicious, coloured men, whose presence has long been a menace to the neighbourhood, did the nefarious deeds. The county constabulary do not

---

<sup>45</sup> “A Plague of Incendiaries,” *Globe* [Toronto] 9 Oct. 1894.

<sup>46</sup> “Firebugs at Chatham,” *Toronto Empire* 9 Oct. 1894.

<sup>47</sup> “Firebugs at Chatham.”

<sup>48</sup> “Firebugs at Chatham.”



seem able to cope with the crime which has been rampant throughout the district of late, and a vigilance committee has been organized to wreak summary vengeance on firebugs, highwaymen, horse thieves and all other criminals whose acts endanger the safety of life and property.<sup>49</sup>

The *Mail* also captured the sense of alarm in Chatham, where the night sky glowed ominously from the various fires. The paper reported further details from some of the other warning messages. One claimed, “If you wish to make the niggers enemies, feed them at the second table.” Another said: “Take notice that you are against niggers, want to make them to set a side table, from the Prince Albert to the town line, we will make you remember us. We will punish you, you know how.”<sup>50</sup>

Although the press reported vigilantist sentiment and various acts of lawlessness, the provincial detective assigned to the case, John W. Murray, had suspicions that the fire was not the result of racial tensions.<sup>51</sup> By comparing plaster casts of the footprints around the crime scenes with some other incriminating evidence, Murray was able to prove in court that one of the fire victims, Edward Kahue, had burned his own property for the insurance claim. He also had set the other fires and written the threatening notes.<sup>52</sup> The long history of racial tension in the county created an environment where it seemed plausible to many whites that black vigilantes existed and were retaliating for their marginalization.

---

<sup>49</sup> “Incendiary Fires,” *Toronto Mail* 9 Oct. 1894.

<sup>50</sup> “Incendiary Fires.”

<sup>51</sup> John W. Murray, *Memoirs of a Great Canadian Detective* (Toronto: Collins, 1977), 168-171.

<sup>52</sup> Kahue was sentenced to seven years at Kingston Penitentiary.

### **Social Group Control Vigilantism and the Freeman Family**

Kahue may have been inspired by a sensational case occurring the previous year in the same county. It too was filled with racialized violence and threats of vigilantism. In 1893, George Freeman was charged with criminally abusing and abducting a white girl.<sup>53</sup> She had recently given birth to a child and it was rumoured that the father was Freeman. Her name was Ida Jane Lizzart and it was alleged that she was under the age of fourteen.<sup>54</sup> Census records from 1891 indicate, however, that she was in fact sixteen years of age.<sup>55</sup> The girl was at Freeman's home, where he lived with a "mulatto" woman. The *London Free Press* described him as a "desperado" and "outlaw," who had been holding authorities at bay. On the evening of January 23, Constable Alex McDonald, together with a man named Best, whom he had met in a bar and enticed to come along with him, went to Freeman's home to execute a warrant. Freeman resisted, and in a protracted melee, Freeman and his wife beat off the two men, who fled, wounded, to Chatham.<sup>56</sup> The incident was reported to the crown attorney, who immediately began organizing a posse.

Before the posse was fully gathered, McDonald returned to the farm with two detectives, Peter Dezelia and Robert Rankin. Freeman fled from the detectives and ran to his father Jeremiah's house close by. As the officers approached the elder Freeman's

---

<sup>53</sup> Barrington Walker examines the racial aspects of this case in *Race on Trial*.

<sup>54</sup> "Murdered by Negros," *London Free Press* 25 Jan. 1893; "On Trial for Their Lives at London," *Chatham Daily Planet* 5 Oct. 1893.

<sup>55</sup> Census of Canada 1891, Family No: 196, Roll: T-6346, Census Place: Raleigh, Kent, Ontario.

<sup>56</sup> "The Rankin Murder," *Chatham Daily Planet* 6 Oct. 1893.

home, six men emerged and yelled at them to stay back or be shot. According to police testimony, the men were told that they would not be hurt and, allegedly, the constables were immediately shot at. Rankin was hit and, as he fell, he was struck by two men – George Freeman’s brothers – with axes. As the constable lay on the ground, George ran up and bludgeoned him to death. Dezelia was shot three times as he fled, the bullets passing through his clothing. He in turn emptied his revolver into his adversaries, wounding two individuals. McDonald was shot in the leg but made his escape as well. Back in Chatham, the posse, which now numbered about one hundred men, prepared to make their arrests that evening. According to the *London Free Press*, "Chief Young was worked up to a high pitch, and his face bespoke his intention to act with both promptness and effectiveness. ‘We’ll get the murderers dead or alive,’ he said, through his clenched teeth, ‘if we have to burn their shack and every miserable wretch in it.’”<sup>57</sup>

At some point following the shooting of Rankin, a group of mill hands surrounded the Freeman properties but were driven off by gunfire. Later that evening, the posse arrested almost the entire Freeman family without incident: William Henry, Washington, Jesse, Alex, Malton, and George’s parents, Jeremiah and Celia. Lemuel Freeman, a cousin of George’s was also arrested. George, who was not to be found at the homestead, turned himself into the authorities the following afternoon. The *Free Press* claimed that, were it not for the presence of the posse and the police magistrate, a lynch mob would have murdered the family. The trial for the murder of Constable Rankin began on October

---

<sup>57</sup> “Murdered by Negros.”

3, 1893, in neighbouring Middlesex County.<sup>58</sup> The lead attorney for the defence was Britton Bath Osler, who was joined by a Chatham solicitor, Hugh Pegley.

While preparing for the trial, the Crown learned that Ida Jane Lizzart was a young woman with a problematic sexual past. The true nature of her co-habitation with the Freemans, her relationship with George, and even her age were in question. George's spouse, Elizabeth, also claimed that Ida Jane, "bore the worst of characters." As Walker points out, this created difficulties for the white elites who had based their case on her sexual violation.<sup>59</sup> When the case came to trial, the Crown elected to focus instead on the death of Rankin. The Crown argued that George Freeman, being made aware that the constables had come to arrest him, should have submitted. Freeman had known that he was charged with a serious crime, and the constables, clothed in uniform and bearing a warrant, were acting appropriately. In his cross examination of the police witnesses, Osler's strategy became clear.<sup>60</sup> He would question the professionalism of the Chatham force thereby proving that the Freemans had reason to worry about their safety in the hands of the authorities. It was a fear compounded by the very real threat of vigilantism. If the defence could advance and combine these two arguments, it would establish that McDonald and Best were little more than vigilantes bent on punishing a man for miscegeny.

---

<sup>58</sup> "The Rankin Murder."; "The Murder Trial," *London Advertiser* 3 Oct. 1893.

<sup>59</sup> Barrington Walker, 150-52.

<sup>60</sup> "On Trial for Their Lives at London."

Osler's first point was that the Chatham officers had no duties out of town, and therefore had no right to make an arrest in the county at large. He also claimed that Constable McDonald had been recommended for dismissal more than once and that this fact was well known in the community. In his examination of McDonald, Osler claimed that the constable had admitted to another man that he had been drunk when he went to arrest Freeman. Furthermore, Osler remarked that the arrest warrant looked old and worn, suggesting perhaps that Freeman might have suspected some sort of ruse with an expired warrant. McDonald denied this and the allegation that he had been drunk, but was soon caught in an unrelated lie that impugned his character.

The defence also created doubts about the attack on Rankin, alleging that the two Freeman men were wounded prior to Rankin being struck with an axe. But perhaps the most damning evidence against the Crown's case was that the constables were unable to accurately identify which Freeman family member had in fact killed Constable Rankin. The prosecution alleged that at one point in the attack, Lemuel Freeman had chased after Constable Dezelia. Yet it was shown without a doubt that Lemuel, who had an alibi, was not present during the attack and only arrived on the scene later. The inability of the witnesses to tell one Freeman from another cast a reasonable doubt on the identity of the murderer. It also raised more questions about the professionalism of the force. Osler further reminded the jury that whites bore a responsibility to blacks as a result of the institution of slavery. The Crown might have countered this by reminding the jury of Canada's role in helping escaped slaves from the United States. But such an argument

would only have played into Osler's strategy of contextualizing the Freemans' actions in terms of how blacks were treated south of the border.

Osler's version of the first arrest attempt depicted a man in his home, with his wife and three children, assailed by two men with malicious intent. Freeman was in doubt as to who they were and the fact that he had been charged with a crime.<sup>61</sup> At some point during this struggle McDonald allegedly told George that they were going to kill him. When the three constables came the next day, according to George, they immediately yelled, "There he goes. Shoot him! Shoot him!" This information had already been buttressed by earlier testimony from both George and Elizabeth regarding what they already believed were the dangers facing the family. Elizabeth had reputedly heard violent threats made against George by the mill hands in the neighbourhood. She also learned that there was talk of tarring and feathering him.<sup>62</sup>

In his final statement to the jury, Osler likened the Freemans' response to that of soldiers defending their nation in times of war.<sup>63</sup> Osler went further, "What evil hand disturbed this peaceful scene? The greed of one man – Alexander McDonald – wanting to make his constable fees for the arrest of George. George is in the house, conscious of no guilt, guilty of no crime, and Alexander McDonald gets a warrant out on his own information, upon his own responsibility, for an offense against a girl whom he

---

<sup>61</sup> "Manslaughter," *London Advertiser* 9 Oct. 1893.

<sup>62</sup> Defendant: Freeman, George W.; Charged with Murder: Middlesex County: 1893, Criminal Assize Clerk criminal indictment file. AO, RG 22- 392-0-3793.

<sup>63</sup> "Guilty!," *Chatham Daily Planet* 9 Oct. 1893.

apparently did not know. . .”<sup>64</sup> Having established that McDonald brought a “drinking buddy” with him from a bar for the arrest, may also have implied that they were simply “shaking down” Freeman to get more money for drinks.

The defence was also able to exploit the popular imagery of American lynching as it was known at the time from coverage in the Canadian press. American lawlessness and savagery as expressed through lynching, in addition to being a staple of Canadian voyeurism, was also used, as Walker says, to “firm up the border, inscribing the Canadian nation by declaring such practices un-Canadian and un-British.”<sup>65</sup> For the jury to acquit the Freemans, they needed to appreciate that their fear of lynching was palpable, notwithstanding the perceived differences between American and Canadian law and order. Osler also invoked rural idealism in his description of the Freeman family. The defense portrayed them as well-respected and hard-working rustics who had no previous run-ins with the law. They had all been raised by the patriarch, Jeremiah Freeman, a man of high character, who had helped settle his adult sons on the farms around them. This was a community of people “. . . at once united in their work, free from the courts, free from all criticisms, hard-working, industrious, not in any way quarrelsome.”<sup>66</sup>

After three days of trial and several hours of deliberation, the jury reached a verdict of manslaughter for George and two of his brothers, Alexander and William Henry. While the Freemans may not have regarded it thus, given the seriousness of the

---

<sup>64</sup> “Nearing the End,” *London Advertiser* 7 Oct. 1893.

<sup>65</sup> Barrington Walker, 151; 154.

<sup>66</sup> “Manslaughter.”

crime and the racist climate, the verdict was a victory. George's cousin Lemuel, owing to a convincing alibi, was acquitted.<sup>67</sup> The defence pleaded for mercy in sentencing, but Justice Falconbridge sentenced the men to life in prison at Kingston Penitentiary. The three brothers then shouted out that McDonald and Best had been drunk the night of the first attack and had come to George Freeman's house talking of lynching. A reporter for the *London Advertiser* claimed on good authority that eleven of the jurors had voted to convict on murder charges, while the twelfth refused.

The Freeman trial, as distinct from the events that led to it, can be interpreted as having little to do with the right of inter-racial sexual relations. The Crown wanted to maintain the focus on the brutal killing of a wounded police officer in the commission of his duty. However, counsel for the defence was successful in framing the issue around the spectre of vigilantism and the sanctity and security of one's person and home. But beyond substantiating the more general vigilante threat that Freeman faced from the community, the defence impugned the official status of the police who initially tried to serve the warrant. Osler questioned their sworn status, their jurisdiction, their professionalism and even the validity of the warrant itself. He created the impression that the police were there unofficially, and therefore acting vigilante. Osler also played upon sympathy for enslaved blacks, portraying the Freemans as people who saw no difference between the threats they faced here in Canada and those experienced by members of their race in America. The Crown might have tried to counter the impression by pointing out the rarity of vigilantism in Canada, but apparently they felt that upholding the professionalism and

---

<sup>67</sup> "Manslaughter."



proper conduct of the police would have the same effect. For their part, all the defence had to do to complete the argument was offer the jury a way to demonstrate that Canada was not like the United States in how it punished transgressors. It is indeed remarkable that in late nineteenth-century Canada, a black man accused of being a “desperado” and having an illegitimate child with a fourteen-year-old white woman could kill a police officer, wound another and not hang for it. But a defence that implied vigilantism on the part of the police was not without its risks. In nearby London, only a decade prior, there were celebrations when the vigilantes charged with the murder of five Donnellys were acquitted.

### **A Whitecapping in Wheatley**

Vigilantism in Ontario was not only a means of controlling problematic factions and families or marginalized racial groups. It could also be a mechanism, similar to the charivari, of controlling aberrant individuals whose behaviour was a disturbance to the community. This was especially the case when it was perceived that the law did not provide sufficient remedy for the problem. Thomas Dulmage was a merchant and prominent resident of the town of Wheatley, just east of Leamington, Ontario. He was the president of the local Conservative association and reputed to be a decent citizen. He was, however, also an excessive drinker, and rumour had it that he regularly abused his wife. Said the *Advertiser* of London in July 1905, “Dulmage is, when sober, one of the finest men in the village of Wheatley. As a merchant he has no equal, and he was made

president of the Conservative Association of Wheatley. He was placed on the Indian list, and no one was allowed to sell him liquor.”<sup>68</sup>

According to the *Toronto Globe*, one evening near midnight, a group of men from the town burst into his home, doused him with water, and dragged him outside to a nearby well.<sup>69</sup> There he was repeatedly plunged into the icy water, then flogged, and finally left for a physician to attend. As the *Advertiser* commented, “Many will say that this treatment served Dulmage right, and will applaud his punishers, but whoever they are, and they are said to be prominent residents of the town, they should be disciplined for having taken the law into their own hands. It was a resort to “whitecapping,” a practice which must not be permitted in this country.”<sup>70</sup>

However, according to the *Advertiser*, Dulmage was not abducted in his home but rather waylaid on his way there. It made no mention of Dulmage being a wife abuser and described the crime as an attempt by some men of the town to cure Dulmage of his drinking. The crime was not reported until a day later, and when the call came in to the crown attorney’s office, it was from an unnamed informant; not from the victim or a family member. The perpetrators were said to be willing to turn themselves in, which *The Globe* saw as evidence that they felt sure the public would protect and ultimately exonerate them. Upon further investigation, *The Globe* uncovered allegations that there was a “rough gang” of sons of prominent farmers operating along “the middle road in

---

<sup>68</sup> “Whitecap Yarn Was Exaggerated,” *London Advertiser* 22 July 1905.

<sup>69</sup> “Whitecapping Case,” *Globe* [Toronto] 21 July 1905.

<sup>70</sup> “Whitecap Yarn Was Exaggerated.”

Kent County,” who, for some time, had taken the law into their own hands. According to the *Advertiser*, “Local feeling is apt to run strong against any efforts to punish the perpetrators of these outrages, but the authorities should be made to do their duty.”<sup>71</sup>

Since the incident, Dulmage had disappeared with no indication of whether or when he would return. A few days later, the *Advertiser* reported that Mrs. Dulmage had been part of the whitecapping party, as well as a doctor and a police constable. The party also included a woodworker, a blacksmith, a machine agent, a fisherman, an undertaker and a harness-maker. The paper did not mince words in condemning the action:

Before applauding the chivalry of the Wheatley whitecaps, it may be asked whether their example is one to be encouraged. If a man’s neighbours are to constitute themselves the judge of his manners and morals, and be allowed to carry out their sentence on him, who will be safe?... In this law-abiding province, it has no excuse or justification. The Wheatley vigilantes should be made to understand this.<sup>72</sup>

The *Advertiser*’s version of the story was somewhat milder than what had been reported in *The Globe*. They had Mrs. Dulmage sitting on her porch watching the affair, and in their description, the doctor was not in league with the whitecappers but was on his way home when he stopped to help the victim. In its interview with Provincial Detective Murray, *The Globe* learned that there would be great difficulty pressing charges against the vigilantes unless Dulmage himself pressed charges. The names of all the perpetrators were known, yet Dulmage, who soon reappeared, was reluctant to proceed.<sup>73</sup> It is

---

<sup>71</sup> “Whitecap Yarn Was Exaggerated.”

<sup>72</sup> “Whitecap Yarn Was Exaggerated.”

<sup>73</sup> “Orderly Whitecappers,” *Globe* [Toronto] 25 July 1905.

impossible to say why; he may have been worried about retaliation, damage to his reputation in court, or any number of private implications. The role of the constable and the doctor in the whitecapping emerged as more details became known. The constable was there to “keep the peace,” and the physician, who was the one who had declared that Dulmage had been punished enough, attended to ensure the violence fell within acceptable limits.

By July 27, Crown Attorney H.D. Smith determined that it was in the public interest to lay charges regardless of Dulmage’s reluctance to do so himself.<sup>74</sup> Seven men were charged, including the Essex County Constable, William Tremblay. It was assumed that, as a consequence, he would also lose his job. *The Globe* claimed that outside of Wheatley and the surrounding area, public opinion was that charges must be laid, if only to emphasize “the need of all living up to the law.”<sup>75</sup> Part of the Crown’s reasoning stemmed from the revelation that the area had experienced similar vigilante incidents in the past. They were thought, however, to be not so severe, and the identities of the perpetrators were unknown and not necessarily the same individuals who had attacked Dulmage. At any rate, the prosecution moved forward with the intention of ending these extra-judicial events once and for all. Arraignment occurred two days later in Chatham, and the seven men were charged with “Unlawful Assemblage and Tumultuous Disturbance of the Peace.” They were also charged with assault.<sup>76</sup> All pleaded not guilty,

---

<sup>74</sup> “To Try White-cappers,” *Globe* [Toronto] 28 July 1905.

<sup>75</sup> “To Try White-cappers.”

<sup>76</sup> “The Dulmage Inquiry,” *Globe* [Toronto] 31 July 1905.

although Tremblay was not present in court because he was busy making an arrest in Windsor. Bail was set at \$500 and two Wheatley men served as sponsors for the release of the prisoners until the hearing one week later.

The preliminary hearing, heard before County Magistrate Huston on August 3, came to an abrupt conclusion as.<sup>77</sup> No evidence could be produced that they had taken part in the event or indeed that the attack had taken place at all. Dulmage, who had taken the witness stand, testified that he could only positively identify one of the assailants. Several of the men had alibis, and none would admit that they had taken any part in the attack. A much deflated crown attorney, while conceding that the case was lost, claimed that his investigation would continue in an attempt to discover the real perpetrators.

Upon conclusion of the case, the people of Wheatley demonstrated their support for the whitecappers with much rejoicing. "A large number of people met the party at the station and escorted them to the village, where supper was spread at the village hotel by the women of the place."<sup>78</sup> Unfortunately for the Crown and anyone else vested in the maintenance of law and order in the county, no further evidence was ever brought to court.

The extent to which the Wheatley vigilantes should be considered "whitecappers" is unclear. The term "whitecapping" emerged in late nineteenth-century America, specifically in Indiana where vigilantes with white caps meted out vigilante justice

---

<sup>77</sup> "The White-capping Case," *Globe* [Toronto] 4 Aug. 1905.

<sup>78</sup> "Wheatley Dines Returning Heroes," *Advertiser* [London] 5 Aug. 1905.

against individuals who transgressed moral codes – especially habitual wife-beaters.

Whitecappers were typically members of secret societies, and their form of extra-judicial punishment was structured so that ongoing, rather than episodic or sporadic, interventions could be used to enforce moral standards. As the phenomenon spread throughout America and into the southern United States, it took on the more racist form that became associated with the “lynch law” of the Ku Klux Klan.

If we give credence to the claim that the Dulmage whitecapping was only one in a series of vigilantist actions that had taken place in the area, it means there was a group of individuals, some of whom were leaders in the community, who were engaged in regulating moral behaviour – excessive drinking and possibly habitual spousal abuse as well. The fact that the victim was flogged suggests that he may in fact have been a violent individual regardless of how the *Advertiser* told the story. Plunging him into a well would be consistent with “sobering him up,” making it a fitting punishment. Flogging, on the other hand, seems excessive for somebody whose only crime was drunkenness but would be consistent with a punishment for a habitual wife beater. It is also noteworthy that Dulmage’s influential position in the community did not protect him from being whitecapped. Furthermore, it is possible, although conjectural, that his privileged position meant that he was being held to a higher standard of behaviour, and that other elites in the community did not want him bringing his position – and by extension theirs – into disrepute. The fact that Dulmage did not want to press charges and his silence immediately following the event could mean that he was either fearful of further retaliation or that he simply did not want to further damage his reputation or aggravate the

members of the community. As both a merchant and a politically active individual, pursuing the case might have cost him financially and socially.

One of the more curious aspects of this case is the role played by the county constable. Was he simply there to “preserve the peace” and ensure things did not get out of hand? Or, if he was an active participant, did the whitecappers believe, by virtue of his participation, that their collective actions were more legitimate? Were the other participants of a mind that they were in some manner assisting a police officer? There was no suggestion that anyone was deputized, and of course the punishment meted out could never be conceived of as legal. Regardless of these possibilities, the whitecapping of Mr. Dulmage, with a constable present and other prominent people of the community participating, suggests two different interpretations of the event. On the one hand, this may be an example of vigilante assistance of the system of justice; on the other, it may have been vigilantism in spite and in lieu of the formal system. Certainly, by charging the constable, the Crown demonstrated that it took a critical and defensive view of the whitecapping. In the end, the positive reaction of some members of the community to the acquittal of the vigilantes would have been regarded as a victory by the defendants. The community had contested the state’s monopoly on violence and got away with it.

### **The Boucock and Beecham Murders**

In the summer of 1920, Welland County was swept up in the disappearance of two missing girls from the town of Thorold, and the trial of a suspect who was thought to have murdered them. The degree of public participation in all aspects of the case was remarkable. Citizens searched for the missing girls, arranged for witnesses to testify, helped hire attorneys, twice petitioned the province for changes in the justice system, rioted and almost killed the defendant at his preliminary hearing, and rallied around him when they finally thought him to be innocent. Then in a parting shot at the Crown, they obstructed justice at the trial of the rioters by intimidating witnesses.

The events raise two important questions. First, to what degree was the riot and related events vigilantist? A court-room riot is not always an expression of public desire for extra-judicial punishment. At the trial of a bank robber in Napanee on December 3, 1898, members of the court were attacked by a mob and the riot act was read.<sup>79</sup> Yet according to the press account, the riot occurred because too many people had packed themselves into the courtroom; order was lost and the judge closed the proceedings. In Thorold however, the chain of events throughout the summer indicate a strong climate of vigilantist sentiment that would persist in the following years, ultimately with the creation of a Ku Klux Klan chapter.<sup>80</sup> The Thorold riot suggests it was an expression of a perceived public right to participate in all aspects of the execution of justice.

---

<sup>79</sup> "The Judge Was Mobbed," *Globe* [Toronto] 3 Dec. 1898.

<sup>80</sup> "'Ku Klux' Sends Note To Mayor With Threat," *Star* [Toronto] 21 Dec. 1922. See also, Backhouse 89.



The second question arising from this case is why the mob, initially bent on hanging the Anglo-American defendant, chose to let him go. Would the results have been different had he been a member of a persecuted ethnic group? It appears that only his last minute appeal to uphold British values of justice and fair play staved off an extra-judicial execution. But the appeal to British values, while bearing some similarities to Osler's defence of the Freeman family, occurred in an extra-judicial context. Even though the defendant's life was spared, the unruly, violent and destructive behaviour of the mob revealed the tenuousness of the community's belief in the values of British justice. A related issue was the community's lack of faith in the local operation of the justice system. The poor and disorganized police response to the impending riot, as well as other criticisms of the justice system more generally, had been laid at the feet of the Attorney General's Department prior to the riot. As we will see in the next chapter, it was a system that had only just begun to transition from a locally based and regulated system to one with a more adequate level of provincial responsibility.

The events in Thorold began on May 24, 1920, when a six-year-old First Nations girl named Catherine Beecham disappeared along the banks of the Welland canal. There was little local reaction until July 13, when Margaret Boucock, a four-year-old white girl disappeared too. The search for the girls involved local firemen, boy scouts and groups of other citizens.<sup>81</sup> There was much anxious speculation about the fate of the missing girls as the initial searches were in vain. Some people thought they had been murdered, perhaps

---

<sup>81</sup> "Another Mystery," *Semi-Weekly Post* [Thorold] 28 May 1920; "Little Thorold Girls Have Not Yet Been Found," *Globe* [Toronto] 19 July 1920.

by a man named David McNeal, a friend of the Boucock family who had been arrested as a suspect.

When Margaret Boucock's body was finally discovered on August 4 along the banks of the canal, the impact on the town was severe. The *Post* wrote, "The terrible anguish borne for three weeks and a day, unrelieved by the discovery of the remains, seemed to communicate itself to the whole town, most especially to the mothers of little ones like Margaret."<sup>82</sup> And as if to underscore the particular insecurity felt by girls and women, at her funeral, the tiny white casket was carried by four little girls, her playmates. For his part, David McNeal refused to talk – perhaps on advice from council. "If you think me guilty," he told the papers, "prove me so."<sup>83</sup>

There was considerable talk in the county about McNeal, who was not from Thorold but had married a woman from Hamilton who was working in the town. It was said in the press that he was "looked on as a good fellow".<sup>84</sup> He had served overseas, although he had spent much of his time there in confinement due to "trouble" he had got himself into. In the years before his service, McNeal, who had lived in Pennsylvania, was incarcerated three times for larceny, burglary and attempted theft. As a youth, he had also spent four years in a reformatory for "incurability."<sup>85</sup> He and his wife had adopted a small child, a fact used by his attorney, G.F. Peterson, as evidence that McNeal could not

---

<sup>82</sup> "Great Thorold Mystery," *Semi-Weekly Post* [Thorold] 6 Aug. 1920.

<sup>83</sup> "Great Thorold Mystery."

<sup>84</sup> "Little Boucock's Body is Found by Canal," *Globe* [Toronto] 5 Aug. 1920.

<sup>85</sup> Pennsylvania Historical and Museum Commission; Harrisburg, Pennsylvania; Prisoner Fingerprint Identification Cards; Series: 15.139.

possibly be guilty of murder. “You saw what a clean, good looking fellow he is,” stated the lawyer, “and I want to say that a man like that would not harm a little child, especially when he would take a child into his home for adoption.”<sup>86</sup> McNeal also had a noted fondness for other people’s children, often giving them money to buy candies. A further important detail, although it was irrelevant to the case in question, was that at the time of his arrest, McNeal was facing charges of robbing a fur store in Philadelphia, during which he had allegedly shot at the owner. Excitement ran high in the town of Thorold as the details emerged in the press about the case. There was speculation that an attack would be made against him.<sup>87</sup>

A Coroner’s inquest into the death of Boucock was concluded on August 10, and the jury reached the verdict of death by strangulation. They furthermore believed that she died at the hands of David McNeal. Immediately following the inquest, a petition was sent to the attorney general, signed by seventeen of the town’s most influential citizens: the mayor, ex-mayors, aldermen, reeves, clergy, school principals and merchants.<sup>88</sup> The petition claimed that there was a radical need for changes in the administration of criminal justice in the Niagara Peninsula. An increase in crime was allegedly due to the vast development of new industry and public works and the thousands of labourers this development had brought in, many of whom were foreign. The petitioners further claimed

---

<sup>86</sup> “M’Neal Must Remain in Jail Another Week,” *Globe* [Toronto] 24 July 1920.

<sup>87</sup> “Margaret Boucock Was Strangled to Death,” *Semi-Weekly Post* [Thorold] 10 Aug. 1920.

<sup>88</sup> Petition to Attorney General W. E. Raney, Aug. 10, 1920. T.D. Cowper Crown Attorney, Welland: Rex vs. David McNeal, Murder- Correspondence and documentation concerning the murder of a young girl, Margaret Boucock, and subsequent riots at Thorold which led to the burning of the town hall. Attorney General Central Registry Criminal and Civil Files, AO, RG 4 -32 - 2102.

that, over the previous two years, more than a dozen cases of wilful murder had been detected by coroners in the counties of Lincoln and Welland, yet only one or two convictions had been secured. Criminal assaults on girls and women had increased as well, although said the petitioners, many had gone unreported, due to a lack of confidence in the justice system.<sup>89</sup>

One of the individuals who signed the petition, a clergyman named Canon Piper, was later criticised by the Crown for attempting to organize a “league” of people to find the murderer of Boucock. As alleged by the crown, Piper and his associates believed that McNeal was the guilty party.<sup>90</sup> Crown Attorney Nicol Jeffrey also claimed that Piper had been advocating for the re-opening of another sexual assault case involving a little girl where the defendant had been acquitted. Piper and his associates believed that McNeal was the real culprit and pressured the girl to name him even though she had positively identified the original defendant.

On August 16, McNeal’s preliminary hearing took place. Based on the evidence heard against him, it was determined that there was sufficient basis to hold him over for the Fall Assizes. Assisting the Crown in its prosecution were two attorneys who had been hired by the Great War Veteran’s Association on behalf of Margaret’s father, Reuben, who was a veteran.

---

<sup>89</sup> Petition to Attorney General W. E. Raney, Aug 10, 1920.

<sup>90</sup> Letter from Nicol Jeffrey to E. Baly, Oct. 16, 1920. T.D. Cowper Crown Attorney, Welland: Rex vs. David McNeal, Murder- Correspondence and documentation concerning the murder of a young girl, Margaret Boucock, and subsequent riots at Thorold which led to the burning of the town hall. Attorney General Central Registry Criminal and Civil Files, AO, RG 4-32 - 2102.

Throughout the day, a large angry crowd had assembled around the town hall where the hearing was underway. At ten o'clock in the evening, when it was announced that a full trial would take place, the crowd began to pelt the town hall with stones and bricks. Windows were shattered and doors assaulted as the crowd yelled for the surrender of McNeal. Inside the courtroom, upon announcement of the True Bill, Reuben Boucock, the father of the murdered girl, lunged at McNeal trying to strangle him. A number of spectators yelled, "Kill him!" and hurled chairs at the defendant. Crown Attorney T.D. Cowper, after being struck several times, jumped up on a table, and shouted to courtroom spectators, "You good people of Thorold will surely stand by and protect the good name of your town and of Canada."<sup>91</sup> He pressed on, explaining to the crowd that McNeal had not yet been found guilty. They replied with derisive cries and hoots.

The courtroom was soon cleared, but the crowd, composed of many angry women and "foreigners," according to the press, simply joined the mob outside. The judge, mayor, attorneys, clerks, newsmen, police chief and several officers, as well as McNeal, huddled inside the town hall and tried to shield themselves from rocks and flying glass. With the town hall under siege, and the crowd outside estimated at perhaps ten thousand, Mayor Foley of Thorold requested fifty officers from the St. Catharines force. He was told however that no men were available, and regardless, Thorold was out of their jurisdiction. The Militia commander in Niagara Falls was contacted, but he too had no men he could send. Someone suggested calling Toronto, but the distance made help from

---

<sup>91</sup> "Fair Play Spirit Halts Thorold Mob in Riotous Work," *Globe* [Toronto] 17 Aug. 1920. For Assize documents see: Defendant: McNeal, David; Charged with Murder: Welland County:1920, Criminal Assize Clerk criminal indictment file, AO, RG 22-392-0-6269.

that quarter impractical. Although it was unknown at the time to the authorities within the town hall, various police officials in Hamilton, Niagara Falls and Toronto were trying to dispatch aid to Thorold. The commissioner of the Ontario Provincial Police, Joseph Rogers, called his detachment in Niagara Falls only to learn that they were already enroute. The commissioner also pointed out to the press that he had too few men for such an emergency.<sup>92</sup>

A number of men from the crowd outside attempted to storm the doors but abandoned the plan when the police threatened to shoot anyone trying to enter the building. It was also reported in the press that a number of the men had been drinking and that the crowd contained many women and girls who confined themselves to hooting. At this part in the press narrative, the account differs from what was described in correspondence between Crown Attorney Nicol and the Attorney General's Department. According to the *Globe*, both Canon Piper and the mayor tried to talk to the crowd, appealing to their British sense of fair play. The reply shouted back from the mob was, "What fair play did he give the girl?"<sup>93</sup> As he spoke to the crowd, Canon Piper agreed with everyone else there that McNeal was guilty, but said he wanted the law to take its course. However, in a letter from Crown Attorney Nicol Jeffrey to the deputy attorney general, it was claimed that Piper had in fact not tried to convince the crowd to disperse.<sup>94</sup>

---

<sup>92</sup> "May Punish Leaders of Thorold Riot," *Globe* [Toronto] 18 Aug. 1920.

<sup>93</sup> "Fair Play Spirit Halts Thorold Mob in Riotous Work."

<sup>94</sup> Letter from Nicol Jeffrey to E. Baly, Oct. 16, 1920. T.D. Cowper Crown Attorney, Welland: Rex vs. David McNeal, Murder- Correspondence and documentation concerning the murder of a young girl, Margaret Boucock, and subsequent riots at Thorold which led to the burning of the town hall. Attorney General Central Registry Criminal and Civil Files, AO, RG 4 -32 - 2102.

It is impossible to say which version of Piper's involvement is more accurate. In a dynamic event such as this the roles of various participants could be assessed differently by witnesses.

For several hours, the town hall had been surrounded by wagons and cars, and with no hope of police or military reinforcements arriving, a police officer fired his revolver over the heads of the crowd in an attempt to make them disperse. This may only have emboldened a group of men outside, who tossed gasoline-soaked hay bales through the windows, followed by a number of burning flares. As the building caught fire and filled with smoke, McNeal and the others rushed outside yelling, "We surrender." The mob immediately seized McNeal, whose face was covered in blood from the missiles thrown at him. A rope was pulled down from the Town Hall flag pole, a proper noose was fashioned, and McNeal was about to be strung up. Just as the noose was placed about his neck, someone from the crowd shouted out that they should let him say a few final words. "Men, if you are men give me a chance to make a statement," cried McNeal. "It may be my last words on earth."<sup>95</sup>

McNeal spoke to the hushed crowd for half an hour, claiming that he was innocent and that only a degenerate could have done such a thing as murder the Boucock girl. When asked why he had not made a statement in his own defence in court he told them that his lawyer had counselled him not to speak. McNeal spoke of his earlier life in the United States, of being mixed up with men of questionable character and "doing time" for

---

<sup>95</sup> "Fair Play Spirit Halts Thorold Mob in Riotous Work."

them.<sup>96</sup> He moved on to Chicago to lead the “straight life” and was eventually persuaded by a Canadian recruiting officer there to enlist and join the war overseas. While in the service, he was arrested and served two years for striking a superior officer. Upon returning home, he went to Philadelphia where he fell in with some old friends who wanted him to participate in a robbery. He refused but was forced by his accomplices to participate. For these reasons, stated McNeal, he fled soon after Margaret Boucock went missing. He knew his past record would be held against him and he would be unjustly convicted. Finally, he told the crowd how his mother would be heartbroken if he were killed. “Give me a trial and if I am sentenced and found guilty I will pay the penalty. Be a Britisher.”<sup>97</sup>

As McNeal pleaded for his life, a growing number of people in the crowd began to talk of turning him over to the police. Eventually most of them were won over by his arguments. A vote was taken among the crowd about whether to lynch him or release him to the authorities. With the “anti-lynch” side prevailing and at the opportune moment, the police moved in, shoved the prisoner into a car, and raced off to the jail in Welland.

The riotous affair in Thorold shifted the media spotlight away from the horrible murder of Margaret Boucock and the disappearance of Catherine Beecham. The day after the riot, the Toronto *Globe* published an editorial condemning the violence and attempted lynching, declaring, “No Mob Law for Canada.”<sup>98</sup> The paper applauded the virtue of the

---

<sup>96</sup> “Mob Gains Control Prisoner Smoked Out British Fair-Play Wins,” *Semi-Weekly Post* [Thorold] 17 Aug. 1920.

<sup>97</sup> “Mob Gains Control Prisoner Smoked Out British Fair-Play Wins.”

<sup>98</sup> “No Mob Law For Canada,” *Globe* [Toronto] 18 Aug. 1920.



town and court authorities in speaking reason to the crowd, even at considerable risk to themselves. They decried the fact that the “few hundred” members of the community who had not participated in the riot would have to bear the tax cost, estimated at several thousands of dollars, for the repair of the town hall. The tax burden would at least, they hoped, help ensure that such an act would never happen again. Most important, however, was the fact that the riot and lynching had put the “good name” of Canada at stake. “Canada cannot permit mob law to usurp constitutional authority,” wrote the paper. “That would be the beginning of anarchy.”

The Thorold *Semi-Weekly Post* published an editorial claiming that many of the mob members were now regretful of their actions.<sup>99</sup> It added that the rioters were egged on by “irresponsibles,” many from outside the town. The riot, said the *Post*, was only calmed because a few local leaders had read the mood of the crowd and turned them away from further violence. “That is what saved the day, that is what preserved Canada’s reputation, that is what kept Thorold’s name free of an ineradicable stain! That half a dozen men who understood mob instinct, at the psychological moment fought fire with fire.”<sup>100</sup> Concerns about the reputations of Thorold, Ontario and Canada were not unfounded. The day after the riot, American newspapers from coast to coast picked up the story of the riot from the Toronto *Globe*.<sup>101</sup> The stories were run without commentary, but it is likely that the incongruity of a courthouse riot and attempted lynching in Canada, the

---

<sup>99</sup> “The Aftermath of a Deplorable Incident,” *Semi-Weekly Post* [Thorold] 20 Aug. 1920.

<sup>100</sup> “The Aftermath of a Deplorable Incident.”

<sup>101</sup> See, for example, “Canadians Burn Jail To Lynch Ex-Soldier,” *New York Times* 17 Aug. 1920; “Pleas For Life Wins Ear of Big Mob” *Sacramento Union*, 17 Aug. 1920; “Talk for Life Wins Mob” *Chicago Daily Tribune*, 17 Aug. 1920.

land of “peace, order and good government,” was notably ironic for Americans. However, the Buffalo *Evening News* had shown unusual interest in the search for the two missing girls and the trial of McNeal. On August 5, the day after Margaret’s body was found, the paper reported that there had been talk of lynching in Welland, the county seat where McNeal was being held prior to the hearing.<sup>102</sup> A reporter had heard that a number of people at the Firemen’s Picnic were thinking of storming the local jail. For this reason, security was beefed up around McNeal, leading authorities to claim that every precaution had been taken to prevent a riot and that no attempt would be made to hold the hearing in Thorold. Crown Attorney Cowper went even further in making assurances about McNeal’s safety. He said, “Canadians are law-abiding people. We don’t have lynchings here. Were this in the States I would order up all available forces to guard the jail.”<sup>103</sup> After the riot, the *Post* expressed a similar view: “This is not the Southern States. It is free Canada, even Ontario, even the beautiful Niagara district.”<sup>104</sup>

In the aftermath of the riot, it was clear that there were a number of shortcomings in the provision of law and order in the county, over and above those mentioned in the petition of August 10. At a meeting in Welland, Crown Attorney Cowper, Magistrate Munroe, Mayor Foley of Thorold and police officials discussed how to proceed with the investigations of the murder, the riot, and the as yet unsolved mystery of what had happened to the missing girl, Catherine Beecham. The Ontario Provincial

---

<sup>102</sup> “Fear of Violence in Welland,” *Buffalo Evening News* 5 Aug. 1920.

<sup>103</sup> “Little Boucock Girl’s Body Is Found by Canal” *Globe* [Toronto] 5 Aug. 1920.

<sup>104</sup> “The Aftermath of a Deplorable Incident.”

Police had also stepped into the fray, appointing Provincial Detective Boyd to investigate the cases. A plan of action was put in place, and Mayor Foley reported back to his community at a secret meeting of the Thorold town council. Magistrate Munro, facing criticism for the decision to move the hearing to Thorold, defended his choice by saying that he had no reason to think that there would be any trouble. Furthermore, he stated that he had not received a request from the mayor of Thorold to hold the hearing in Welland, and that to hold the hearing anywhere other than where the crime was committed would be very irregular. He mentioned nothing of the rumours of a lynching in Welland, as had been reported in the Buffalo paper. It is, however, hard to imagine that similar talk would not have been happening in Thorold as well.

On August 19, three days after the riot, a second petition circulated among the people of Thorold demanding better enforcement of the law. The mayor only remarked that some of the signatories were those who had led and participated in the riot. The spirit of popular engagement in law and order was then manifested in a remarkable campaign to help defend David McNeal.<sup>105</sup> In a curious and complete turn of events, the people of Thorold took up a collection to help pay for the defence of the accused. Not only did they champion the punishment of the ringleaders of the riot, but they threw their support behind the man they had earlier tried to hang. Said one source to the Toronto *Globe*, “I have ten dollars for McNeal’s defence fund. Any man who can make a speech such as McNeal made can have my money and sympathy, and further I don’t believe McNeal

---

<sup>105</sup> “Ontario Police To Investigate Riot,” *Globe* [Toronto] 20 Aug. 1920.

himself made it. I believe it came straight from God speaking through McNeal.”<sup>106</sup> On the basis of such sentiment, McNeal’s attorney, G.F. Peterson, dropped his earlier motion to have the venue for the trial changed. By mid-September, as a result of this investigation, twenty-one people would be arrested. Two were released on bail, thirteen locked up in Welland, and six taken to an unknown location. Among those arrested were said to be people held in high regard as law-abiding citizens within the community. The papers reported that the hearing would take place in Niagara Falls, an irregular venue but one that would hopefully be riot free. No mention was made of where the actual trial might occur, and this was of course intentional. The Thorold police department had been receiving threatening letters since the investigation began. Riots “worse than the night of the McNeal affair,” were promised if arrests were to be made.<sup>107</sup>

The charged men were by some accounts seemingly untroubled by their fate. When they were brought by the police to the Welland jail, the *Globe* reported, “No trace of dejection marked the appearance of the prisoners when they rolled into town this morning under police escort. In fact, all were in as high spirits as if bound for a picnic.”<sup>108</sup> There was also a general impression that the hearings were only political theatre, performed to temporarily satisfy public demand that something tangible be done to punish the leaders of the vigilante mob. For the people of Thorold, questions remained as to how such an event could occur. There was criticism that the hearing should not have taken

---

<sup>106</sup> “Scores Tell Secret Story About Riots,” *Globe* [Toronto] 21 Aug. 1920.

<sup>107</sup> “Prominent Thorold Men Jailed for August Riot,” *Globe* [Toronto] 16 Sept. 1920.

<sup>108</sup> “Prominent Thorold Men Jailed for August Riot.”

place at night, especially when it became clear that “trouble was brewing” earlier in the day. Coupled with the allegations that some of the rioters were drunk, the implication of the townsfolk’s claim was that a night-time hearing practically invited a riot. We might speculate that in a society that was slowly developing modern levels of civility and decorum, night-time revealed gaps in the process and created opportunities for the inversion of typical behaviour. Without the constraints of the work day and under the cover of darkness, people were freer to express and behave themselves as they wished. Charivaries and Halloween antics are prime examples of how otherwise unacceptable behaviour is channelled into acceptable traditions at acceptable times.<sup>109</sup>

Compared with McNeal’s sensational preliminary trial, his full trial on October 22 was unremarkable. The defence based its case on several key facts, the first of which was that Margaret’s body was discovered in an advanced state of decomposition and no cause of death could be determined. Secondly, while witnesses had seen McNeal with the girl walking alone on the day that she disappeared, there was no physical evidence linking him to the crime scene. Most importantly, however, a witness had come forward who was a watchman for the canal, and he testified that in the course of the search for the girl’s body he had searched the spot where she was found on August 4. As late as July 21, there had been no body there. The implication was that the body had been dumped by somebody at a time when McNeal was already in jail.

---

<sup>109</sup> Keith Walden, "Respectable Hooligans: Male Toronto College Students Celebrate Hallowe'en, 1884-1910," *Canadian Historical Review* 68 (1987): 29-30.

The Crown's case was based on circumstantial evidence, the most damning of which was a claim by a witness that McNeal had once boasted to him and several other men that he had abused girls while overseas during WWI. On another occasion, he had also "spoken vilely" about a certain woman. The murderer, said the Crown, was clearly a pervert, and McNeal, based on this testimony was one as well. But in his charge to the jury, Justice Kelly told them that just because a man may be a pervert it did not necessarily follow that he should be put to death. After three hours of deliberation, the jury found McNeal not guilty. Upon his acquittal, he was immediately arrested and prepared for extradition to Philadelphia.<sup>110</sup> There he was tried and convicted for a robbery and sentenced to four to five years' imprisonment.<sup>111</sup>

The preliminary hearing for the eighteen rioters against whom charges had been laid took place on November 10 in Welland, with Magistrate Fraser presiding. The most alarming feature of the proceeding was the allegation from the Crown, Nicol Jeffrey of Guelph, that witness tampering had taken place. Jeffrey had expressed his concerns to the Attorney General's Department in August, stating that the witnesses, who were all boys aged twelve to fourteen, were, "...frightened almost to death of what was going to happen to them if they gave evidence unfavourable to the accused."<sup>112</sup> Yet even after the crown

---

<sup>110</sup> "McNeal Trial," *Semi-Weekly Post* [Thorold] 26 Oct. 1920. Upon his arrival in Philadelphia it was revealed that McNeal's real name was Walter D. Walls. He allegedly lead a gang of six men who specialized in robbing fur stores and men's furnishing stores.

<sup>111</sup> Pennsylvania Historical and Museum Commission; Harrisburg, Pennsylvania; Prisoner Fingerprint Identification Cards; Series: 15.139.

<sup>112</sup> Letter from Nicol Jeffrey to E. Baly, Aug. 17, 1920. T.D. Cowper Crown Attorney, Welland: Rex vs. David McNeal, Murder- Correspondence and documentation concerning the murder of a young girl, Margaret Boucock, and subsequent riots at Thorold which led to the burning of the town hall. Attorney General Central Registry Criminal and Civil Files, AO, RG 4 -32 - 2102.

attorney made promises to protect them from any threats, none of the witnesses could recall the events of the riot with any reliability.<sup>113</sup> Consequently, on the second day of the hearing, charges against fourteen of the defendants were dropped, and the remaining four defendants pleaded guilty to the charge of being members of an unlawful assembly. A plea bargain was struck, protecting the defendants from a full trial and quite possibly more serious charges. They were each fined one hundred dollars and sentenced to three months in jail. Magistrate Fraser firmly believed that many of the witnesses had perjured themselves at the trial, but no charges were laid against them. On the whole, both he and Crown Attorney Jeffrey felt that the admission of guilt by four of the defendants was sufficient to vindicate the system of justice.<sup>114</sup> Furthermore, in his final comments, Magistrate Fraser made reference to the fact that David McNeal had been “put on trial for his life.” It was a keen observation that in some ways challenged the dominant notion that the mob had held back in delivering their own brand of justice in favour of the state’s justice.

In a sad post-script to this entire affair, Catherine Beecham, the “other” little girl who had gone missing that summer, was never found. When asked about her, Crown Attorney Cowper said that her disappearance had never been formally reported to him. He had made inquiries but claimed that “the child’s parents were Indians and little could be learned from them.”<sup>115</sup> However, shortly after her disappearance on the May 24 weekend,

---

<sup>113</sup> “Memories Fail Witnesses at Riots Hearing,” *Globe* [Toronto] 11 Nov. 1920.

<sup>114</sup> “Four Rioters Plead Guilty,” *Globe* [Toronto] 12 Nov. 1920.

<sup>115</sup> “Little Boucock Girl’s Body Is Found by Canal.”

Catherine's mother had gone looking for her along the canal.<sup>116</sup> There she had encountered a farmer named Barney Cowel, and together they observed a man and a woman loading rocks into a three-foot-long box by the water. As Beecham and the farmer approached the couple, they were charged at in a threatening manner and retreated further away. The man and woman returned to the box, closed the lid and threw it into the canal. Mrs. Beecham and Barney Cowel reported the incident to the police, who saw evidence at the site that the rocks had been disturbed. They dragged the river but did not find the box. One might well ask how an investigation such as this was never formally reported to the crown attorney. Cowel was, perhaps not incidentally, one of the eighteen defendants charged in the riot.

In the summer of 1920, the town of Thorold was in a state of crisis over the disappearance of Margaret Boucock and Catherine Beecham. Notably, the crisis did not appear until Boucock, a *white* girl, went missing. The community became involved in the case in a number of ways, initially with the search for the missing girls. At the same time, it was alleged by the Crown that some individuals in the town were urging a little girl, who had been sexually assaulted by another man, to claim that McNeal was the perpetrator. Following McNeal's arrest, the Boucock family received moral and financial support from local veterans. The attempted lynching of McNeal was the most significant form of involvement, following which some members of the community took up a collection and rallied to his defence. Finally, although it could never be proven, it is likely that the witnesses for the Crown in the proceedings against the rioters were coerced to

---

<sup>116</sup> "Another Mystery."



remain silent. All these factors point to a high level of community interest and participation. This may explain, in part, the sense of entitlement that underpinned the “trial by mob” of McNeal. The public reaction to the near lynching and the turn away from vigilantism also says a great deal about public sentiment that summer. The fate of the girls and any questions of culpability were subsumed in a triumphant celebration of British justice and the Canadian adherence to the rule of law. This remarkable turn of events was largely about people seizing an opportunity to change a dark and disturbing state of affairs – both the murder and the riot –into something positive and reassuring.

However, the mob was resistant to the repeated exhortations of the community leaders who tried to calm them, even though they ultimately chose to hand the defendant over to the police. It is significant that this only occurred after McNeal had pleaded his case to them and they had taken a vote on what to do next. Could it really be said, then, that state justice and appeals to national values had prevailed? It was this ambiguity that prompted community leaders to take up a collection for McNeal and call for the prosecution of the rioters. These were necessary steps so that official justice could have the last word, and the reputation of the community restored.

The statements made in the press that a spirit of fair play had stayed the hands of a mob are difficult to assess. On the one hand, McNeal was subjected to an extrajudicial vigilante trial and perhaps released only because of his own persuasiveness and the fact that he was an Anglo-American war veteran who had fought with Canada for the empire. The appeals made by various authority figures to let the courts handle the case did not prevent the firing of the building or the placement of a noose around McNeal’s neck - a

clear symbol that this was no mere courtroom riot. Vigilantist talk in the region over the preceding weeks also suggests that people had time to deliberate and think about what they might do if given an opportunity to face McNeil. On the other hand, notions of the “British tradition of fair play” and concerns about the impact of vigilante justice on the reputation of Thorold and Canada may have tempered the mood of the mob somewhat, but it is impossible to evaluate the impact this had with any certainty. There appears to have been no indication that the mood of the crowd was cooling down until McNeal finished speaking.

The Thorold riot also raises questions about the difficulties of preserving the peace in an area that normally had no need for a large police presence, or even a mechanism for quickly marshalling all available police resources in the Niagara region. If indeed the mob had numbered in the thousands, it is hard to imagine what size of military or police response could have defended the town hall and its occupants. As suggested by contemporaries, the real problem was not how to deal with the mob at the point where it became a threat, but rather how to conduct an investigation and judicial proceedings in a manner that would undermine the potential for vigilantism.

### **Vigilantes of Pickering**

The range of vigilantist behaviour in Ontario ran from the violence and virulence of the Lucan vigilantes to prosaic “self help” societies of farmers protecting themselves from petty thievery. In 1928 the Toronto *Globe* reported that a vigilance committee operated in the rural area surrounding the town of Pickering, outside of Toronto, was

ceasing its operations.<sup>117</sup> The committee's purpose was to deal primarily with chicken and other petty theft, and it had been in existence since at least 1885, when it was reported that a chicken thief was shot by a constable in the company of the vigilantes.<sup>118</sup> Notwithstanding this type of pursuit and arrest, it was an organization not dissimilar to the private prosecution societies in England as described by Little and Sheffield.<sup>119</sup> As the organisation claimed, "The object of the association is to lessen stealing and prosecute the felons. Members having property stolen communicate immediately with any member of the Executive Committee."<sup>120</sup> This solicitation of victims appeared in a regular advertisement in the local paper. It indicated, perhaps, a recognition that farmers were reluctant to report petty crimes like chicken theft given the likelihood that, a) the authorities will do little or nothing about it, and b) the bother of laying charges and providing testimony was simply not worth the cost.

Obviously the members of the group perceived themselves to be supportive of law enforcement; otherwise they would not have publicised their existence. The group's Secretary, James Richardson, explained that they worked in cooperation with the police and that they had been successful in identifying wrong-doers. This would be an example of the complementary nature of state and private systems of justice as argued by Supancic and Willis.<sup>121</sup>

---

<sup>117</sup> "Vigilantes of Pickering Doomed by Autos, Motorcycles, Phones," *Globe* [Toronto] 12 Oct. 1928.

<sup>118</sup> "Irate Agriculturalists," *Globe* [Toronto] 26 Jan. 1885.

<sup>119</sup> Little and Sheffield.

<sup>120</sup> "Vigilantes of Pickering Doomed by Autos, Motorcycles, Phones."

<sup>121</sup> Supancic and Willis.

Richardson went on to detail how the combination of telephones, police vehicles and radios had improved the effectiveness of policing to a degree that the committee was no longer needed. A similar argument had been made in 1921 by a vigilance society in King City, although at that time the group voted to continue its operations.<sup>122</sup> As Weaver noted in his study of policing in Hamilton, the themes of technological development and professionalization were very prominent features of late nineteenth and twentieth-century policing.<sup>123</sup> It would be understandable, then, that they played a role in undermining the perceived need for vigilantism. Moreover, in a rural context, innovations in transportation and communications would have been even more significant. And although the provincial police had, in the words of the Pickering Vigilance Committee Secretary, “taken away” the work of the committee, there was no indication of regret or criticism. A vigilance organization whose objectives were being met by another no longer had any practical purpose. It was simply an example, stated the *Globe*, of the “old order yielding to the new.”

## Conclusion

With the exception perhaps of the vigilante riot in Thorold, the diverse cases presented here affirm the notion that vigilantism is establishment violence. In the context of rural communities this means that influential people in the existing social order can use

---

<sup>122</sup> “York’s Wild Young Days of Bold Cattle-Lifters and Cool Horse-Thieves,” *Globe* [Toronto] 3 Mar. 1921.

<sup>123</sup> John Weaver, *Crimes, Constables, and Courts: Order and Transgression in a Canadian City, 1816-1970* (Montreal: McGill-Queen’s University Press, 1995), 90-107; 145-146.

their extensive local knowledge to target their victims, recruit accomplices for vigilante action, and apply their idea of appropriate punishment. Ostensibly, vigilante action is nothing more than an extra-judicial form of crime control. And ominously, vigilantism could be a mechanism of social group control as was the case in Chatham.

However, the idea that vigilantes simply take the law into their own hands masks the degree to which their actions may complement or otherwise work with the formal justice system. The Chatham police chief who, while forming his posse in pursuit of George Freeman, stated, "We'll get the murderers dead or alive, if we have to burn their shack and every miserable wretch in it,"<sup>124</sup> was, from his point of view, affirming the power of his office. Simultaneously, he was tapping into vigilantist sentiment. It is not surprising that such duality could exist, for participation in vigilantism draws on the same voluntary impulses upon which the state's amateur justice system relied. The participation of constables in the Wheatley whitecapping and the Lucan murders similarly blurs the lines between legal and extra-legal violence. And in some communities the "interested" status of local officials called into question quality of official local justice. The constables who fought the Donnellys, and even each other for personal reasons, are the best examples of the problem.

As long as citizens accepted the values of liberty, frugality and lean government, and as long as crime was not a problem, the fragility of the Common Law based system as it existed in rural areas remained unexposed. However, when it was perceived that the system was not functioning properly, and that extra-judicial actions provided a better

---

<sup>124</sup> "Pistol and Axe!," *London Free Press* 25 Jan. 1893.

alternative, the system broke down. For rural communities, vigilantism could be an appealing option for a number of reasons. Firstly, it socialized responsibility for action. If it involved the participation of law enforcement officials, it most likely could further shelter the vigilantes from a full sense of culpability – assuming of course that they recognized the illegality or immorality of their actions. Vigilantism was also an expedient and less costly crime control measure as it did not involve trials and incarceration. In the case of private prosecution societies, or the Pickering and King City vigilance organizations, it could also allow for a pooling of resources and the socialization of risk in order to help fight crime. In addition, vigilantes had a wider range of punishments available to them than did the state, public humiliation that fits the crime being one example. Thomas Dulmage's well dunking, while no doubt painful and terrifying, was likely meant as a humiliation. Punishments of this sort also allow the individual to remain within the community, ideally with the "bad" behaviour corrected.

Mr. Osler's strategy for the defence of the Freemans touches on a number of key themes evident in this study. He played upon concerns about vigilantism as a vector by which negative American values could undermine British and Canadian values - a similar notion as existed in the Thorold and Lucan cases. In the case of the Freemans however, comparisons with the treatment of blacks in America made it a clearer proposition. Osler also portrayed the Freemans as simple rustics, without malice and free from the corruptive influences of modern urban society. This was a creative use of rural idealism that would have appealed to any protective impulses within the jury, or any concerns about the heavy hand of the modern state. Finally, Osler savaged the reputation of the

police, highlighting incompetency, systemic failure, and calling into question their legitimacy. By the logic of the defense, if the authority of the police was not clearly evident to the Freemans, how could they be regarded as anything other than vigilantes?

Although episodes of vigilantism in Ontario's past seemed at times to occur with the support of local authorities and elites, it was never regarded by the provincial government as anything other than a dangerous challenge to its authority. Moreover, vigilantism was an occasional ugly reminder that the province, and by extension, the crown, lacked the presence in rural areas that would have affirmed state authority in matters of crime control. Local preferences for cheap and light administration further limited the possibility of a stronger state presence. The "push and pull" between local and provincial governments over responsibility for the system - a theme to be explored in the next chapter- left a gap filled at times by vigilantist action.

Vigilantism was the ultimate public example of perceived failings of a justice system that could not meet the expectations of the people it was charged with protecting. It offered the promise of security when the state system lacked credibility. The tensions that existed between local law enforcement and provincial policing obligations, were writ large in every episode of vigilante violence. In the next chapter, the decline of the office of county constable and the rise of the provincial police help tell the story of a province only marginally interested in reforming rural justice in Ontario.

## **Chapter 4**

### **County Constables, The Provincial Police, and The Slow Reform of Local Justice**

This chapter examines the office of the county constable and the creation of the Ontario Provincial Police. It analyzes the process involved in the decline of the office and how it was supplanted by the O.P.P. in 1929. It also examines the press and governmental discourses that were critical of the old system, and the apparent marginal interest of the province in addressing it. As in the previous chapters, sensational crimes exposed weaknesses in the system. In the eyes of reformist critics, the province appeared to be neglectful and incompetent. However, given the perceived generally law-abiding character of rural Ontarians the slow and cautious approach to reform may have been warranted. Moreover, among the general public crime did not appear to be a problem worthy of attention.<sup>1</sup>

As the criminal episodes in the previous chapters suggest, the limitations of the county constabulary was a liability for rural communities, at least when there were crises. Part-time, amateur and poorly paid constables rooted in the community could

---

<sup>1</sup> Oliver states that crime concerns occupied a small place in the collective Ontario mind. Peter Oliver, *'Terror to Evil-Doers': Prisons and Punishments in Nineteenth-Century Ontario* ed. (Toronto: Osgoode Society and University of Toronto Press, 1998), xx.



not always enforce the law or investigate crimes adequately, consistently and fairly.<sup>2</sup>

By the late nineteenth-century there were indications that some rural counties were not being well served by the county constable system. Stories and commentary in the newspapers about sensational crimes and incompetent or corrupt constables raised questions about their abilities and the system that defined their work. Reports and complaints from provincial and local officials similarly suggested a system in need of reform. In fairness to both the province and the county constables however, the system was never designed to handle critical criminal events. Furthermore, in their first twenty years of development, the O.P.P. did not clearly present a superior alternative to the county system.

Regardless, when faced with claims of dysfunction, the province chose to address the problem in an ad hoc nature and always with an extreme parsimony that limited the scope of reform. Statutory and administrative tinkering with the system cost the province practically nothing, while at the same time affirming that the province had an obligation to support the local system. For their part, most counties expected a higher standard of policing and appeared almost always willing to accept provincial help when needed. Indeed, at times they demanded it. Like the provincial government, however, they were not always willing to pay for improvements in the system. This left the two levels of government at odds over who should police rural Ontario; an area that most of the time appeared to be peaceable and law-abiding.

---

<sup>2</sup> In his case study of a high profile murder case in Prince Edward County Ontario in 1884, Robert Sharpe illustrates how local constables inappropriately and prejudicially latched on to their chief suspect almost immediately in their investigation. Sharpe argues that local public opinion and almost vigilantist zeal highly prejudiced influenced the outcome of the trial as well.

The creation of the O.P.P. in 1909 raised expectations that the rural counties of, "Old Ontario" would finally receive - at no cost to them - a quality of coverage commensurate with a modern, urbanizing society. But for nearly twenty years the force struggled instead to deal with liquor control problems, lawlessness in the Windsor and Niagara areas, and the pacification of mining and lumber districts of Northern Ontario. Finally in 1929 a confluence of factors, chief of which was the province's willingness to fully pay for county policing, allowed the O.P.P. to exert almost complete control over the system. As always, pecuniary considerations shaped this process. Individual counties only opted in when it was clear they would not have to pay for it.

The conception and full development of a provincial police system that met the basic needs of rural Ontarians took roughly seventy years. It began in 1855 when a government commission made the recommendation as part of a proposed reorganization of the militia. A year earlier England passed the County and Borough Police Act (1854), compelling all counties that had not already done so to establish salaried full-time police forces.<sup>3</sup> Victoria and South Australia had also developed centralized rural forces by that year, with the other Australian colonies, except for Tasmania following in the 1860s.<sup>4</sup> But in Ontario, competing ideas about the size, costs, and degrees of centralization, compounded by the plurality of voices from the counties, made this a complicated area of government reform. Unlike the sparsely settled regions of Australia or Canada, which were policed by homogeneous state

---

<sup>3</sup> 19 & 20 Vic. c 69 (U.K. Statute).

<sup>4</sup> Finnane, Mark, *Police and government: histories of policing in Australia* (Melbourne: Mark Finnane & Oxford University Press, 1994), 9.

controlled "barracks" forces, rural Ontario represented a fragmented and diverse policing environment. Furthermore, reluctance to infringe on what had always been a county jurisdiction, when combined with mixed views about the level and causes of crime, helped keep police development on the back-burner for such a long period.

### **Perceptions of an Out-dated System**

Short-comings of the locally based system of justice in Ontario, and in particular, the office of the county constable, were evident by the mid nineteenth-century. The press put the problem in sharp relief as they commented on the creation of O.P.P.. The existence of a new, professional and centralized force renewed the sorts of criticism that the system had endured for decades.

You know the village constable such as may be found by hundreds in Ontario. He was born in the county where he makes his arrests; may have to arrest the very man he grew up alongside of on the old farm down the line. Tired of farming, he got a job looking after the fire-hall in the little town; became caretaker of the town hall and of the "opera house" over it janitor of the village church-with his daughter playing the organ; grave-digger and supervisor of the cemetery; path-master with special privileges to cut all weeds along the streets and to impound cattle roaming at large . . .<sup>5</sup>

This unflattering caricature of the county constable appeared in the popular magazine, the *Canadian Courier*. He was described as an individual very much a part of his community; someone who in theory, if not always in practice was respected and capable enough to maintain order. Perhaps only twice in his career would he have to deal with something serious like a bank robbery. At times like this it was evident that, " . . . the

---

<sup>5</sup> John Collins, "The New Ontario Police," *Canadian Courier*, 23 July 1910.

constables of one county know not beans about those in the next and none of them directly responsible to any system; and often only when it has become too late the provincial detective department was called in to co-operate."<sup>6</sup> This was a plausible assertion, although county borders were not barriers to interaction and communication. Nonetheless, it was this impression of the part-time county constable, out of his depth in the handling of serious crime, that helped frame public acceptance of a province-wide, professional police force in the early years of the twentieth-century.

By the first decade of the twentieth-century, developments in urban policing had highlighted the sharp contrasts between professional forces and the antiquated state of rural policing. As professionalism, rationalism and the rise of scientific methods infused policing with the modern spirit, the rural constable was marking time. The disparity was noted by the *Toronto Star*, which published this editorial,

It is strange, when you come to think of it, that a city should be guarded by husky young policemen, some mounted on good horses, while the long, lonely country roads are left to the protection of elderly gentlemen who would drop dead if they ran a hundred yards.<sup>7</sup>

In a rare moment of reflection on the part that rural idealism and misconception played in this ironic state of affairs, the paper added,

Possibly it is a phase of the ancient delusion to the effect that the country is the abode of innocence, while wickedness lurks in the city. The human heart is about the same article everywhere, though, of course, human nature manifests itself differently under different circumstances . . . The farmhouse which looks so cosy and serene to the visitor from the city

---

<sup>6</sup> Collins 12.

<sup>7</sup> "A Provincial Police," *Star* [Toronto] 13 Feb. 1909.

may be converted into a place of terror by a tramp, or an epileptic, or other degenerate hired as a farm hand.<sup>8</sup>

As argued in recent studies of the county constable in England, the trope of the incompetent constable misrepresented the office and did not take into account examples of county constables performing capably.<sup>9</sup> Early to mid-nineteenth-century criticisms were made in the context of a rural policing reform agenda and as such had reformist motivations.<sup>10</sup> The debate over reform was multi-polar, containing people who were satisfied with the existing state of affairs. This recent historiography of the English justice system has provided a more complete and sympathetic view of constables, one that questions the presentism of holding them unfairly to the professional standards of modern urban policing. Studies of the old system, based initially on the views of nineteenth-century reformers, presented it as an inefficient system where, "offenders tended to be caught more as a result of luck than anything else."<sup>11</sup>

Unfavourable depictions of the rural constable in the Ontario press and in government documents, similar in many regards to those in England, should likewise be viewed with skepticism. The *Toronto Globe* in particular, with its Liberal leanings, used the image of the incompetent constable to criticize Conservative governments after their rise to power in 1905. But the *Globe* was also critical of the rural constables and the lack

---

<sup>8</sup> "A Provincial Police."

<sup>9</sup> Joan R. Kent, *The English Village Constable 1580-1642: A Social and Administrative Study* (Oxford: Clarendon Press; Oxford University Press, 1986), 1-23. See also: David Philips, and Robert D. Storch, *Policing Provincial England, 1829-1856: The Politics of Reform* (London: Leicester University Press, 1999), 6-10.

<sup>10</sup> Philips and Storch 36-47.

<sup>11</sup> Clive Emsley, *Crime and Society in England, 1750-1900* (London: Longman, 1987), 171.

of a provincial force prior to then. As will be discussed below, there were also press depictions of county constables doing a good job, both by themselves, and in concert with provincial detectives. It must also be noted that the accounts of ineffective constables in previous chapters - the Lucan and Ostrander cases in particular - must be regarded in the context of communities that were in a state of crises. These, and the other cases discussed here cannot be claimed as representative of normal situations.

From the perspective of the province, negative accounts and depictions of constables might have held little weight. As claimed by the attorney general's office in the Ostrander case of 1910, the local system as it existed at the time likely was adequate for community needs in all but the most exceptional circumstances. And while data on the number of county constables in the province is not available, a report from Haldimand County in 1882 indicates that there were 178 constables in the county, although many were thought to be inactive.<sup>12</sup> Based on the census population for the county from 1881 there was one constable for every ninety-nine citizens.<sup>13</sup> In 1898 York county had three hundred constables.<sup>14</sup> Census data indicates that with a rural population of 112,974 in 1901, that would have meant one constable per 377 citizens.<sup>15</sup> In the 1850s, the counties

---

<sup>12</sup> Robert H. Davis, J.P., Sheriff, Haldimand County, (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 35.

<sup>13</sup> Haldimand had a population of 17,660 in 1881. Census of Canada, 1880-1881. Volume IV. 1885. 124.

<sup>14</sup> "York Magistrates" *Globe* [Toronto], 19 Ap. 1898.

<sup>15</sup> Fourth Census of Canada, Volume I. 1902. 4.

of Halton, and Essex Lambton had one constable per 259 and 318 people respectively.<sup>16</sup> Even if a substantial number of constables in these counties were inactive, this is a very low ratio when compared to that of post-reform rural England. Carolyn Steedman notes that in the counties of Cheshire and Leicestershire in England in 1868, the ratio of constables to inhabitants ranged between 1/ 1,005, and 1/ 1,881.<sup>17</sup> If these Ontario counties are indicative of the constabulary elsewhere in the province, it would suggest that the government might have felt the coverage was adequate under normal circumstances, and far above the standard of the mother country. Furthermore, there were no statutory limits on how many constables a county could have - the choice was left to them.

In addition to the numbers of county constables per capita, the province may have had other reasons to minimize any perceived risks of rural criminality. The Attorney General's Department produced statistics on crime based on the number of prisoners in the common jails of the counties.<sup>18</sup> Reports typically contained break-downs of prisoners by such categories as criminal charges, gender, age, nationality, religion, education, occupation, and drinking habits. Setting aside any issues about the quality of data and how it was analyzed, based on the jail population across the province, the reports show no

---

<sup>16</sup> Halton County Court of General Quarter Sessions of the Peace lists of Constables, 1859. AO, RG 22-68; Western District Court of General Quarter Sessions of the Peace lists of Constables, 1838-1857. AO, RG 22-118; Census of the Canadas. 1860-61. Personal Census. Vol. 1. 1863. 56; Census of the Canadas. 1851-52. Personal Census. Vol. 1. 1853. xvii.

<sup>17</sup> Carolyn Steedman, *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856-80* (London: Routledge & Kegan Paul, 1984), 51.

<sup>18</sup> See, for example, Ontario Sessional Papers, Report of the Inspector of Prisons and Public Charities. (Sessional Paper 1882, No. 8, xvii; and Sessional Paper 1932, No. 18, 20.)

indication that crime in rural "old Ontario" would have been regarded as a problem.<sup>19</sup>

Furthermore, in 1891 a major report on prisons was produced that contained commentary on the causes of crime in the province, noting that it was not seen as a problem in rural areas.<sup>20</sup> The report also contained comparative statistics between Ontario, Great Britain and Massachusetts which suggested that crime in Ontario was far less prevalent than elsewhere.<sup>21</sup> Hence there was no reason to believe that crime in rural Ontario, or even crime more generally in the province was a problem.

### **Ontario Exceptionalism: The English and Upper Canadian Background**

Of all the colonies in British North America, Upper Canada was established with a justice system most like that which existed in England.<sup>22</sup> As David Murray argues, this was done to demonstrate the superiority of British Institutions, and guard against pernicious American influences.<sup>23</sup> Regardless of the common law basis of the two

---

<sup>19</sup> In 1881, jails in the four largest cities in the province (Toronto, Hamilton, London, Ottawa), held half the entire population of common jail prisoners of Ontario. Jails in the rural counties housed the rest. However, these four cities made up only 1/10th of the total provincial population. By 1931, the same four cities accounted for just under half of the jail population, but their total populations comprised only a third of the province's. See: Ontario Sessional Papers, Report of the Inspector of Prisons and Public Charities. (Sessional Paper 1882, No. 8, xvii; and Sessional Paper 1932, No. 18, 20.) See also: Census of Canada, 1880-1881. Volume IV. 1885. 18; Census of Canada, 1931. Volume II. 1933, 7.

<sup>20</sup> Report of the Commissioners Appointed to Enquire into the Prison and Reformatory System of Ontario. 1891. Toronto, 1891, 34, 283, 285, 334, 630.

<sup>21</sup> The percentage of the population incarcerated in each jurisdiction were: England and Wales, 2.45; Scotland, 2.45; Ireland, 3.77; Ontario, 1. Report of the Commissioners Appointed to Enquire into the Prison and Reformatory System of Ontario. 1891. Toronto, 1891, 34.

<sup>22</sup> Desmond Haldane Brown, and Osgoode Society, *The Genesis of the Canadian Criminal Code of 1892* (Toronto: Osgoode Society and University of Toronto Press, 1989), 51-63.

<sup>23</sup> David Murray, and Osgoode Society, *Colonial Justice: Justice, Morality and Crime in the Niagara District, 1791-1849* (Toronto: Osgoode Society and University of Toronto Press, 2002), 3-4.



systems, these societies were different in regard to geography, maturity, class structure, and population. England also faced military threats, rural unrest and crime on a far greater scale than did Ontario the nineteenth-century.<sup>24</sup> Local militias and regular troops were part of the English response, but the optimal solution to rural problems lay in the reformation of the rural constabulary. In the heated rhetoric of the reform discourse, one contemporary wrote, "there is not . . . a more dangerous evil existing to the Peace and Welfare of the Kingdom than the want of a Proper and Efficient Constabulary Force in the Rural Districts."<sup>25</sup> Such a statement may have been hyperbolic, and it would have been entirely out of place in Upper Canada, but it was not out of line with the pro-reform thinking in England. Many of the English gentry could inform their comments with personal, direct experience of rural crime.

A further distinct feature of the reform discourse in England was that it involved both the participation of ordinary rural citizens and the nationally influential rural gentry.<sup>26</sup> Within these groups were a plurality of opinions engaging with the centralizing views of the national government. Philips and Storch emphasize that the reform discourse was complex and multipolar. In addition to security concerns the reform discourse was about ". . . social and power relationships both within rural society and between its rulers

---

<sup>24</sup> E. J. Hobsbawm, and George F. E. Rudé. *Captain Swing* (London: Lawrence and Wishart, 1969).

<sup>25</sup> Philips and Storch 40. Cited from Public Records Office 30/22/2A, Russell Papers, G. Crewe to Lord John Russell, 28 March 1836.

<sup>26</sup> Philips and Storch 36-41.

and the central state."<sup>27</sup> Ontario did not have a gentry, with its concerns about rural class relations and its influence over government reform. However, in the first half of the nineteenth-century it did have politically influential rural citizens with gentry aspirations. Yet neither these individuals, nor other members of their communities regarded crime problems as threatening the survival of the province, their rural way of life, or their political relationship with the state.

There are important similarities between conditions in England and Ontario worth noting as well. Rural ratepayers in both countries were concerned about the costs of the rural constabulary and who should pay for it. They were also worried that salaried officers would be more inclined to idleness, and they discussed what auxiliary municipal functions constables might perform when not dealing with crime. However, the greatest point of similarity was in the ubiquitous criticism of the county constable himself. He was a symbol of everything wrong and pre-modern about rural justice. Deprecating statements about the Ontario county constable echoed those that had existed in England for well over a hundred years.<sup>28</sup>

Rural policing in England went through a period of substantial reform beginning in the 1820s.<sup>29</sup> As early as 1835 the establishment of salaried police force in the boroughs

---

<sup>27</sup> Philips and Storch 7.

<sup>28</sup> Philips and Storch, 11-14. Criticisms of the quality and character of rural constables were virtually identical in England and Ontario.

<sup>29</sup> Philips and Storch. See also, Clive Emsley, *The English Police: A Political and Social History* (New York: Harvester Wheatsheaf; St. Martin's, 1991), 32.

was made compulsory, and in 1856 counties were compelled to do so as well.<sup>30</sup> These forces fell under a regime of inspection run by the Home Office. Any jurisdiction that failed a police inspection could be denied Home Office funding for local police services; 1/4 of which they paid for. Acceptance of this new system in rural and suburban England was fairly widespread, owing in part to perceived success and popularity of the metropolitan police force. Nevertheless there were local concerns about control over these forces and the degree to which they were expected to look after other, non-policing municipal duties.<sup>31</sup> There were also fears, expressed on behalf of local ratepayers, of salaried officers who might be engaged in, "unnecessary lounging", and, "forever watching and suspecting", to no real effect.<sup>32</sup> Unlike in Ontario however, rural constables in nineteenth-century England were never uniformly paid on a fee based system.

In Ontario, the comparatively faint discourse on rural policing and calls for reform began thirty years later than in England, and it occurred within a wider debate about general problems with the justice system. As Paul Romney notes in his study of the attorney general's office in the late eighteenth and nineteenth-century, the administration of justice at mid century was as inefficient as it had been fifty years before.<sup>33</sup> John Weaver further argues that the conservatism of the governing elites in Upper Canada

---

<sup>30</sup> Steedman 6.

<sup>31</sup> Emsley, *The English Police*, 42.

<sup>32</sup> Steedman 8.

<sup>33</sup> Romney 217.

influenced a slow reformation of criminal justice which lagged behind that of England.<sup>34</sup> He also points out that when judicial innovations occurred, they were propelled by the province's, " . . . attraction to expedient measures that promised economy, efficiency, and convenience. . . "<sup>35</sup> At the local level, colonial JPs were responsible for both the administration of justice as well as all manners of local taxation and administration. This created conflicts when the costs of administering justice ran up against those of running the district. As David Murray states, JP's actions as " . . . penning-pinching local bureaucrats impinged on their functions as the King's local law enforcers."<sup>36</sup>

The prisons and jails of the province similarly suffered from parsimony at both the county and provincial levels of government. According to Peter Oliver, despite widespread recognition over many years of the need for improvement, at the end of the nineteenth-century they remained unreformed institutions.<sup>37</sup> Oliver recounts how frequently Ontario communities resisted the financial burdens of properly maintaining their jails.<sup>38</sup>

As in England, in Upper Canada county constables worked with JPs who together were the two officials most responsible for local law enforcement.<sup>39</sup> The office of constable was created in 1793 as part of, "An Act to provide for the nomination and

---

<sup>34</sup> Weaver 5.

<sup>35</sup> Weaver 5.

<sup>36</sup> Murray 27.

<sup>39</sup> Lewthwaite, Susan. *Law and Authority in Upper Canada: The Justices of the Peace in the Newcastle District, 1803–1840* (2001): ProQuest Dissertations, 4.

appointment of parish and town officers within this province".<sup>40</sup> The Act provided for the election or nomination of officials such as town clerks, assessors, wardens, pound keepers and constables. Constables took an oath to serve for one year and thereafter were exempt from service for three years. By 1857 the law would be amended so that constables would remain in office indefinitely unless removed.<sup>41</sup> This stemmed no doubt from the difficulties faced in finding people who were fit for office. The Act outlined penalties for refusing service. Uncooperative nominees could be fined forty shillings for their refusal to serve. Hence, it could be regarded as a form of compulsory service.

At the quarter sessions in April, the JPs were to nominate a, "sufficiently discreet", person to serve the office of high constable, and an adequate number of ordinary constables. The Act made no mention of high constables having authority over other constables. Payment for services rendered, such as serving notices and warrants, were to be made at the discretion of the magistrates as they thought proper.<sup>42</sup> Constables learned the job on their own, or with guidance from other constables and JPs. They could also find instruction from one of the many manuals and handbooks available in Common Law jurisdictions for JPs and constables.<sup>43</sup> Since many duties and powers for these officials were established by precedent, volumes were useful across jurisdictions.

---

<sup>40</sup> The Statutes of the Province of Upper Canada. 1831. ch. 2.

<sup>41</sup> The Consolidated Statutes for Upper Canada. 1859, ch. 17, s. 10. Original statute, 10 vic. ch. 58, s.16.

<sup>42</sup> The Consolidated Statutes for Upper Canada. 124.

<sup>43</sup> See for example, J.T. Jones, *County Constable's Manual, or, Handy Book, Compiled from the Criminal Code, 1892-3 with Schedules of Fees, Crimes and Punishments, the Courts and Jurisdiction* (Toronto: Carswell, 1893).

The office of constable remained unchanged as of 1835, when a book concerning the office was published for the use of constables and other township officials.<sup>44</sup> One notable feature of the treatise is that it outlines situations where a constable may arrest someone without warrant. Constables could arrest ". . . all traitors, felons, and suspicious persons, and all those whom he shall see upon the point of committing treason or felony, or doing any act which would manifestly endanger life."<sup>45</sup> However, arrests made under such circumstances did not guarantee payment, especially if the prisoner could not be delivered to jail. While there was no statutory provision for the payment of constables, in practice they normally received payment after presenting their accounts to the JPs in session.<sup>46</sup> Beginning in 1845 the fees payable to constables for their various duties were determined by a rule of Queen's Bench.<sup>47</sup> The new rule and the minimization of local judicial discretion introduced uniformity but did not address the need as articulated by critics for proper compensation and incentives.

After 1848, the government assumed responsibility for all administration of justice expenses.<sup>48</sup> County treasurers paid expenses and were reimbursed by the government after audit. However, the counties and the province sometimes disagreed

---

<sup>44</sup> W.C. Keele, *A Brief View of the Township Laws up to The Present Time; With a Treatise on The Law and Office of Constable, The Law Relative to Landlord and Tennant, Inn-Keeper and c.* (Toronto: 1835).

<sup>45</sup> Keele 17.

<sup>46</sup> Keele 22.

<sup>47</sup> "Sherriffs' Fees" *Globe* [Toronto] 24 Nov. 1868.

<sup>48</sup> See, The Consolidated Statutes for Upper Canada. ch. 120, s. 1. See also, 9 Vic, ch. 58, s. 2.

about what constituted, "all expenses" and as stated in the legislature, "There is hardly a county where there is no grumbling".<sup>49</sup>

### **The Notion of a Provincial Force**

In the 1850s the idea of a provincial police force laid out a modern alternative for rural policing. Romney notes that the earliest suggestion for the creation of a provincial force was in 1855, the concept of which was borne of a desire for more certain and uniform law enforcement.<sup>50</sup> A government commission that year on reorganizing the militia of Canada also contained recommendations for an improved system of policing.<sup>51</sup> It noted a lack of discipline, rules, orders and regulations, and proper gradations of ranks.<sup>52</sup> Commissioners recommended the creation of para-military police forces lodged in barracks and isolated from the population. The men were to be, " . . . prevented as much as possible, from acquiring local feelings or sympathies."<sup>53</sup> George Gurnett, police magistrate for Toronto, argued against the report's recommendation of a centralized, para-military.<sup>54</sup> While a barracks force was ideal for military purposes, in Gurnett's experience, the opposite was true in policing. Good policemen had extensive personal and

---

<sup>49</sup> Journal of the Ontario Legislature, 1877. 90.

<sup>50</sup> Romney 231. Romney notes the year but not the features of the plan for a provincial force.

<sup>51</sup> "Report of the Commissioners Appointed to Investigate and Report Upon the Best Means of Re-Organizing the Militia of Canada, and Upon an Improved System of Police." (Quebec: 1855).

<sup>52</sup> Report of the Commissioners 15.

<sup>53</sup> Report of the Commissioners 15.

<sup>54</sup> "Provincial Police Force" *Globe* [Toronto] 14 Ap. 1855.

geographical knowledge of the areas they served. He cited Peel's police reforms of 1829 which stipulated that constables be placed into locations where they had the most knowledge. These two competing visions of a provincial force would inform debate into the twentieth-century.

In 1856 a bill was introduced by the Attorney General of Upper Canada, John A. Macdonald, that would have established a para-military police system for the colony. Macdonald argued that the protection of order ought not be entrusted to the prejudiced sympathies of those living among the citizens. The bill was seen by the opposition as an attack on local government. Six of the nine municipalities slated to host a police barracks lobbied against the bill, which the government ultimately withdrew. This defeat of a para-military police system, argues Weaver, shored up the locally based, traditional system.<sup>55</sup>

In 1877 the province took its first, tentative step towards the establishment of a provincial force of detectives, and ultimately, the O.P.P. in 1909.<sup>56</sup> The Constable's Act of that year empowered the government to appoint any number of provincial constables with authority throughout the province. It also established a process for the county court judges to suspend or dismiss constables. However, while the Act empowered both the province and the counties to respond more quickly and vigorously to a crisis it was a modest measure that cost them nothing.

---

<sup>55</sup> Weaver 86.

<sup>56</sup> "An Act respecting Constables", Revised Statutes of Ontario, 1877, ch. 20.



### **Delving into the Counties: The 1882 Circular Letter and Other Revelations**

In January of 1882, Deputy Attorney General J.G. Scott sent a circular letter to justice officials in the counties and districts, asking for their thoughts on the state of criminality in their areas and any reform ideas they might have. Replies came from judges, crown attorneys, sheriffs, police magistrates, wardens, high constables, and county treasurers, some of whom were retired.<sup>57</sup> The circular letter asked officials what they thought of the efficiency of the present system for detecting crime and bringing offenders to heel. It also asked about the constabulary force in their counties, and if the system ought to be supplemented with detectives or constables paid by salary rather than fees. The final question concerned whether criminals escaped detection or conviction based on the current system, and to what extent the "evil" existed in their localities.

The respondents seized on the opportunity to make criticisms and propose schemes that would increase the scope of the province's part in what was primarily, a system of local justice. Some of the respondents were county Wardens and treasurers, people who were not a part of the justice system and presumably free to voice any concerns about provincial control. Almost no concerns were expressed about government over-reach or the dangers of centralizing police powers. These had been features of the discourse about rural policing in England.<sup>58</sup> When concerns were expressed about the system it was clear that more, not less government involvement was wanted.

---

<sup>57</sup> (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91).

<sup>58</sup> Philips and Storch 141.

There is no evidence as to why the government circulated the letter, but it may have been due to a number of high-profile trials and events highlighting weakness in the system at points of crisis. For example, in February of 1881, the second trial of the Donnelly vigilantes resulted in acquittals, and a new set of unrelated charges for arson were brought against surviving family members later that fall.<sup>59</sup> In the two years since the murder of the Donnellys there were countless revelations about criminality and judicial failure in Middlesex County, as well as two highly publicized trials where the crown lost.<sup>60</sup> There was also a sensational murder of a man named John B. Sage in Caledonia in December of 1880. A suspect was charged and tried, but even after months of investigation an accomplice could not be found. It was also revealed at trial that the defendant was being assisted by a local constable who was also a friend and reeve of the township.<sup>61</sup> The Sage case was referred to by critics as exemplary of systemic problems.<sup>62</sup>

The multiple questions asked by the government elicited a wide variety of responses, some of which were quite detailed and most of which were critical. The responses provide an unparalleled and broad view of rural crime in late nineteenth-

---

<sup>59</sup> "The Great Trial" *Globe* [Toronto] 4 Feb 1881; "Biddulph Again" *London Advertiser*, 10 Oct. 1881.

<sup>60</sup> A respondent to the circular letter, A.B. Baxter, CC, from Chatham cited the Donnelly murders and pointed out that the failure of judges to follow up on complaints would lead, in future, to other vigilante cases in the province. 44. The Donnelly murders were also cited by A.D. Stewart, Chief Constable in Hamilton as an example of county constable inefficiency. 107.

<sup>61</sup> "Sage Murder Case" *Globe* [Toronto] 18 Jan. 1882.

<sup>62</sup> Thomas W. Charlton, Ex-Warden of the County of Brant. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 18. S.J. Jones, County Judge, Brantford. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 16.

century Ontario. Of the forty-one responding counties and districts, only eight found the present constabulary system to be "sufficient".<sup>63</sup> In six other counties, all responding officials agreed that the system was insufficient. Officials of the remaining twenty-seven counties offered mixed responses that were primarily critical. Replies from positive respondents were short and pointed out that their localities were relatively crime-free. From the other counties came wide-ranging replies, some of which went beyond the bounds of the questions and are worth examining in detail. It should be noted however that most of the respondents would have derived benefits from any increasing payments to officials. They would also have benefited from reforms bringing more efficiency to the system thereby lightening their workload. These possibilities may have colored their negative assessments of the constabulary. Hence, examples of constables working capably - the proverbial "dogs that didn't bark" - rated barely a sentence.

The work of the county constable was, as one respondent said, " . . . difficult, dangerous, and always disagreeable."<sup>64</sup> It was a job that paid little, and in some cases, nothing at all. Moreover, the county constable was often singled out in the report as particularly unfit. The first defect in the constabulary, according to many respondents, was that unqualified, incompetent and incapable individuals were chosen. This was exacerbated by the shortage of individuals willing to take on the responsibility.

Incompetence might have been mitigated with training, which allowed, "worthless"

---

<sup>63</sup> The positive respondents were: Algoma, Nipissing, Dufferin, Ontario County, Prince Edward, Haliburton, Stormont Dundas and Glengarry (united counties), and Waterloo.

<sup>64</sup> Agnew P. Farrell, County Treasurer, Haldimand. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 36.

constables to fail.<sup>65</sup> One respondent, the police magistrate for Owen Sound, said constables, " . . . men appointed through the favour of some magistrate or reeve-not on account of efficiency, " were sometimes " . . . ignorant, conceited, (and) not amenable to discipline . . ."<sup>66</sup> He further added that at times they were in league with criminals. It was a criticism shared by other responding constables as well.<sup>67</sup> Newspaper editorials and letters to editors echoed these views.<sup>68</sup>

The chief constable for Wentworth County claimed that, "large numbers of them are so ignorant as to be quite unable to perform the simplest duty."<sup>69</sup> Aside from questions of intelligence, general competence, or moral fibre, rural constables were thought to be, " . . . generally persons of no special aptitude for detective work. They can serve a summons, or execute a warrant, but are unable, even when willing to ferret out crime." <sup>70</sup> There was also an issue of leadership, especially in counties where constables had competing interests or were aligned with different factions. Charles Hutchinson of Middlesex, who had unsuccessfully prosecuted the Donnelly vigilantes, pointed out a

---

<sup>65</sup> F.W. Randall, Guelph. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 104.

<sup>66</sup> George Spencer, Police Magistrate, Owen Sound. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 31-32.

<sup>67</sup> See, for example: John Cumming, County Constable, St. Catherines. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 55. See also: Charles Hutchinson, County Crown Attorney, Middlesex, 58-59.

<sup>68</sup> "County Constabulary" *Globe* [Toronto] 23 Aug. 1883.

<sup>69</sup> A.D. Stewart, Chief Constable. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 109.

<sup>70</sup> A. Bell, Judge, County of Kent. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 42.

number of short-comings of the justice system.<sup>71</sup> He added that while Middlesex had a "nominal" chief constable paid in part by the county, contrary to the council's wishes, this man either would not, or could not exercise authority over his constables.

One of the chief difficulties in recruiting men of sufficient quality, according to respondents, was that remuneration was based on fees for specific duties. Poor compensation was frequently mentioned as a deficiency in the county constabulary system.<sup>72</sup> While a different, or more generous scheme of remuneration might have improved the work of constables, it must be mentioned that the justice system at the time was not designed for constables to be full-time officers.

A notable critic of the system was High Constable Joseph Rogers Sr. of Simcoe County. He regarded the system as a, "perfect farce"<sup>73</sup>. Rogers claimed that many constables without talent for policing were selected. Furthermore, he believed these men were essentially forced into the role.<sup>74</sup> For most years of his service, Rogers and the other constables of the county received no salary. In 1876 he succeeded in getting the county council to pay him \$250 a year - something they were not statutorily required to do.<sup>75</sup> He

---

<sup>71</sup> Charles Hutchinson, County Crown Attorney, Middlesex. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 58-59.

<sup>72</sup> Robert Sharpe confirms the importance of the lack of a proper remunerative scheme for constables and justices of the peace. Sharpe 24.

<sup>73</sup> Joseph Rogers, High Constable, Simcoe County. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 87-89.

<sup>74</sup> Philips and Storch describe incidents where in England appointments could be made for punishment or motivated by pique or in joke. Philips and Storch 16.

<sup>75</sup> A local newspaper in Simcoe County wrote frequently and favourably about Constable Roger's work. They supported his salary petition. "Affairs at the Police Court - A Letter From Chief Constable Rogers" *Northern Advance* [Barrie], 19 Oct 1876.

bitterly claimed however that the sum was not even sufficient to cover the cost of keeping his horse. It appears that for most of his career in the county, he earned other income as a collections agent, auctioneer, appraiser and commission agent for property sales.<sup>76</sup> He was also at various times a license inspector for the county, and an agent of the Liverpool, London and Globe Insurance Company<sup>77</sup> Rogers' constabulary role involved seizing assets from debtors, a duty that presented him with opportunities to purchase discounted property from distressed owners. Apparently this gave him a bad reputation in the community, where some felt he used his office for predatory, pecuniary purposes.<sup>78</sup> It was a conflict of interest soon remedied by statute, which stated, "No Sheriff, Deputy Sheriff, Bailiff or Constable, shall directly or indirectly purchase any goods or chattels, lands or tenements by him exposed to sale under execution".<sup>79</sup>

As described by Rogers, in the summer of 1881 he pursued a gang of horse thieves active in northern Simcoe. Farmers there were sitting up at night guarding stables, and the township constables were afraid and unwilling to act. Rogers and his son, Joseph Jr., rallying constables and farmers, drove the gang from the township. However, because they were unable to make any arrests, they could not collect the \$1.50 per arrest that would have been payable to them by the county. Furthermore, without the arrests all expenses, such as mileage and accommodation, were disallowed. Hence, constables could

---

<sup>76</sup> See for example advertisement in the *Northern Advance* [Barrie], 8 Apr. 1875. Rogers regularly advertised his services in the paper.

<sup>77</sup> *Northern Advance* [Barrie], 20 Sept. 1877.

<sup>78</sup> "Affairs at the Police Court - A Letter From Chief Constable Rogers."

<sup>79</sup> Revised Statutes of Ontario, 1877, c. 16, s. 27.

be out of pocket if they did their duties without considering payment or reimbursement. And given that most county constables were farmers or earning wages, the cost of neglecting other responsibilities when away from home was typically greater than what they earned as constables. It was also likely proportionally greater than the burden of office carried by JPs.

It was claimed by some respondents that pecuniary considerations came into play even in the most serious circumstances. Captain Moffat, the police chief of Walkerton, wrote that the constables in his county did not pursue a man who locked two of his children in his house and set fire to it.<sup>80</sup> Fortunately the children survived but the father left the area and no effort was made to arrest him. It was thought that the small likelihood of making a timely and successful arrest was too remote.<sup>81</sup>

Two cases of murderers going free due to constabulary discretion were cited by the Sheriff of Ottawa, John Sweetland.<sup>82</sup> In a homicidal shooting of a constable in Bearbrook, near Ottawa, the murderer remained in the area for several days before escaping.<sup>83</sup> The murder occurred in broad daylight in a thickly settled part of the county

---

<sup>80</sup> Captain Moffat, Chief of Police, Walkerton. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 20.

<sup>81</sup> Philips and Storch have observed that the activity level of the rural constable in pre-reformed England was also influenced by the compensation he could expect. Constables there were remunerated with fees and payments from individuals, portions of fines, and miscellaneous payments by the county. 27.

<sup>82</sup> John Sweetland, Sheriff. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 23. John Ardagh, Jr. Justice in Simcoe County also cites a case where a murderer named Whitney escaped arrest solely from the belief on the part of local constables that no fees would be paid unless an arrest was successful. 86.

<sup>83</sup> The Bearbrook homicide is also referenced by, John Fraser, Treasurer, United Counties of Prescott and Russell, 81, and Martin Costello, Constable, L'Original, 80. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91).

and with a number of able-bodied men as witnesses. In his commentary on this particular case, the treasurer of Prescott and Russell added that he thought fear was a motivating factor in the community's reluctance to make an arrest.<sup>84</sup> Similarly, a killer in Torbolton township, also near Ottawa, was able to quietly arrange his business matters before fleeing to the United States. He was later found in Texas and arrested.<sup>85</sup>

Fear of retribution also appeared to be at issue in Lindsay, where the, " . . . system is quite unequal to the controlling of a few bold blackguards, or running a desperate criminal to earth"<sup>86</sup> In that county, a "notorious ruffian," kicked his wife so severely that she lay at death's door for weeks before recovering. When a neighbouring JP was asked why the man had not been arrested, he replied that he, " . . . would not move in the matter unless she died, as he didn't wish his house burned over his head, or perhaps a worse thing to happen him."<sup>87</sup> The respondent further stated that he knew of several murderers at large in the county of Hastings, (where he once lived), all of whom could be arrested by a good officer.

Constables and the people dear to them lived in proximity to suspects. When advocates for police reform proposed a "barracks" type of rural constabulary this consideration was front of mind. Similarly, the policy adopted by the O.P.P. in the 1920s

---

<sup>84</sup> John Fraser, Treasurer, United Counties of Prescott and Russell, (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 81.

<sup>85</sup> "Telegraphic Summary" *Woodville Advocate* [Woodville] 6 Jan. 1881.

<sup>86</sup> W.W. Dean, Lindsay. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 92.

<sup>87</sup> Ibid.



to move constables routinely to different posting originated from the notion of "disinterested" policing.

Constables encountered difficulty collecting fees and expenses owed them. In some cases, constables could recover expenses incurred in failed attempts at arrest, but the county auditor or another local government official had discretionary authority.<sup>88</sup> The county boards of audit sometimes dismissed or reduced the constables' accounts because of poor paperwork.<sup>89</sup> The constable's accounts were also audited by the provincial government, that disallowed expenses as well. This created an incentive for county auditors to delay payment to the constable if they suspected questionable items. For example, if a constable was injured or had property damaged in a violent encounter, he was not entitled to medical or other expenses. In addition to demoralizing the county constable, the process created friction with county officials. A JP in Simcoe County described the process with the following comment.

At first the county used to take upon itself the payment of these accounts, with the expectation of being recouped subsequently by the government. But finding that great difficulty existed in having these accounts afterwards corrected, so as to comply strictly with the requirements of the head auditor, and finding also by experience that once an account was rejected by him, the chances of any reimbursement subsequently were very slight, they refused to pay any account that was not in such a shape as to warrant the certainty of its not being rejected when sent to headquarters.<sup>90</sup>

---

<sup>88</sup> John Smith, Sheriff, Brantford. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 17.

<sup>89</sup> Robert H. Davis, J.P. & Sheriff, Haldimand. 34. See also John Mercer, Sheriff, Kent. 42, and Jos Deacon, Police Magistrate, Brockville, 51. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91).

<sup>90</sup> John Ardagh, Jr. Justice, Simcoe County. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 86.

Even when accounts were deemed in order a constable could wait months for payment, never knowing what amount he would receive. In summarizing how the tariff system influenced the work of county constables, the treasurer of Simcoe County wrote, "The constables are ready enough to act in cases of drunk and disorderly, and in any trivial cases, and are fairly paid for it; but in cases of danger, and where they are not certain of any pay, they will not act."<sup>91</sup>

When pecuniary problems intersected with local politics, the result could create other challenges too. D.E. Hatton, the police magistrate for Peterborough argued that the appointment of county constables should be a provincial, not county responsibility. He wrote,

"As long as the matter is solely left in the hands of municipal councils the evil will continue. They (constables) are governed first, in the appointment to office, by favouritism, and afterwards by a niggerly [sic] economy that disgust a good man and quietly turn him into an indifferent one."<sup>92</sup>

Hatton believed that while there was little crime in Peterborough County, more would be discovered with an efficient system for detection and punishment. He noted that constables had no real supervision, and were often burdened by the county or town councils with inspection duties related to health and safety.<sup>93</sup> Occasionally, councils even appointed older constables as acts of charity. For these reasons Hatton suggested that the

---

<sup>91</sup> (OLA). Detection of Crime (Report), (Sessional Papers 1884, No. 91), 90. The arrests made by Constable Rogers in 1881 were published in the local newspaper (Schedule of Return for Convictions of the County), and show that the majority were "drunk and disorderly" charges. *Northern Advance* [Barrie] 22 Dec 1881.

<sup>92</sup> D.E. Hatton, Police Magistrate, Peterborough. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 77.

<sup>93</sup> D.E. Hatton 76.

province appoint a high constable in each county, pay him a salary, and give him authority over the county constables. He also suggested a measure that foreshadowed the creation of the provincial police in 1909. The high constables should be moved throughout the province as needed.

Hatton's comments highlighted the extent to which local officials, especially in lower crime counties, saw their constables as civic employees rooted in the community like any other. Occasionally they might deal with a crime but otherwise they would take on sundry duties as required. This helps explain why the counties wanted free access to professional policing services.

Robert Davis, sheriff of Haldimand County suggested that constables lists ought to be reviewed annually to remove illiterates.<sup>94</sup> By his count there were, for example, 178 constables in Haldimand County many of whom were unfit for service and inactive. He also added that they should be paid promptly, and for any genuine efforts made at an arrest, even if unsuccessful. His main preference however, was for the establishment of a provincial force like the R.I.C.

In regard to the advisability of hiring detectives to supplement the system, a county judge in Middlesex replied affirmatively stating there was no point in even trying to have county constables do detective work.<sup>95</sup> It was too difficult to find men, "of sober, steady, and industrious habits, and of high integrity". What he proposed instead was the

---

<sup>94</sup> Robert H. Davis, J.P., Sheriff, Haldimand County. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 35.

<sup>95</sup> William Elliot, County Judge, Middlesex. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 56- 57.

appointment of detectives by county boards, similar to police commissions in cities. The province would also hire an inspector for the new detectives, pay 1/3 of their salaries, and the counties would pay the remainder. He concluded that this would soon render the county constable, paid by fees, obsolete.

However, a contrary and cautionary opinion was advanced by another respondent. He wrote, "So called detectives are not a desirable class of men to foster by any salary. The detective faculty is a gift so rare that the man possessing it cannot be hired at the price Government would give, and the mockmen who would get it, as others have got it, time out of mind, would be pretenders not one whit more efficient than ordinary men."<sup>96</sup>

Many respondents favoured an increase in constable fees, payment for failed arrests, and a requirement for prompt payment. But there were also concerns about paying constables or detectives a salary. Said the sheriff of Kent County, "I am not in favour of a sufficient salary being given to them to keep them idle. Officers paid by salary soon begin to think that their whole duty is to pocket their allowance, and that it is no person's business how it is earned."<sup>97</sup> Officials in Walkerton and Lanark argued that in their areas there would be insufficient work to justify paying anyone by salary.<sup>98</sup> Judge Wilkinson from Napanee went even further, claiming,

---

<sup>96</sup> John Idington, Stratford. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 74.

<sup>97</sup> John Mercer, Sheriff, Kent County. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 42.

<sup>98</sup> William Sutton, Sheriff, Walkerton. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 18. See also: Francis T. Frost, Warden, Lanark County. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 49.

Detectives so appointed and receiving a salary would turn out sad failures. They would be expected to bring all offenders to justice. They would receive little or no assistance of a voluntary nature, and becoming known in the community as detectives, they would be hated by bad men, and . . . receive little or no sympathy in their work from ordinary good men . . .<sup>99</sup>

Wilkinson's comment raised an important issue facing reform. At what point would good will and the spirit of local volunteerism disappear if paid professionals took up the job of policing? How would a system function when it relied upon both paid and unpaid officials? A related concern had been expressed in England during the debates on the reform of rural policing. Part-time constables earned respectability through their primary work as farmers, tradesmen or other hard working members of the community. It was feared this would not be the case with full-time constables who spent all their time investigating and arresting people.<sup>100</sup>

Although the circular elicited criticisms, there were also responses in favour of the existing system. Some noted the value of constables' local knowledge. Judge William Ardagh from Simcoe County claimed that a homicide case was solved in part by the good work and close cooperation of a local, "intelligent" constable, with Provincial Detective Murray.<sup>101</sup> Similarly, the crown attorney for York County stated, "Local constables

---

<sup>99</sup> WM. H. Wilkinson, Judge C.C., Napanee. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 52.

<sup>100</sup> Philips and Storch 32.

<sup>101</sup> John Ardagh, Jr. Justice, Simcoe County. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 86.

should not be dispensed with. They know the neighbourhood, and are always accessible in emergencies, and I believe meet the requirements of the county reasonably well."<sup>102</sup>

As Ontario urbanized in the late nineteenth and early twentieth-century the attending growth of municipal police forces created new opportunities for rural communities and populations living in un-annexed suburbs to call upon professional city and town police in moments of crisis. While the police were not obliged to intervene, the conception of criminal mobility (aided by improved roads, railways, and later on, automobiles) and embodied by tramps, itinerants or fleeing fugitives made it impractical for city forces to remain uninvolved.<sup>103</sup> The failure to deal with a criminal in an adjacent rural township might well spill over to one's own bailiwick.

In Carleton County, a homicide associated with a charivari occurred only a few yards outside the Ottawa limits. Judge W.A. Ross and John Sweetland, the sheriff of Carlton County claimed that it was only the intervention of city and dominion police that led to arrests being made.<sup>104</sup> It was argued that the extensive suburbs around Ottawa necessitated one or more constables paid by salary in order to deal with the crime.<sup>105</sup>

In Elgin County, the St. Thomas police force was regularly dealing with rural crime. This created tensions with the police commissioners who did not want the chief or

---

<sup>102</sup> F. Fenton, Crown Attorney, York County. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 109.

<sup>103</sup> SO, 1880, ch. 24, s. 9, s.s. 5. 76.

<sup>104</sup> W.A. Ross, Judge, Carleton County. John Sweetland, Sheriff, Carleton County. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 22-23.

<sup>105</sup> Robert Lees, County Crown Attorney, Carleton County. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 23.

the members of his force being absent from town.<sup>106</sup> And the Kingston and London forces often dealt with county crimes outside of the city limits too. This was one reason why the police magistrate for Owen Sound supported full and exclusive provincial control over the administration of justice.<sup>107</sup>

A.D. Steward, chief constable for Hamilton was very sharp in his criticism of the county system, particularly how it impinged on city police. He stated that,

Their inefficiency may best be vouched for the by the numberless requests made to the chief of police of all cities, by residents in the country, for assistance and protection. Why do these people not apply at once to the county constables? Simply because they know their utter uselessness and inefficiency. Members of city or municipal police forces are not supposed, indeed are not allowed, to leave the city limits to attend to any complaint. Of course, in cases of extreme urgency this rule would probably be stretched through courtesy; but even in such cases no lengthened absence from city duty would be allowed; and yet no case of any importance ever occurs in the country but requisition for help is sent to the chief of police of the nearest city.<sup>108</sup>

### **A Province of Caution: Modest Reform, The Toronto Press and Rural Policing**

The provincial answer to criticism was tepid and only designed to deal with crisis measures - the costs of which would be split evenly between the government and the affected county. In 1885 the legislature passed "An Act to promote the Detection of Crime".<sup>109</sup> It contained only a single provision addressing the problems outlined in the

---

<sup>106</sup> William J. White, Police Magistrate, St. Thomas, Ontario. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 26.

<sup>107</sup> George Spencer, Police Magistrate, Owen Sound. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 32.

<sup>108</sup> A.D. Steward, Chief Constable, Hamilton. (OLA), Detection of Crime (Report), (Sessional Papers 1884, No. 91), 107.

<sup>109</sup> (SO), 1885, ch. 18.

sessional paper. The law allowed the county attorney and the county warden to authorize the special expenditure of funds for the investigative work and the apprehension of individuals suspected of committing serious crimes. The funds were payable to constables or anyone else involved in the administration of justice. All such expenses would be covered first by the counties, after which half would be refunded to them by the province. It was left to the counties to determine a "reasonable allowance", for these services. Towns and cities with salaried constables were ineligible for the funding. One year later the Act was amended to allow local officials to advance funds to constables prior to providing services if they so desired.<sup>110</sup> It was soon apparent however, that owing to, "somewhat strict ideas of economy", and a preference for requesting government detectives, these statutory provisions were fairly meaningless.<sup>111</sup>

In 1886 the legislature passed an Act intended to reduce the delay in payment experienced by constables.<sup>112</sup> It allowed the government to appoint its own individual, resident in the county, to audit certain justice accounts for which it was liable. Constables could then present their accounts directly to the provincial auditor, promptly receive an audit (in person if he so wished), and then receive payment from the county treasurer. The Act also dispensed with some previously audited items associated with prisoners who had

---

<sup>110</sup> (SO), 1886, ch. 16, s. 44.

<sup>111</sup> (OLA). First Report of the Municipal Commission. (Sessional Papers 1888, No. 42), 92.

<sup>112</sup> "An Act respecting Criminal Justice Accounts payable by the Province", (SO), 1886, ch. 18.



been committed for trial.<sup>113</sup> This clause lightened the audit burden from cases that went to trial.

These marginal reforms did not influence the sensational, and sometimes partisan "bad news" stories about rural crime. One editorial in the *Toronto Globe* remarked that attacks by gangs of men against women and girls were on the rise in rural Ontario.<sup>114</sup> The editorial provides a rare example of a specific public discourse about rural crime. It stemmed from reports of a youth gang near Paris that raped a number of girls and women with impunity over the previous year or two. The *Globe* stated, " . . . city, town and rural districts are alike degraded and dishonoured by the presence and proceedings of the unchanged ruffians who seem to glory in such work." If sterner punishment were not forthcoming, communities would resort to vigilantism. "We could never think of advocating private revenge," said the *Globe*, " but where the law in certain cases does not provide anything like adequate punishment the natural tendency is toward lynching."

A week later the *Globe* continued on the subject of rural crime arguing in favour of a provincial force.<sup>115</sup> The apparent increase in attacks on women and girls was not, because, "country roughs", were worse than, "city hoodlums", but rather in rural areas there were more opportunities to waylay victims - especially at night - beyond sight and sound, of those who might aid them. The editorial cited the long delays involved in county constables pursuing perpetrators and getting JPs to issue warrants. Officials were

---

<sup>113</sup> (SO), 1886, ch. 18, s. 2

<sup>114</sup> "Criminal Assaults on Women and Girls," *Globe* [Toronto] 22 Aug. 1887.

<sup>115</sup> "Rural Crime" *Globe* [Toronto] 27 Aug. 1887.

also " . . . seldom inclined to deal sternly with the rascally son of a neighbour."

Reluctance to get involved also extended to local newspapers. Claimed one correspondent to the *Globe*, "Such outrages are generally suppressed or at least lightly dwelt upon by the local press, as the subject is not a pleasant one or creditable to any locality."<sup>116</sup>

The Toronto *Evening Star* also highlight the perceived limitations of the justice system in rural areas. Prompted by violent crimes in Clinton and Forest in the fall of 1899, the paper criticized the Attorney General's Department for hearing late of the crimes and not following up effectively.<sup>117</sup> The paper criticized provincial detectives for running tramps out of the province while not attending to serious crimes. It wrote, "No provincial detective takes to the war path unless some influential citizen or fossilized local official stationed at the spot where the outrage is perpetrated first makes a demand." They further added, "The local constabulary in this province is utterly incompetent. It can originate little, and frequently accomplish nothing of importance except by the direction of the detective department. But the Attorney General's Department is passive and not active. It waits on the county constables to direct it."

Negative descriptions of rural justice also featured failures to investigate, botched investigations, and corrupt justice officials. In 1898 for example, the attorney general's office investigated allegations that the police magistrate for Bothwell was extorting money from farmers and first nations people on Walpole Island.<sup>118</sup> Arrests on trumped up

---

<sup>116</sup> "Criminal Assaults on Women and Girls"

<sup>117</sup> "A Department Asleep," *Star* [Toronto] 20 Nov. 1899.

<sup>118</sup> J. Sinclair, Farmer, Zone Township, Ont.: Complaint against G.L. Taylor, Police Magistrate for Town of Bothwell 1898, AO, RG 4-32.

charges were threatened unless the victims paid a bribe. Stories of corrupt county constables extorting people, especially with liquor related charges, were not uncommon.<sup>119</sup>

Local corruption was alleged by the acting crown attorney for Essex County in 1899 concerning a pool room and notorious gambling establishment on the outskirts of Windsor.<sup>120</sup> The place was described as a, "dumping ground for the riff-raff of Detroit."<sup>121</sup> Over a hundred local residents had signed a petition against the operation. Furthermore, it was claimed that bribes had been paid to officials at all levels of government and policing to keep the place free from interference.

County constables were also charged at times with serious crimes, such as armed robbery, stealing livestock, buggies and harnesses.<sup>122</sup> But stories about constables could be critical of the system, while also highlighting their extraordinary dedication. In 1887, Constable McBain of Cannington attempted to serve summons' on three men whom had violated the Canada Temperance Act (1878).<sup>123</sup> While serving Dennis Connors at his home, the defendant and his wife beat McBain unconscious. He eventually escaped, but was arrested at a train station by Connors' brother-in-law, who had just been sworn in as a special constable. The constable then took him back to the Connor's house to face a local

---

<sup>119</sup> See for example: "Charges Against a County Constable," *Globe* [Toronto] 19 Apr. 1889; "Charges of Extortion Against a County Constable," *Globe* [Toronto] 13 Nov. 1882.

<sup>120</sup> C. Shernerham, Windsor, Ontario: Re closing of pool and gambling room at Sandwich, Ontario. 1898, AO, RG 4-32.

<sup>121</sup> "100 Sports Were There," *Detroit News* 12 Feb. 1898.

<sup>122</sup> "Not a Very Honest Man," *Globe* [Toronto] 14 Sept. 1894; "St. Thomas," *Globe* [Toronto] 15 May 1896.

<sup>123</sup> "Scott Act Enforcement" *Globe* [Toronto] 21 Dec. 1887.

magistrate who charged him with indecent assault on Mrs. Connors. McBain was held for two days while the local authorities pressured him to sign a confession, which he finally did out of fear for his life. With the help of a police magistrate and crown attorney in Whitby, McBain was vindicated, Connors convicted of assault, and the magistrate dismissed. While the story evoked the image of a dutiful constable, it also illustrated how a system of local justice so reliant on compromised and unprofessional officials could cause a terrible miscarriage of justice.

The regular reader of Ontario newspapers could find other stories of constables doing their duties effectively. And when provincial detectives were called to investigate, they could work quite well with local constables who knew the lay of the land and the people on it. In some cases county constables even led the investigations.

In 1928 for example, High Constable Ostrander of Elgin County, who was assisted by an O.P.P. constable, led a successful investigation into the theft of cattle.<sup>124</sup> And a murder investigation in 1920 concerning the death of a ten year old girl in Lambton County led to a joint investigation by county and provincial police.<sup>125</sup> County constables could also be tenacious in their pursuit of suspects. In 1887, High Constable Klippert of Waterloo County conducted an investigation of a notorious horse thief who had been plaguing the community. He pursued him to Durham County, east of Toronto, to make the arrest.<sup>126</sup> Given that these were all high constables, the senior-most constables in the

---

<sup>124</sup> "Ten Valuable Steers Disappear From Farm", *Globe* [Toronto] 11 Aug. 1928.

<sup>125</sup> "Lambton and Ontario Police Follow Clue", *Globe* [Toronto] 19 Oct. 1920.

<sup>126</sup> "Horse-Stealing", *Globe* [Toronto] 28 Jun. 1887.

counties, they would have been the logical individuals to lead investigations. Stories of this nature were notable counter-points to negative depictions of rural constables.

The local administration of justice once again became an item of interest for the government in 1888, when a commission on municipal matters examined problems of the justice system at the county level.<sup>127</sup> Commissioners studied municipal government in the United Kingdom, Europe, and the United States and traced its development in Ontario since 1791. It was an early example of how reform occurred within an imperial and international context.<sup>128</sup> The commissioners found that the geography, settlement patterns and low population density of the province created an environment that made comparisons difficult. Nevertheless, the commissioners claimed that while the operations of the courts had been improved since the founding of the province, this only concerned the treatment of criminals once they had been apprehended. But an equally important and neglected part of criminal justice was the detection of crime. It was a view echoed later in the *Globe*.<sup>129</sup>

The commission highlighted the fact that with the exception of the larger cities, there was no organized system for managing rural policing.<sup>130</sup> Rural constables worked at their own volition, and with no formal supervision or guidance. JPs could not assume this responsibility given the need for impartiality - an important point in law - and the separation of investigation from trial processes. This was the problem cited by the

---

<sup>127</sup> (OLA). First Report of the Municipal Commission. (Sessional Papers 1888, No. 92).

<sup>128</sup> Marquis, *Policing Canada's Century*. 18-26.

<sup>129</sup> "The County Constabulary," *Globe* [Toronto] 8 May 1894.

<sup>130</sup> (OLA). First Report of the Municipal Commission. (Sessional Papers 1888, No. 92), 88.

Ballard's attorney when he objected to a local magistrate participating in the arson investigation.

The commissioners recognized many of the same problems identified through the attorney general's circular. Constables were still poorly compensated and had audit problems. Yet the commissioners were wary of what reform might cost. Moreover reforms might place a heavier burden on the backs of ratepayers in areas where crime was rare. What they proposed was the appointment of a provincial police commissioner who would monitor, manage, and discipline county constables. They also recommended that he work alongside the two provincial detectives, taking on cases when not otherwise occupied. It was a parsimonious idea reflecting concerns about idleness, but also ignorance about the value of specialization. The recommendations were not acted on until 1896, and then only partially. *An Act Respecting High and County Constables* of that year put high constables formally in charge of county constables - a problem identified with the constables in Lucan, and also in the circular letter report - and made them responsible to the inspector of legal offices for the province.<sup>131</sup> Although the inspector had the authority to audit, investigate and if necessary, suspend constables, their annual reports show no evidence that anything more than financial or management audits were done. The Act also stipulated that counties must appoint high constables. As would become clear in subsequent years, some counties chose not to comply.

The duties of county constables expanded in the latter half of the nineteenth-century with the growth of government rural regulations; influenced as always by

---

<sup>131</sup> SO, 1896. ch. 26.

concerns that policing a generally law-abiding population might lead to idle public servants. The office of county constable was mentioned in Acts pertaining to mining, forestry, wildlife, and agriculture.<sup>132</sup> Constables became involved in disputes over drainage ditches, and found themselves dealing with dangerous dogs, diseased horses, and even bees.<sup>133</sup> None of these new duties led to a revision in constables' fees. In terms of legislative development, the government was trying to meet the regulatory needs of an increasingly complex society without a commensurate development of rural policing. New provisions for the use of special constables in particular suggests that the province did not want a salaried force due to the expense and fears of periodic idleness.

### **Provincial Policing Before the O.P.P.**

As the provincial government minimally reformed the laws concerning county constables in the 1880's and 90's, it faced regular criticism about the lack of a province wide force. The government had in fact been playing a minor role in local policing since the hiring of detective John Murray in 1874. His job was to assist county and northern Ontario district officials with difficult cases.<sup>134</sup> That same year the government also began paying the salaries and expenses of a police force called the Niagara River Frontier

---

<sup>132</sup> See resources statutes: 1892, ch. 9, s. 46 (mines); ch. 10, s.22 (fish); ch. 58, s.16 (game). See also: Revised Statutes of Ontario 1897, circuses, libraries, liquor, lords day, public health, factory inspectors, protection and reformation of neglected children, and factory inspection, (pre 1897).

<sup>133</sup> SO, 1891, ch. 51, s.51, SO, 1890, ch. 56, s. 7, and ch. 66, s. 8.

<sup>134</sup> Dahn Higley found a reference to a provincial detective hired for a case in 1865 but notes that he was not likely in regular service to the province as was Detective Murray. Higley 29.

Police, which had been raised in 1865.<sup>135</sup> The province took over as well a similar force, the Detroit River Frontier Police. In 1886 the province hired an additional detective, Joseph Rogers Jr., son of the Simcoe county constable who had responded to the 1882 circular.<sup>136</sup> By 1908, just prior to the creation of the O.P.P., the government had three detectives.<sup>137</sup> Thus it could not be said that the province had totally ignored the needs of the local justice system in rural Ontario. Their involvement however always required a locally generated request for assistance.

In the decade prior to the creation of the O.P.P., criticisms of the county system and suggestions about the possible structure of a provincial force appeared regularly in the press. In April of 1899, an organization called the Ontario Provincial Constabulary Association met in Woodstock and drafted a resolution for the attorney general's office.<sup>138</sup> It requested that one of their members be appointed, "chief county constable" for the province, and given the role of inspecting and directing all county constables. According to Marquis, before it became defunct in the early years of the century the association was concerned with rural policing matters. The Chief Constables' Association of Canada had

---

<sup>135</sup> Higley 33.

<sup>136</sup> (OLA). Public Accounts. (Sessional Papers 1886, No. 18), 71.

<sup>137</sup> (OLA). Public Accounts. (Sessional Papers 1908, No. 1), 41.

<sup>138</sup> "Provincial Constabulary," *Globe* [Toronto] 21 Apr. 1899. See also Greg Marquis, who notes that Ontario chief constables had organized in the 1870s to, among other things, advise the government on law enforcement. The provincial organization was periodically active in later years but was defunct by 1905. Greg Marquis, *Policing Canada's Century: A History of the Canadian Association of Chiefs of Police* (Toronto: University of Toronto Press, 1993), 69-70.



similar concerns in its early years. However, in the 1910s and thereafter the organization became pre-occupied with urban and social reform issues.<sup>139</sup>

In 1906 newspapers reported on a proposed reorganization of provincial detectives as well as existing "frontier" forces in Niagara and Windsor.<sup>140</sup> In addition, paid provincial constables were to be placed in the counties. Owing to the rapid resource development in northern Ontario, the *Star* suggested that police outposts should be established in the Rainy River and Thunder Bay districts too. The *Star* cast the threat in terms of, "dangerous foreigners" brought in for railway construction, mining and lumbering. The newspaper foresaw an invasion by, "Thousands of Italians, Huns, Poles, Russians, Scandinavians, and last, but perhaps not least, Whitechapel toughs . . ." To these dreaded groups were added prospectors from, " . . . the most dangerous sections of the United States, where every man carries a gun." Without the civilizing influences of women, and under the, " . . . inflammatory influence of bad whiskey . . .", as said in the paper, the honest and hard working settlers from old Ontario would be horribly victimized.

The expansion of provincial policing in northern Ontario occurred rapidly from the turn of the century to 1908. According to the Public Accounts for the province, in 1900, there were five provincial constables operating in northern Ontario.<sup>141</sup> In the year

---

<sup>139</sup> Marquis, *Policing Canada's Century*, 70, 79, 84-86.

<sup>140</sup> "Reorganization of The Ontario Police System," *Star* [Toronto] 20 Oct. 1906; "Provincial Police Force," *Globe* [Toronto] 15 Jun. 1906.

<sup>141</sup> (OLA). Public Accounts. (Sessional Papers 1901, No. 1), 21-23.

prior to the creation of the O.P.P, the number had risen to fifty.<sup>142</sup> However, unlike the police forces on the Niagara and Windsor frontiers, provincial constables in northern Ontario did not operate under a unified command.

Leading up to the creation of the O.P.P, the call for increased policing in "old Ontario" was renewed, this time with the specter of "tramps" who, it was claimed, were a new scourge of the countryside. Claimed the *Star*, "These wanderers soon develop an antagonistic, anti-social spirit that makes them delight in depredations. The burning of barns, the maiming of cattle, and shocking crimes of personal violence are the results of the new invasion".<sup>143</sup> Under this kind of threat, said the newspaper, rural policing was a failure.

The *Toronto Globe*, which supported the Liberal party, criticized the Conservative government's Attorney General's Department in the year prior to the creation of the O.P.P. It cited a litany of violent crimes, robberies and escapes, stating, "That the present Provincial Police system, if it can be called a system, has broken down completely is self-evident".<sup>144</sup> It drew attention to the fact that there was no operational head to the force of provincial detectives and that, " . . . it appears to require the erratic fulcrum of public opinion to arouse the department before it stirs, no matter how atrocious the crime." Initially they proposed a mounted police force of 2 - 300 men, patrolling the roads of the province and becoming acquainted with the communities. But the paper also

---

<sup>142</sup> (OLA). Public Accounts. (Sessional Papers 1910, No. 1), 48.

<sup>143</sup> "No Protection Against Tramps," *Globe* [Toronto] 15 July 1908.

<sup>144</sup> "The Rural Police," *Globe* [Toronto] 9 May 1908.

acknowledged the problems of providing a ready force without a, "dangerously idle element".<sup>145</sup> It argued that, "Non-producers stationed in rural communities and without the military discipline and continuous surveillance of urban police organizations might easily degenerate into loafers and perhaps into disturbers of the peace."

In the months prior to the creation of the O.P.P. in October of 1909, the *Globe* grew even more vehement in its call for the creation of a new system. It published a story about a young woman who was chased down by a neighbour on horseback and beaten severely. He had been sending her abusive letters for over a year; a fact that had been reported to the Attorney General's Department to no avail. This inaction and carelessness, claimed the *Globe*, had caused outrage in the community. The paper laid the blame on J.J. Foy, the attorney general, stating, "The methods of his department are a scandal to Ontario and a disgrace to the Minister who has so long tolerated them."<sup>146</sup> This sort of criticism may simply have been regarded as little more than a liberal newspaper's attack on a Conservative government. The impact of such statements on the reform process is difficult to gauge given the lack of documents that might explain political motivations.

### **Early years of the force, 1909 - 1921**

As the plan for the new system emerged in the summer and fall of 1909 it appeared that the government intended only to reorganize existing forces, which

---

<sup>145</sup> "Provincial Police," *Globe* [Toronto] 29 July 1908.

<sup>146</sup> "Read This, Mr. Foy," *Globe* [Toronto] 20 Apr. 1909.

numbered around seventy-three staff.<sup>147</sup> Personnel would be brought under the unified command of an experienced officer who would professionalize, rationalize and modernize the force.<sup>148</sup> Previously, the detectives of the Criminal Investigative Division and the heads of the two frontier forces reported directly to the deputy attorney general.<sup>149</sup> In northern Ontario the constables had always operated independently under local district authority.

Reports claimed there would be, "systematized organization", economy and efficiency in the operation of the force.<sup>150</sup> It would focus on, "the enforcement of justice", (criminal code violations), the enforcement of liquor license laws, fish and game laws, and maintaining order in northern Ontario. It was erroneously thought that there were to be constables in every county and district. Expectations of the force, especially its new leader, were high. As was the case with press coverage of Detective Murray, it was sometimes assumed that the quality of justice had as much to do with the character of authorities as it did with the systems and structures in which they worked. Stated the *Globe*:

If a fit man is appointed, justice and righteousness will be re-enforced in every corner of Ontario. If an unfit man is chosen, the agents of evil and corruption will rejoice. Nothing the present Government has done or can do in other spheres goes home so directly in what is vital to the honour and

---

<sup>147</sup> (OLA). (Sessional Papers 1911, No. 1), 61-13.

<sup>148</sup> Annual Report: 1910 (O.P.P). Memoranda to and from the Commissioner of the Ontario Provincial Police. AO, RG 23-2.

<sup>149</sup> Higley 51. Mark Finnane has noted a similar reporting relationship in late nineteenth and early twentieth-century Australia. In the tradition of "lean" early government, colonial police departments were typically sub-departments of the colonial secretary's office, reporting to a senior bureaucrat. Finnane 32.

<sup>150</sup> "For Policing of The Province," *Globe* [Toronto] 2 Mar. 1909.

integrity of citizenship and to the protection and happiness of individual life as does this appointment of a Superintendent of Provincial Police.<sup>151</sup>

When it was announced that Detective Rogers would lead the new force, the *Globe* called him a man of, "inferior talent", and a, "spent force", who, " . . . more than any one other official, has been responsible for this regime of incapacity and inefficiency."<sup>152</sup> Moreover, it was an appointment that, ". . . at one stroke destroy(ed) utterly all chance for real and abiding reform." The *Star* of Toronto reported on the creation of the force without the hyperbolic criticisms of its new head.<sup>153</sup>

Roger's initial task was recruitment, although the majority of officers he hired were already employed as provincial constables. Nonetheless, the O.P.P. saw a steady stream of applicants in its early years.<sup>154</sup> Recruitment standards were similar to other forces in North America, and the, "Anglo-Saxon" ideal informing the staffing of state police in America.<sup>155</sup>

Contrary to press expectations, the force had no presence in the rural counties of old Ontario. The "criminal" elements of greatest concern were thought to be foreigners, - hardened criminals crossing the borders at Windsor and Niagara, or men employed in northern Ontario and the Niagara region. Rogers argued that there was no need for provincial policing in the other counties since they all had the power to appoint

---

<sup>151</sup> "A Crisis For Justice in Ontario," *Globe* [Toronto] 20 Sept. 1909.

<sup>152</sup> "An Inexcusable Appointment," *Globe* [Toronto] 14 Oct. 1909.

<sup>153</sup> "'Joe' Rogers the Chief of Police," *Star* [Toronto] Oct. 13 and 14, 1909.

<sup>154</sup> Ontario Provincial Police enrolment applications, AO, RG 23-10.

<sup>155</sup> Weaver 121; Ray, Gerda W. "From Cossack to Trooper: Manliness, Police Reform, and the State," *Journal of Social History* 28.3 (1995): 565.

constables.<sup>156</sup> The existence of home-grown criminals such as the Ballard gang in Dufferin County, and youth gangs such as existed in Tillsonburg, were not considered relevant in force planning. These apparently were regarded as anomalies in an otherwise peaceful province.

Regardless of the initial "frontier" conception of the force, it took on duties that were unanticipated by the government. The O.P.P. resolved to trace "white slave" traffickers, investigate election fraud in the north, clamp down on gun ownership, pursue fugitives across multiple jurisdictions, pursue car thieves, and police the admission of youth in movie theatres.<sup>157</sup> From the Canada Food Board came a request to distribute new regulations to restaurants, and bakers wanted the force to police the proper labeling and weighting of bread loaves.<sup>158</sup> But the main application of the force occurred in two areas: the apprehension of tramps and foreigners, primarily in Niagara and Windsor, and law enforcement in the north. Official reports highlight the hundreds of men apprehended primarily at the borders.<sup>159</sup> Roger's reports emphasized the success of the force in tackling the problems for which it was designed.

---

<sup>156</sup> "The Provincial Police Force," *Globe* [Toronto] 16 Feb. 1910.

<sup>157</sup> "Lured Ontario Girls," *Globe* [Toronto] 13 May 1910; "'Padding' Lists in Bush Polls," *Globe* [Toronto] 9 Dec. 1911; "Three More Jailed For Crime in The North," *Globe* [Toronto] 29 Aug. 1913; "The Revolver Habit," *Globe* [Toronto] 20 May 1912; "Detectives Are After More Car Thieves," *Globe* [Toronto] 22 Sept. 1913; "To Exclude Youngsters From The Movie Shows," *Globe* [Toronto] 13 Apr. 1914.

<sup>158</sup> "Distribute Food Regulations," *Star* [Toronto], 17 Ap. 1918; "Bread Makers Have Troubles," *Globe* [Toronto] 4 Nov. 1916.

<sup>159</sup> Annual Report: 1910 (O.P.P). Memoranda to and from the Commissioner of the Ontario Provincial Police. AO, RG 23-2.

None of these activities addressed the criticisms of the justice system in rural areas. They were instead responses to new social, political, economic and technological developments more broadly impactful on the province. The application of a new police force to new problems may have appeared logical, but had little to do with rural policing.

These issues raise a question about the degree to which the O.P.P. was truly a new police force. The total number of provincial constables in 1908/1909, the year prior to the creation of the O.P.P., was sixty-nine. A year later it had only risen to seventy-three.<sup>160</sup> Virtually all personnel in the new force were already serving the government within jurisdictions that had long been identified as criminally problematic. Nonetheless, the creation of a unified structure under the command of an experienced officer - presumably further removing the organization from political interference - was new. It was a prerequisite for any future administrative and professionalizing advancements in line with international policing norms. Also noteworthy were requirements for wearing a uniform and the introduction of stricter reporting procedures. However, without a government commitment to provide services in the non-border counties of old Ontario, the O.P.P. was a mix of old and new elements.

With the outbreak of war in 1914 the force pursued transients and aliens with renewed vigour. Provincial police were also asked to round up defaulters under the Military Services Act (1917), in rural areas where the law was divisive due in part to

---

<sup>160</sup> (OLA). Public Accounts. (Sessional Papers 1911, No. 1), 61-13; (OLA). Public Accounts. (Sessional Papers 1910, No. 1), 48.

service exemptions for farmers' sons.<sup>161</sup> In 1918, supporters of conscription in Scotland Ontario asked for the O.P.P.'s help after they became, " . . . victims of annoyance, indecencies and even arson", at the hands of anti-government neighbours.<sup>162</sup> It was reported as yet another case where, "The local police have no jurisdiction and county constabulary is non-existent save where the county constable can make his fees." Similar forms of intimidation, violence and arson stemming from conscription occurred in Peterborough County that year.<sup>163</sup>

Some of the greatest criticisms of the force were the result of its activities in northern Ontario. In January of 1911, Pinkerton detectives operating in the mining town of Cobalt brought charges against two provincial officers for neglect of duty in shutting down illegal drinking establishments. And in 1913 there were three separate investigations of constables facing charges including extortion and participation in the liquor trade.<sup>164</sup> There were also reports about abusive, drunken O.P.P. officers, and claims that local authorities were releasing O.P.P. prisoners.<sup>165</sup>

---

<sup>161</sup> G.W. Hatton, Crown Attorney, Peterborough: Threatening letters received by representative citizens, cases of assault and of arson as a result of the Military Service Act and conscription. The issue concerned the need to exempt from conscription farmers' sons. 1918. AO, RG 4-32.

<sup>162</sup> "Gov' Supporters Victims of Arson," *Star* [Toronto] 2 Aug. 1918.

<sup>163</sup> G.W. Hatton.

<sup>164</sup> "Blind Pigs Contribute Hush Money, It is Said," *Globe* [Toronto] 3 Mar. 1913; "Charges Made Against Constable," *Globe* [Toronto] 14 Oct. 1913.

<sup>165</sup> "Policing The North Country," *Cobalt Nugget*, Jan 22 1914; Ontario Provincial Police Divisional Inspectors' reports, 1911-1919. Divisional Inspector A.T. Rowell to Sup. Rogers, March, 1918 & Dec. 1913. AO, RG 23-9.



Criticisms of unprofessional conduct were not restricted to the north. For example, a defendant charged with incendiarism in Midland was interrogated under duress which resulted in charges being dropped.<sup>166</sup> The force was also accused of inaction when crimes occurred that the public thought were preventable. In 1913 a story appeared in the *Detroit Journal* about a late night cock fight in a tumbled down barn outside of Windsor.<sup>167</sup> Members of the Windsor and Detroit "sports" community had come to watch the fight and lay their bets. The Reverend T.A. Moore lodged a complaint with the Attorney General's Department against O.P.P. for not being more vigilant. Rogers responded that this was entirely a matter for the crown attorney and high constable of the county, and that the O.P.P would only have acted at the request of the Crown. Rogers was correct; the criticism of the O.P.P. for not being vigilant was unfair. This situation is an example of how reliant the province was on local authorities to have knowledge of problems in their counties.

However, requests by the county crown attorneys for help did not always result in action. In Parry Sound, a rash of cottage robberies over several years had led to calls for provincial police protection and threats by community members to take the law into their own hands.<sup>168</sup> The Crown Attorney for the Muskoka District, W.L. Haight threatened to

---

<sup>166</sup> "Criticized The Police," *Globe* [Toronto] 4 Oct. 1910.

<sup>167</sup> Rev. T.A. Moore, Methodist Church, Toronto: Request for investigation into alleged cock-fighting near Windsor. 1913. AO, RG 4-32.

<sup>168</sup> "Georgian Bay District Infested By Robbers," *Globe* [Toronto] 6 Jan. 1913.

resign because his repeated, failed attempts to engage the Provincial Police had left him, "exasperated, disheartened and extremely bitter".<sup>169</sup>

Arguably, the difficulties faced by the force would have partly masked or otherwise muddled the waters around the problems of the county justice system. Problems faced by the force complicated the issue of systemic reform because the O.P.P. could not yet present a superior alternative to the county constables.

Rogers made a number of improvements which would pay off in the future as counties deliberated about how much provincial help they wanted. He also influenced the government to secure Acts respecting circuses, fairs, travelling shows, and the regulation of private detectives.<sup>170</sup> At the same time he introduced clear reporting requirements and a salary grid for personnel.<sup>171</sup> He also pursued new legislation to restrict the sale of firearms and fighting weapons and to empower officers to search suspects for concealed weapons.<sup>172</sup> Throughout his tenure he took a keen interest in reforming the office and operations of the county constables. As early as 1910 he noted that some counties had not hired constables, a problem that created an unnecessary burden on his force.<sup>173</sup>

---

<sup>169</sup> R.A. Mitchell, Can. Express Agent, Toronto: Request that Government take some action to stop alleged robberies at cottages on Georgian Bay. 1914. AO, RG 4-32.

<sup>170</sup> "Head of Ontario Police," *Globe* [Toronto] 14 Oct. 1909; J.E. Rogers Inspector, C.I.D.: Draft Regulations to govern movie shows. 1909. AO, RG 4-32.

<sup>171</sup> "Higher Pay for Provincial Police," *Globe* [Toronto] 23 Nov. 1910.

<sup>172</sup> Circular Letter sent to Crown Attorneys, J.P.'s and Constables re right of foreigners to carry firearms. 1909. AO, RG 4-32; "The Knife and Revolver Habit".

<sup>173</sup> J.E. Rogers, Supt. Provincial Police, Toronto: Re Circular Letter to Crown Attorneys pointing out crimes which should be dealt with by County Authorities. 1910. AO, RG 4-32.

The lack of local constables in some counties would be a persistent problem for the O.P.P. Again in 1914 Rogers brought the matter to the attention of his superiors claiming that five counties had no high constable.<sup>174</sup> Furthermore, while some chiefs of police in towns might act as a high constables for the county, they could not always attend to problems in the rural areas because of council restrictions. Rogers also claimed that most counties did not have a fit and proper person in the office of high constable. In the following year he made suggestions for statute revisions to compel the counties to appoint high constables and improve their compensation.<sup>175</sup> Other suggested amendments would have required high constables to reside at locations where they could be more easily reached, and to address problems of JPs choosing not to pay out to constables. None of his suggestions led to amendments or new laws in the near term, although in 1926, the legislature passed an Act empowering the county court judge, the warden, the sheriff, and the crown attorney, or any three, to appoint high constables whenever vacancies occurred.<sup>176</sup> The old pattern of modest adaptation rather than innovation continued.

In 1918 Rogers and the Chief Constables' Association became involved in a dispute between the Stratford Town Council and its police force. The problem revealed the interconnected nature of local and provincial reforms. It also evidenced the

---

<sup>174</sup> J.E. Rogers, O.P.P., Toronto: Legislation as to Pensions to O.P.P. Officers, and re appointment of High Constable in each County 1914. AO, RG 4-32.

<sup>175</sup> J.E. Rogers, O.P.P., Toronto: Legislation- Suggested amendment for Statute Law Amendment Act re High Constable. 1915. RG 4-32, AO. See also, J.E. Rogers, O.P.P., Toronto: Legislation- Suggested amendment to the Constables' Act. 1915. AO, RG 4-32.

<sup>176</sup> SO, 1926, c.34, s. 9.

parsimonious concerns of local officials in matters of criminal justice. Stratford council passed a resolution giving it the authority to revise police budgets presented by the local Board of Commissioners of Police.<sup>177</sup> The resolution also asked other Ontario municipalities to do the same, and to lobby the government for an amendment to the Municipal Act. The chief of police for Stratford regarded the resolution as a product of a council composed of, "labour men and socialists", who ultimately wished to cripple the force entirely. A more likely explanation was offered by Perth County's crown attorney. He saw the resolution as a product of good policing. Some "economical" councilors thought that the high state of law and order meant the town could make do with fewer police officers.<sup>178</sup> In response to these events, in February the Galt Town Council passed a similar resolution.<sup>179</sup> The desire of some communities for greater local control over expenditures clashed with the objectives of the Constables' Association and the O.P.P. As with police forces throughout North America, both organizations sought to minimize political influence over their operation.<sup>180</sup>

In 1920 at the request of the premier and attorney general, Rogers visited officials in the Pennsylvania and New York State police. He reported on force size, their training

---

<sup>177</sup> Letter from Stratford Chief Constable W. J. Lannin to J. Rogers, 23 Jan, 1918. Ontario Provincial Police Commissioner's International Association of Chiefs of Police files. AO, RG 23-8.

<sup>178</sup> Letter from Perth County Crown Attorney to J. Rogers, 26 Jan, 1918. Provincial Police Commissioner's International Association of Chiefs of Police files. AO, RG 23-8.

<sup>179</sup> Letter from John R. Blake to J. Rogers, Feb. 7, 1918. Ontario Provincial Police Commissioner's International Association of Chiefs of Police files. AO, RG 23-8.

<sup>180</sup> Marquis, *Policing Canada's Century* 7.

as cavalry men, and the fact that they were stationed in barracks.<sup>181</sup> As a result of his assessments, Rogers proposed that the O.P.P. be expanded by adding three constables in each "old county". Three months later an article appeared in the *Globe* claiming that the force would be expanded to cover, " . . . all the most remote and rural parts of the Province."<sup>182</sup> Constables would be placed in all the principal towns of the province under the direction of the county crown attorneys. However, in a legislative debate the following spring, Attorney General Raney withdrew sections of a bill that would have allowed for the appointment of an officer in each county to whom county constables would report.<sup>183</sup> Liberal Party leader, H.H. Dewar, claimed that the provision was " . . . but a continuance of the policy to co-ordinate all power and authority in the province under the attorney general."

Throughout his tenure, Rogers struggled to enforce discipline and professionalism - qualities valued by the leaders of police forces internationally.<sup>184</sup> Although it was not likely his intention at the time, resolving these problems were a prerequisite for the O.P.P. to supplant the county constables. In circular letters to his personnel he railed against incomplete and tardy reports, failure to document expense claims, and improper

---

<sup>181</sup> J.E. Rogers, O.P.P., Toronto: Suggestion for changes in O.P.P. organization and appointment of Deputy Superintendent. September 20, 1920. AO, RG 4-32.

<sup>182</sup> "Provincial Police in County Towns," *Globe* [Toronto] 16 Dec. 1920.

<sup>183</sup> "Provincial Police Are Balky Regarding O.T.A. Enforcement, Declares Raney Before House," *Globe* [Toronto] 17 March 1921; An Act respecting The Ontario Provincial Police Force. 11 Geo. V, ch. 45.

<sup>184</sup> Marquis, *Policing Canada's Century* 9.

documentation of crime scenes and other case details.<sup>185</sup> He was particularly critical of some of his constables due to allegations by high court judges that O.P.P officers made poor witnesses.<sup>186</sup> As a result, Rogers demanded that constables make detailed crime scene descriptions and sketches. Problems in poor communication between constables, their superiors, and the staff of the Attorney General's Department led to embarrassing situations when stories about violent crimes appeared in the papers before the authorities in Toronto were aware of them. In 1919 the deputy attorney general demanded that members of the force inform him immediately following the commission of serious crimes involving the death penalty so that provincial detectives could be dispatched.<sup>187</sup>

### **New Leadership and Provincial Control of County Policing: 1921-1929**

On May 1, 1921, Major General Harry M. Elliot superseded Rogers, who was placed in charge of the Criminal Investigative Division. In December of 1922 Rogers retired after forty years of service for the province. Commissioner Elliot's tenure was short. Within a year he stepped down due to ill health, and was replaced by Major General Victor Williams. Under Williams the force entered another phase of reorganization leading to the extension of O.P.P. authority over most of rural Ontario.

---

<sup>185</sup> Ontario Provincial Police circulars, 1910 -1921. 28 April 1910, from JOS Rogers, AO, RG 23-24; Ontario Provincial Police circulars, 1910 -1921. July 27 1910, from JOS Rogers, AO, RG 23-24.

<sup>186</sup> Ontario Provincial Police circulars, 1910 -1921. Oct. 27, 1915, from JOS Rogers, AO, RG 23-24.

<sup>187</sup> Ontario Provincial Police circulars, 1910 -1921. Undated unsigned letter from 1919. AO, RG 23-24.

Williams inherited a force that had grown from only forty-nine personnel in 1910, to 195 in 1922.<sup>188</sup> Physical and, "character" standards were raised and plans for a motorcycle squad to patrol the rural roads were proposed.<sup>189</sup> Williams' plan included dividing the province into nine districts, increasing pay for officers, and training for new members. There were also plans for the use of finger-prints as part of a new central bureau for criminal identification.<sup>190</sup> This initiative created closer cooperation between provincial and city police forces but also highlighted the disparity between the modernizing force and the outdated office of the county constable.

One of William's innovations proved unpopular with the officers. He observed that some men had become, "dug in", within their assigned communities, and were adverse to transfers.<sup>191</sup> He decided to regularly transfer officers in the, "best interest of law enforcement", even when communities signed petitions requesting otherwise.<sup>192</sup>

Williams also resolved a conflict that had plagued the force for many years. Provincial detectives in the Criminal Investigation Division, who, like all provincial

---

<sup>188</sup> Annual Report: 1910 (O.P.P). Memoranda to and from the Commissioner of the Ontario Provincial Police. AO, RG 23-2; Annual Report of The Commissioner of the Ontario Provincial Police, 1922. (Sessional Papers 1923, No. 84), 7.

<sup>189</sup> "To Reorganize Ontario Police," *Globe* [Toronto] 17 June 1922; "New Police System to Guard highways," *Globe* [Toronto] 3 Oct. 1923.

<sup>190</sup> "Finger-Prints to Play Part in Crime Hunt," *Globe* [Toronto] 3 July 1922. The use of finger-prints for criminal identification was an important development encouraging inter-force cooperation and the growth of police associations internationally. Marquis, *Policing Canada's Century* 6.

<sup>191</sup> Annual Report of The Commissioner of the Ontario Provincial Police, 1922. (Sessional Papers 1923, No. 84) 13.

<sup>192</sup> See for example, Ontario Provincial Police commendatory correspondence files. Letter and petition from Ennis B. Duff of Welland, to J. Rogers, Oct. 17, 1913, AO, RG 23-13; See also, petition from Latchford, May 9, 1915. AO, RG 23-13.

officers were tasked with upholding the liquor laws, claimed that this duty interfered with their investigations of crimes.<sup>193</sup> The latter often involved the cooperation of individuals who inhabited the "...haunts of bootleggers". Understandably they were less inclined to provide information about robberies and violent crimes to officers responsible for O.T.A. enforcement. Hence a plan was developed to create a special branch within the O.P.P. to prosecute O.T.A. violators.

Throughout the 1920s the O.P.P. was occasionally involved in jurisdictional conflicts with city and town forces. The Act creating the O.P.P gave its constables policing authority throughout Ontario, thereby creating overlapping jurisdictions and disputes over arrests.<sup>194</sup> In February of 1923 a public inquiry was launched into allegations that the Peterborough Police Department was interfering with the work of provincial police officer George Cookman.<sup>195</sup> Cookman was making arrests in the city, usually for liquor violations and prostitution. Tensions with the local force reached a climax with a raid on a, "house of questionable repute", that implicated a number of well-known townsmen.<sup>196</sup>

In York County, the relationship between the O.P.P. and local departments was complicated by the scope of criminal activities spanning multiple jurisdictions. The county, city, towns, and O.P.P. forces were expected to cooperate in the investigation and

---

<sup>193</sup> "O.T.A. Enforcement by Separate Body is Likely Outcome," *Globe* [Toronto] 11 Sept. 1923.

<sup>194</sup> An Act respecting Constables, 1910, SO, ch. 39, s17 (3).

<sup>195</sup> "Summon Cookman To Appear Before Chief," *The Evening Examiner* [Peterborough] 3 Feb 1923; "No Fear or Favour in Enforcing Law," *Globe* [Toronto] 5 Feb. 1923.

<sup>196</sup> *The Evening Examiner* [Peterborough] 15 Feb. -19 Feb., 1923.



pursuit of serious criminals, such as the infamous, "Hills Gang" of bank robbers.<sup>197</sup> In 1929 complaints appeared in the press that York County constables were entering municipalities which had their own departments, making arrests, and then convicting people in the County Court to collect the fines.<sup>198</sup> While he condemned the poaching, Deputy Reeve W.E. MacDonald of New Toronto stated he would oppose abolishing the county force because it would place the O.P.P. in complete control of county administration.<sup>199</sup> In January of 1928, in response to rumours that the government was contemplating the absorption of the county constable system into the O.P.P., Attorney General W.H. Price offered a denial, adding that the rural constables were capable and trustworthy officers.<sup>200</sup> Much of the criticism of the county officers, he said, was on account of their not acting as a preventative force. It was a defensive articulation of how the province viewed the limited role of the county constable. The justice system in rural areas was regarded as capable of responding to all but the most serious crimes. A year and a half later, however, Price was suggesting a merger of county and provincial police forces.<sup>201</sup> It was couched in terms of "cooperation", rather than a takeover. The strategy of dealing softly with county government was reminiscent of Home Office reforms in

---

<sup>197</sup> "Gang is Broken up and Arrests Avert Big Train Robbery," *Globe* [Toronto] 21 Jan. 1925.

<sup>198</sup> "County Police Reorganization is Agitating Suburban Areas," *Globe* [Toronto] 31 Jan. 1929; "No Reorganization of County Police," *Globe* [Toronto] 7 Feb. 1929.

<sup>199</sup> "County Police Reorganization is Agitating Suburban Areas."

<sup>200</sup> "Shake-up Not Needed For Provincial Police," *Star* [Toronto] 7 Jan 1928. "Police Systems Highly Efficient, Sates Col. Price," *Globe* [Toronto] 7 Jan. 1928.

<sup>201</sup> "Attorney-General Price Suggests Merging County and Provincial Police," *Globe* [Toronto] 23 Ap. 1928.

England nearly one hundred years prior. The following Spring an amendment to the Constables Act was introduced giving the O.P.P. supervisory authority over the high constables of the province.<sup>202</sup> The Bill was influenced by a trip that Commissioner Williams had taken to England the year before to visit Scotland Yard and the London Metropolitan Police. The intention was to remodel the O.P.P. along the lines of British policing. The government wanted a force of, "up-to-date", officers who could, "think", as well as, "mechanically execute [their] duties". Williams noted the disparity in the systems, stating that, " . . . county police as known in Ontario has no counterpart in England. Every man there is a fully trained, uniformed police constable on full salary, performing regular police duties. Payment for police services by fees as customary in this Province is unknown in England".<sup>203</sup>

The new Act authorized the province to appoint high constables in counties where none existed, and to cover the full salary and costs of the office. Counties which already had constables had the option of continuing as before, or coming under the new system. In a public memorandum Attorney General Price stated that the province was carefully extending its jurisdiction over what had always been a county domain. The government recognized that the conditions in each county were different, and that systemic changes would only take place gradually and in consultation with the counties.<sup>204</sup> This transition

---

<sup>202</sup> An Act to amend the Constables Act, SO, 1929, ch. 39; "Provincial Police Given Supervision Over County Forces," *Globe* [Toronto] 21 Mar. 1929.

<sup>203</sup> Annual Report of The Commissioner of the Ontario Provincial Police, 1922. (Sessional Papers 1923, No. 84), 12.

<sup>204</sup> "Provincial Police Given Supervision of County Forces."

was only possible because the Act was permissive, shielding it from criticisms of government overreach. However, counties choosing to maintain their own forces would have to justify it to their ratepayers.

The new Act also gave the Commissioner of the O.P.P. equal authority with the county judges to suspend constables. However, the provision only applied to constables appointed by the county. For constables appointed by the province, disciplinary authority rested solely with the government.<sup>205</sup> Although high constables had previously been under the supervision of the inspector of legal offices for the province, these inspectors appear to have been appointees rather than police inspectors with experience as constables. As such, they had never been in a proper position to discipline county officers or offer anything like occupational oversight.

In commenting on the bill, Premier G. Howard Ferguson stated that it would, " . . . not only make for better law enforcement, but would affect better law observance without the enforcement."<sup>206</sup> Both the *Star* and the *Globe* pointed out that poor communications between county and provincial police had made rapid responses to highly mobile criminals extremely difficult. This was the case in a sensational bank robbery that April in Beamsville, as well as the province-wide manhunt for an escaped petty-criminal named

---

<sup>205</sup> An Act to amend the Constables Act, SO, 1929, ch. 39, s. 4, ss. 4.

<sup>206</sup> "Finger-Print Bureau For Ontario Police is Forecast by Price," *Globe* [Toronto] 26 Mar. 1929.

Orval Shaw.<sup>207</sup> Here were two more highly publicized examples of how specific, sensational events appeared to justify reforms.

Following the new Act only eight counties (Brant, Carleton, Elgin, Kent, Middlesex, Oxford, Wentworth and York) were expected to opt out given that each had full-time high constables paid by the municipalities. However, fifteen counties without high constables agreed to give up responsibility for policing.<sup>208</sup> Two appointments appear to have been provincial officers already serving, whereas the rest were hired locally. Another fifteen counties were said to have only, "nominal" high constables, some of whom were of advanced age, and working purely part-time. It was expected that more would join the new system shortly.<sup>209</sup> In 1939 all counties but York agreed to come under the system.<sup>210</sup> However, at that time it was made clear by the government that some counties might still need to supplement the O.P.P. with county constables of their own.<sup>211</sup>

---

<sup>207</sup> "Police Changes May Be Result of Bank Robbery," *Star* [Toronto] 17 Apr. 1929; "Waterloo Farmers Want Police to Drop Shaw Hunt," *Star* [Toronto] 5 Apr. 1929; "Beamsville Police Lesson," *Globe* [Toronto] 18 Apr. 1929.

<sup>208</sup> "Provincial Constables Take Over Duties in 15 Counties," *Globe* [Toronto] 24 Jun. 1929. Officers were assigned under the new act to: Dufferin, Norfolk, Grenville, Haldimand, Halton, Peel, Dundas, Stormont, Glengary, Victoria, Frontenac, Northumberland & Durham, Prince Edward, Grey, and Lennox Addington.

<sup>209</sup> Bruce, Essex, Hastings, Huron, Lambton, Lanark, Lincoln, Ontario, Perth, Peterborough, Renfrew, Simcoe, Waterloo, Welland and Wellington.

<sup>210</sup> The York County Police were retired from active duty in 1950, thereafter becoming a court security force only. "York County Police Force Relieved of Active Duty," *Globe* [Toronto] 28 Jan 1950.

<sup>211</sup> "Reallocation of Provincial Police Ready," *Globe* [Toronto] 24 Jun. 1939.

## **Conclusion**

The long road to police reform in rural Ontario involved vocal critics using sensational crimes to push for change. In response the province appeared only marginally interested in reform. They and the counties pursued it slowly with economy and efficiency in mind. As in all other matters of government reform Ontario could look to examples from Great Britain or elsewhere for ideas. Although the environment and issues there were different, there were enough similarities to make English reforms worthy of attention. Indeed, the 1888 municipal commission, and later international queries by O.P.P. staff show this to be the case. In regard to local opinion, the province appeared to have only marginal interest in the views of county justice officials. Only with the circular letter of 1882 did the province solicit the opinions of local officials to try and determine if the system in place was adequate or in need of reform. It was the first and only attempt, publicly at least, to gather the opinions of people working in the system. The majority of respondents were critical, citing specific, and sometimes horrific examples of an out-dated system in need of reform. Given that most of these individuals might have benefited from more substantial reforms, their comments, especially when anecdotal and pecuniary, must be viewed critically.

Reformist discourse also questioned the qualities and capabilities of local constables. Could they maintain their respected status in the communities if pursuing criminals full time? If placed on a salary, would they be idle when not investigating criminals? For that matter were they even capable of "detective" work? According to a number of critics, county constables were believed to be inactive, incompetent, and

indifferent to, or in league with criminals. They were also "interested" members of the communities they served, which made unbiased policing difficult at best, especially if they felt threatened. All these factors reinforced a negative, amateurish image of the rural constable that had been inherited from England. In their defence, the county constable was not compensated at a level, nor in a manner commensurate with critics' expectations of adequate crime control. Furthermore, despite examples of them working capably with provincial authorities, the system in which they operated was not designed to address exceptional crimes in moments of crisis. One feature of the system that may also have tempered provincial interest in reform was that Ontario's counties appeared to have more constables per capita than England. This moreover, was a matter that traditionally had always been left up to the counties. Even more important perhaps was the fact that provincial reports on the number of prisoners in county jails suggested that rural crime was not a problem.

In the years between the 1882 circular and the creation of the O.P.P., statutory reforms addressed rural crime from the perspective of emergency measures to address crises. Counties were permitted to appoint special constables and pursue more complex investigations, with the province paying half the bill. This countered concerns about hiring full-time salaried officers who might remain idle, or the opposite: create community ill-will through constant policing. Given the parsimony of county authorities these turned out to be non-issues. Against the backdrop of minor reform there was a steady drum-beat of stories in the press about violent crime and occasional systemic corruption. But rather than place provincial constables in the counties of old Ontario, the

government, always fearful of "dangerous foreigners" and vagrants on the frontiers, developed existing forces in Niagara, Windsor and northern Ontario. The creation of the O.P.P. in 1909 was little more than a reorganization of these forces and a stated commitment to modernize and professionalize provincial policing. Hence, when county officials asked the province for help in dealing with crime they were reminded of their statutory authority and obligation to handle matters on their own.

As the province grew and urbanized in the twentieth-century, the duties of both the O.P.P. and the county constables expanded, which further highlighted disparity between provincial and county policing. However, the force encountered problems in its first twenty years which calls into question the degree to which the system was evolving for the better. Until the late 1920s it appears that the problem of extraordinary rural crime was seen by the government as insufficient to warrant substantial reform and investment. The occasional sensational crime, together with stories of police bungling or inattention from the Attorney General's Department was similarly insufficient motivation for the governments of the day. Finally, in 1929 the Constable's Act appeared to give the counties something they had always wanted: professional, disinterested policing at no cost to them. The Act was conservative and accommodating - "permissive" as it was termed in England - because counties could still choose to rely on the old system. This was a significant moment in the history of criminal justice in rural Ontario because it established provincial responsibility for policing in any county willing to give it up. Whether or not these changes led to better crime control in rural areas is an open question.

## **Conclusion**

The fate of the Donnelly family and their killers touches every major theme present in this study. It was, in fact, the episode that prompted my curiosity about its significance in the history of crime in rural Ontario. However, one limitation of the Donnelly story is that, while it says much about the conditions in Middlesex County at the time, it was an exceptional episode. Given the rarity of violent vigilantism and the sporadic and dispersed nature of serious crime in the province, it would be problematic to generalize from the Donnellys. This would also be the case with other sensational criminal accounts, which cannot be regarded as representative of rural criminality. However, the phenomenon of violent or seemingly organized criminal acts in rural Ontario reared its head beyond the town of Lucan, creating challenges for both county and provincial governments. Crime stories were often fodder for the press, which used them to make explicit and implicit criticisms of the justice system.

Community structure and misconceptions about rural life had the potential to complicate the issue of reform. The myth of the peaceable kingdom may have crossed with the rural idyll, leading people to wonder how sensational crimes could occur in rural Ontario even well into the twentieth-century. Indeed, one of the more remarkable aspects of the incendiarism in Dufferin county and the rustling and break-ins in Simcoe county, for example, was that they occurred well after the settlement of the province and the



adoption of a formal justice system. The same issues are raised by the Donnelly murders and the apparent long run of crime around the time that the Freeman family was tried. The very notion of “settlement” implies a process and period of movement, development and creative change – an ideal environment for crime and disorder. But it is also a concept that has an imagined end-point. People “settle” – presumably into a regular, peaceable way of life in their new homes and communities. However, contrary to the myth that rural society is always static and unchanging, this is not, nor has it ever been the case.

### **Criminal Crises in Rural Ontario**

As described in the press, the episodes of crisis around the Ballard and McDermott gangs in Dufferin and Simcoe counties raised concerns about the system of local justice. The system depended upon local volunteerism from individuals with extensive knowledge of their communities. While it may have worked adequately in regard to misdemeanors and minor indictable offences, it was limited in how it could address criminal crises in rural environments. The crimes in Dufferin and Simcoe counties, which were exposed as a result of violent deaths, suggested a previous pattern of criminality that the communities had been unable to manage. Sensational descriptions of these episodes in the press contrasted with notions of idealized rural communities. The myth that rural people were more naturally inclined to be peaceful and law-abiding was challenged whenever sensational crimes in rural areas were exposed. Serious crime carried the potential to stigmatize communities, damaging their reputations by implying

widespread criminality. This potentially meant that far greater numbers of people, whole communities perhaps, could get swept up in the discourse of criminal justice. Elites could contest the stigmatization of their communities as lawless places, provided that they could demonstrate, as in the case of Simcoe, a respectable agricultural heritage.

The structure of rural communities, with their high density of acquaintanceship, strong kinship ties and established social institutions, was not always a deterrent to crime. At times, it may even have generated or aggravated the problem. Certainly, the Ballard and McDermott gangs enjoyed a form of local intelligence about, and influence over, victims, accomplices, witnesses and local officials. Furthermore, a reluctance to report crimes to the authorities was also complicated by rural society, allowing gangs to grow and persist.

In addition to prompting questions about the structure of communities, the incidents recounted in this study raise questions about the structure of rural gangs and the degree to which members could be considered “career criminals.” Unlike with urban organized crime, rural gangs may have been more pluriactive, using crime in addition to regular farming activities for supplemental income. This sort of criminal structure makes crime harder to detect because gang members enjoy the “cover” of being agriculturalists. Furthermore, the “resident” rural criminals we have seen may have maintained a degree of respect within the community through legitimate labours, and these in turn enhanced both knowledge of the community and influence over its members.

The problem of collective violence in rural communities was also manifested in crimes that were less sensational than those that were examined in Dufferin and Simcoe

counties. Relatively minor violence could expose the difficulties faced by local authorities in managing members of their own communities. This was especially the case if the violence stemmed from accepted traditions designed to regulate behaviour, such as charivaris. The raucous hazing of one's neighbours in the name of moral conformity could lead, on rare occasion, to terrible consequences beyond the ability of local authorities to manage. Local officials were not, however, always inclined to intervene, as evidenced by their absence in various accounts of charivaris. Charivaris that went awry (the only kind that left a record) revealed vigilantist tendencies that would only diminish with the rise of civility and the acceptance of state authority.

The case of the predatory youth gang in Ostrander provides insight into how provincial authorities regarded less serious "nuisance" crimes, such as vandalism and harassment. It also illustrates the difficulties local authorities faced in addressing problems caused by youth from "respectable" local families. The behaviour of the gang, especially its use of torment for amusement purposes, bore similarities to charivaris. Yet unlike charivaris, these incidents fell completely outside the norms of acceptable behaviour. This was illustrated by the petition asking for provincial help, signed by a large number of community members.

The impact of crime on victims and the wider community plays a part in how rural communities are perceived. The perception of crime is important because it can shape attitudes about the quality of rural life and society in general. As seen in the previous cases, these perceptions could play into the hands of the press when it criticized the province for the poor state of the largely unreformed justice system. Attitudes about crime

and criminal justice also influence how and when people choose to involve themselves in dealing with community problems – whether for example, to report a crime, stand up as a witness, or play a volunteer role in official or extra-judicial actions.

The fear of crime could be especially palpable in rural communities. A reliance on part-time unprofessional constables, coupled with other shortcomings in the justice system, meant that people often had to fend for themselves. The isolation of the typical Ontario farm and the distance from those who might provide help made dealing with crimes, especially those centered around the home, all the more difficult.

In rural Ontario, concerns about the level of crime or the ascendance of social groups perceived to be troublesome could lead to vigilantism. The notion that someone is innocent until proven guilty, or that the wheels of the justice system grind slowly and at great expense, taxed the forbearance of people who were unhappy with the handling of crime or worried about groups they felt threatened the status quo. In the case of the Chatham vigilantes, it is notable that their efforts to suppress members of the black community were cloaked in the discourse of crime control – a fact shared with social group control vigilantism more commonly experienced in the United States. As a form of establishment violence, it should not be surprising that when vigilantism occurred it sometimes did so with the involvement of local officials and elites. The spirit of volunteerism and community self help that enabled these officials to do their jobs with little or no pay may also have fuelled vigilante action.

Another feature of vigilantism worth emphasizing is that although participants exposed themselves to a degree of risk when taking the law into their own hands, they did

so collectively. The socialization of risk was a stated aim of prosecution societies and similar groups in Pickering and King City, which worked with the authorities. In a slightly different form, it extended to the illegal actions of a violent mob as well. But unlike in an urban location, anonymity of the individual resulting from mob action is harder to achieve in a rural environment. In fact, the lack of anonymity for the rural vigilante could lead to local notoriety and the reputational, gendered benefits of being regarded as an enforcer. Such was the case in Lucan, where lesser vigilante actions built up the reputations of community leaders prior to the Donnelly murders. These perceived positive benefits of participation in vigilantism help explain its attractiveness, and thus its persistence.

The status of the county constable and the rise of the O.P.P. illustrate the challenges faced by both rural communities and the province in addressing criminal crises. Press and governmental reformist discourse used crime stories in an attempt to further the development of provincial policing. The system of justice as experienced in rural communities appeared largely resistant to change in spite of the publicity attending sensational crimes.

As in England, maintaining law and order in Ontario was a local responsibility which fell predominantly to district and county constables and JPs. Constables were appointed, sometimes having no interest in serving, to work on an as-needed, part-time basis. They were compensated first at the discretion of the local JPs, and then eventually, according to a narrowly defined table of fees laid down by the province. Finding suitable, capable individuals willing to work under such conditions was difficult, resulting at times

in the appointment of incompetent individuals. Yet judicial officers who did not draw a salary and who rarely worked could hardly be held to a higher standard. Nor, given their place as members of the community, could they always do their job impartially. This was not a problem most of the time, but in moments of crisis, it might have been. The popular, mythic image of the incompetent rural constable originated in England, and given the similarity of conditions, it was easily applied in Ontario. This was especially the case when sensational serious crimes, such as discussed in this thesis, occurred that showed the county constable to be out of his depth.

Until a circular letter asking about the nature of crime in the counties was sent to local officials by the attorney general in 1882, there was no indication that the provincial government gave the matter much thought. Responses to the letter, as well as regular stories in the press about crimes in rural areas, suggested that serious crime was indeed a problem beyond the capabilities of local justice officials to handle. Most criticisms from officials who claimed to be “in the know” centred on the poor and improper compensation of constables and how this led to torpor, incompetence and, worse, corruption. However, given their interested involvement in the funding and operations of the system, the input of respondents must be viewed carefully.

In contrast to the community based system of rural justice in Ontario, by the late nineteenth-century, the rise of professional urban police forces in the province and internationally suggested a modern alternative for rural policing. In England, county police forces were somewhat on par with their urban counterparts by the 1850s. Not so in

Ontario, where minor reforms, always done with parsimonious tendencies, left the counties in control of their local constables until 1929.

The quality of rural justice was challenged because of provincial and local reluctance to fund it. The counties had the authority to expend their own funds in exceptional criminal circumstances, such as the apprehension of a dangerous suspect. For its part, the province had the authority to dispatch its salaried or private detectives in similar circumstances. However, it was alleged by advocates of reform and a critical press that too many crimes remained unsolved and fugitives remained at large simply because of the costs involved in apprehending them.

One potential solution to the problem was the creation in 1909 of the O.P.P. For the next twenty years however, the force was primarily focused on the frontier regions of Niagara, Windsor and northern Ontario. Throughout its history, the force professionalized and modernized, regularly consulting with police authorities internationally. But because of the province's frontier focus, criminal crises in "old Ontario," such as occurred in Tillsonburg, Beeton and Thorold, saw provincial authorities either uninvolved, or attempting to restore the public faith in law enforcement. When the province finally took over county policing by statute in 1929, it was only because it agreed to pay the full cost of placing constables in each of the Ontario counties. Furthermore, the act was not compulsory as it had been in England since 1856. Ontario counties could continue to employ their own forces, at their own cost, if they so desired.

The long and slow development of a reformed system may have been the result of the provincial government trying to hold counties accountable for upholding their part of

the system. It may also have been based on an assessment that these crises presented an intractable problem of crime prevention. Additionally, to the extent that the province was aware of policing trends elsewhere, they may have felt that the ratio of constables to citizens was appropriate. Qualitative issues around the performance of constables may also have been difficult to assess, given public examples of constables performing well, especially when working with provincial detectives.

### **Speculations and Observations About Rural Crime and Justice**

The cases presented in this study demonstrate a remarkable level of community participation in crime and the responses to it. In an era predating the ubiquity of specialization and professionalization, when duties and rules of conduct were established by tradition rather than by statute or regulation, there were multiple paths to involvement. This was born of necessity, for it was difficult in rural environments to make a living from a single pursuit, and being cash poor meant doing jobs yourself that you might otherwise pay someone else to do. The pattern of mixed farming, supplemented by cash or barter for labour, was combined with a measure of volunteerism and community self help to enable people to survive and prosper. It was replicated throughout rural society. In terms of crime, this meant that victims pursued their own prosecutions and officials of the justice system worked at their discretion around the other demands placed on their time. Even criminals, it seems, were not wholly reliant upon crime. The notion of public involvement in crime response was typified by the jury, which compelled community representatives in the affected location to serve the justice system. It was also exemplified



by the laws, especially sections about compulsory service, pertaining to the appointment of constables. When these sorts of quasi-voluntary duties, inexpensive, expedient and convenient as they were, became established as communitarian traditions over hundreds of years, it is little wonder vigilantist sentiments persisted.

When studying rural society, it is necessary to be cautious about relying too heavily on generalizations or uncritically accepting idealized forms of supposed community structure. Rural idealism, in particular, locates country life in an imagined past that is unchanging. In rural Ontario, residential mobility has always been a fact of life: farm families have settled, succeeded or failed, and moved on to other farms or sought employment elsewhere. The intention, however, was usually to build a farm, set down roots, and build something of long lasting appreciating value for future generations. When communities were able to maintain such stability and continuity, this influenced all facets of life, including the community's relationship to crime. Nearly all of the major crimes, and all of the charivaris, in this study occurred with a certain level of historical baggage attached. The Ballard brothers, and their compatriot Alonzo Smith allegedly were second generation arsonists. Daniel Forsythe, whose miscalculation about robbing Alex Hodge proved fatal, was a retired bank-robber with a storied past. Vigilantism in Chatham had roots connecting to the underground railroad, and a common explanation for the murder of the Donnellys was that the community of Lucan had brought their feuds with them from Ireland. The word "feud" itself connotes ongoing hostility over time, and its collective iteration, "family feud," always implies a rural basis.

Crimes and criminality stretching back over the years were more difficult for local authorities to handle. In the Ontario cases described here, when provincial authorities arrived, they were always late on the scene: for example after the deaths of Edward Fenton, Dan Forsythe, Constable Rankin, the Donnelly family, Margaret Boucock and Catherine Beecham. These deaths may or may not have been preventable, but in each case, they exposed problems that had existed for some time. Local authorities probably understood the nature of the problems in their communities. In many cases, however, their “interests” – the web of local connections and obligations – may have complicated matters. For instance, the decision about how much of the ratepayers’ money ought to be spent to investigate a crime or apprehend a suspect was effectively left to county and town councils, a chilling prospect that should force a reconsideration of how important local politics can be in times of crisis. Was the non-reporting of the disappearance of Catherine Beecham – a native girl – a consequence of her family’s low racial status combined with a local bureaucratic reluctance to expend resources on an investigation? At what point might local authorities have paid for a full investigation of the Forsythe or McDermott gangs were it not for the attack on Alex Hodge? In addition to such “administrative” decisions, local inaction may have been influenced by the respect for qualities much revered in rural society: self-reliance, forbearance and toughness. Indeed, charivaris ultimately became a test of these qualities: couples who could not endure the torturous ritual with sufficient equanimity would suffer lesser status as a result.

### **True Crime, Fact and Fiction**

Crime stories have an undeniable allure. There is an attraction to chaotic events that expose how environments, negative circumstances, and people with different values combine to create something unusual, dramatic and mysterious. This is especially relevant for scholars, given our inclinations to discover facts, identify fictions and interpret both. But crimes, violent ones in particular, do not lend themselves to an easy reconstruction of what actually happened and, even less so, why. These crimes are less likely to have witnesses, and even when they do, people's recollections can be distorted by fear, guilt and other emotions, not to mention a variety of self interests. When facts are revealed and events retold in court or in the press, these two major organs of discovery approach the problem with different objectives. It is commonly accepted that court proceedings attempt to discover the truth, while newspapers, with their commercial interests, strive to satisfy the public's appetite for both information and entertainment. This distinction sets up somewhat of a false dichotomy, however. The adversarial aspects of a trial, for example, do not always lend themselves to determining fact from falsehood. Their theatrical dimension and entertainment value, especially in rural areas offering fewer recreational pursuits, might also raise doubts about their relationship to the truth. Furthermore, insofar as court proceedings ostensibly deal only with the determination of facts, they do so within the confines of fairly deciding innocence, guilt and punishment. Broadly contextual elements of the kinds found in the press can be inadmissible because they may prejudice the outcome. Facts such as the Ballard brothers being descendants of someone who had been enslaved and abused, the Donnellys and their neighbours having

emigrated from a particularly violent part of Ireland, or David McNeil having fled his criminal past to join the Canadian army – these are all outside the bounds of the legal process for determining whether someone should be punished. For the historian, however, they provide valuable context. This is the reason this study relies heavily on newspaper accounts, even in cases where court documents are available. Stories reported by the press are often sensational and bear the hallmarks of pulp fiction and true crime novels, but they were, at the very least, a popular mechanism for interpreting crime and are, as such, important sources for the historian.

### **Opportunities for Future Research**

The local nature of criminal justice and the relatively insular dimensions of rural communities make historical micro-studies an appealing prospect. Such studies could explore crime within the fuller context of local economic and social pursuits. It is an approach that also guards against the over-exaggeration of crime problems by not separating them the ebb and flow of life, where crime is exceptional. Individual actors such as county officials, officers of the court, clergy, farmers, elites and even those who run afoul of the law might emerge as more fully realized – possibly even biographical – figures. Given the need for occupational plurality in the pre-professional age, it might be possible to re-construct, for example, how constables and magistrates made their livings by cobbling together various kinds of labour. The farmer/constable, the merchant/magistrate and the sheriff/reeve/tradesman could be examined with the aim of determining how various, sometimes contradictory, obligations were combined. An

obvious question arising from this kind of pluriactivity concerns how diverse life experiences shaped the performance of both criminal and official work. The case of Joseph Rogers Sr., for example, who acted as high constable for Simcoe County while also working for an insurance company and acting as an auctioneer of assets from defaulting debtors, presents a series of obligations rife with both opportunities and conflicts of interest. This pluriactivity was also a part of the Ballard, Beeton and Donnelly gangs, as well as many of the lesser featured “farmer/criminals” in this study.

Rogers’s son, who eventually headed the O.P.P., also worked as a constable in Simcoe county for his father. Was this sort of familial patronage relationship common? To what degree were local offices informally hereditary, and if this was a common dynamic, what were its implications? Rural society was perpetuated without formal training for anyone: fathers and mothers, aunts, uncles and older siblings taught children how to farm and maintain home and family. This may also have been a factor in the maintenance of community order. Of particular interest, I would argue, is evidence suggesting that these kinds of multi-generational relationships, even those amongst alleged criminals, contributed to the rise or decline of certain families in the local community hierarchy.

Given the diverse nature of Ontario’s counties, a single micro-study would not allow a provincially geographic generalization. A collection of several such micro-studies however, if they were to include examples from the United States, would help answer an important question unasked by this study. Namely, were the common elements of North American rural life sufficiently influential on crime to create a distinct phenomenon

identifiable regardless of jurisdiction? From such a foundation of understanding we could possibly gain a new perspective on the local origins of rural views about crime and disorder.

## **Conclusion**

Finally, the notion that criminal crises in rural Ontario presented a problem worthy of an exceptional response is problematic. One feature of the antiquated system was that it lacked the more rigorous reporting requirements that would come into force only with the rise of the O.P.P. Hence it could be argued that the province was limited in its ability to recognize problems in the counties and address them before they created crises. Furthermore, the system was weighted towards prosecution and punishment. It had only limited investigative abilities and, while the notion of crime prevention existed, there were no practical means for employing it in rural society. For provincial officials, learning of crime problems through the press was not ideal either. Although crime stories were regularly reported in the press, commentary on crime was normally about “dangerous” foreigners, “troubled” youth, intrusions into Canada by hardened American criminals, or prohibition related problems. These would not have provided insight into conditions in the counties. Similarly, occasionally a story would appear about a “crime wave,” but these were not sufficient to prompt major reform.

Crime and the management of it were not a part of party platforms in Ontario, and there were no memorable speeches in the legislature made on the topic. Police forces were created and developed, but there is no evidence that the people of the province felt

much threatened by crime. At the level of individual rural communities, the story is different, however. Violent criminal events, once exposed, revealed a local history of unreported problems. Given the structure of rural communities, the group of affected people would have been larger than just criminals, victims and their families. For these people, crime was a problem – hopefully for just a short portion of their lives. The rigours of rural life would have demanded a return to a more productive and peaceable existence.

## **Bibliography**

### **Primary Sources**

#### **Archives of Ontario (AO):**

RG 4-32. Central Registry Criminal and Civil Files (Attorney General's Department)

RG 22-68. Halton County Court of General Quarter Sessions of the Peace lists of Constables, 1859.

RG 22-118. Western District Court of General Quarter Sessions of the Peace lists of Constables, 1838-1857.

RG 22-392. Criminal Assize Clerk criminal indictment files. 1880-1930.

RG 23-2. Memoranda to and from the Commissioner of the Ontario Provincial Police.

RG 23-8. Ontario Provincial Police Commissioner's International Association of Chiefs of Police files. 1910-1971.

RG 23-9. Ontario Provincial Police Divisional Inspectors' Reports. 1909-1974.

RG 23-10. Ontario Provincial Police Enrolment Applications. 1909-1925.

RG 23-13. Ontario Provincial Police Commendatory Correspondence Files. 1910-1972.

RG 23-15. Complaint Files Against The Ontario Provincial Police. 1910-1921.

RG 23-21. Ontario Provincial Police Routine Police Orders. 1922-1973.

RG 23-22. Ontario Provincial Police Regulations, Instructions, and Directives. 1922- 1947.

RG 23-24. Ontario Provincial Police Circulars. 1910-1945.

RG 23-36. Ontario Provincial Police. Criminal Investigation Branch - Inspector George Mackay's Records. 1923-1950.



**Ontario Sessional Papers (Ontario Legislative Assembly) (The Internet Archive: <https://archive.org/>)**

Ontario Department of Agriculture: Annual Report of the Statistics Branch: Comparative Farm Statistics for Forty-five Years-1882 to 1926. (Sessional Papers 1927, No. 22).

Report of the Inspector of Insurance. (Sessional Papers 1880, No. 21).

Report of the Inspector of Insurance. (Sessional Papers 1894, No.13).

Report of the Inspector of Insurance. (Sessional Papers 1898-99, No.10).

Report of the Inspector of Prisons and Public Charities. (Sessional Paper 1882, No. 8).

Report of the Inspector of Prisons and Public Charities. (Sessional Paper 1932, No. 18).

Report of the Statistics Branch. (Sessional Papers 1923, No. 46).

Detection of Crime (Report). (Sessional Papers 1884, No. 91).

First Report of the Municipal Commission. (Sessional Papers 1888, No. 42).

Public Accounts (Various, 1880-1930).

**Newspapers & Magazines**

*Barrie Examiner*

*Detroit News*

*Buffalo Evening News*

*The Economist* [Shelburne]

*Canadian Courier*

*The Evening Examiner* [Peterborough]

*Chatham Tri-Weekly Planet*

*The Evening Star* [Toronto]

*Chatham Daily Planet*

*Exeter Times*

*Chicago Daily Tribune*

*Georgetown Herald*

*Cobalt Nugget*

*Goderich Star*

|                                      |                                   |
|--------------------------------------|-----------------------------------|
| <i>Kingston Whig</i>                 | <i>The Orangeville Sun</i>        |
| <i>Listowel Banner</i>               | <i>Orangeville Banner</i>         |
| <i>London Free Press</i>             | <i>Sacramento Union</i>           |
| <i>London Advertiser</i>             | <i>Semi-Weekly Post</i> [Thorold] |
| <i>Mail and Empire</i> [Toronto]     | <i>The Stouffville Tribune</i>    |
| <i>Newmarket Era</i>                 | <i>St. Marys Journal Argus</i>    |
| <i>New York Times</i>                | <i>Toronto Globe</i> [Toronto]    |
| <i>The Northern Advance</i> [Barrie] | <i>Woodville Advocate</i>         |

**University of Western Ontario Archives, J.J. Talman Regional Collection**

Donnelly Family Papers. B4878. File #526, Charles Hutchinson Letterbook.

Donnelly Family Papers. B4877. Files #44, #54, #27, #16, #14, #12, #15.

William Porte Diaries, B4940.

**Statutes**

An Act to amend the Act for the Detection of Crime, 1886, Statutes of Ontario (SO), ch. 16.

An Act to amend the Constables Act, (SO), 1929, ch. 39.

An act relating to the Court of General Quarter sessions of the Peace, The Consolidated Statutes for Upper Canada, 1859, ch. 17.

An Act to amend the Municipal Act, 1880, (SO), ch. 24.

An Act to promote the Detection of Crime, 1885, (SO), ch. 18.

An act to provide for the nomination and appointment of parish and town officers within this province, (1793). Statutes of the Province of Upper Canada, 1831, ch.2.

An Act respecting Constables, 1877, Revised Statues of Ontario, ch. 20.

An Act respecting Constables, 1897, Revised Statues of Ontario, ch. 99.

An Act respecting Constables, 1910, (SO), ch. 39.

An Act respecting Constables, 1926, (SO), ch.34.

An Act respecting Criminal Justice Accounts payable by the Province, (SO), 1886, ch. 18.

An Act respecting the Expenses of the Administration of Justice, (SO), 1910, ch. 41, s.

11.

An Act respecting the Expenses of the Administration of Justice in Criminal matters in Upper Canada, The Consolidated Statutes for Upper Canada, 1859, ch. 120.

An Act respecting High and County Constables, 1896, (SO), ch.26.

An Act respecting the return of Convictions and Fines by Justices of the Peace and of Fines levied by Sheriffs, The Consolidated Statutes for Upper Canada, 1859, ch.124.

Various resource acts, 1892, SO, ch.9, ch.10, ch.58.

### **Census (Internet Archive- [archive.org](https://archive.org))**

Census of the Canadas. 1951-52. Personal Census. Vol. 1. 1853.

Census of the Canadas. 1860-61. Personal Census. Vol. 1. 1863.

Census of Canada, 1880-1881. Volume III. 1883.

Census of Canada, 1880-1881. Volume IV. 1885.

Census of Canada, 1890-1891. Volume IV. 1887.

Fourth Census of Canada, Volume I: Population. 1902. Comparative Tables of Population.

Sixth Census of Canada, 1921, Bulletin 1.

Sixth Census of Canada, 1921. Volume V - Agriculture. 1923.

Seventh Census of Canada, 1931, "Population of Canada, 1931". Bulletin xx.

Seventh Census of Canada, 1931. Volume II. 1933.

Seventh Census of Canada, 1931. Ontario, Census of Agriculture. Volume VIII. 1935.

### **Census (Ancestry.ca)**

Archives of Ontario. Registrations of Births and Stillbirths – 1869-1913. MS 929, reel 210.

Archives of Ontario. Registrations of Births and Stillbirths – 1869-1913. MS 929, reel 121.

Archives of Ontario. Registrations of Marriages, 1869-1928; Series: MS932, reel: 148.

Library and Archives Canada. Census of Canada, 1891. Ottawa, Ontario, Canada. Series RG31-C-1. Statistics Canada Fonds. Microfilm reels: T-6290 to T-6427. Census Place: Chatham, Bothwell, Ontario; Roll: T-6324; Family No: 118.

Library and Archives Canada. Census of Canada, 1891. Ottawa, Ontario, Canada. Roll: T-6346. Census Place: Raleigh, Kent, Ontario. Family No: 196.

Library and Archives Canada. Census of Canada, 1901. Ottawa, Ontario, Canada: Library and Archives Canada. Series RG31-C-1. Statistics Canada Fonds. Microfilm reels: T-6428 to T-6556. Census Place: Grey, Huron (east/est), Ontario; Family No: 18.

Library and Archives Canada. Census of Canada, 1901. Ottawa, Ontario, Canada. Series RG31-C. Statistics Canada Fonds. Microfilm reels: T-6428 to T-6556. Census Place: Athens (Village), Leeds (south/sud), Ontario,; Page: 2. Family No: 27.

Library and Archives Canada. Census of Canada, 1911. Ottawa, Ontario, Canada. Series RG31-C-1. Statistics Canada Fonds. Microfilm reels T-20326 to T-20460. Census Place: 25 - Whitchurch, York North, Ontario; Page: 10; Family No: 100.

## Books, Manuals and Reports

- Anon. "Regulations for the Governance of the Police Force, Rural and City, Province of Canada. With Instructions as to the Authorities and Duties of Police Constables." Montreal: 1841.
- Anon. "Report of the Commissioners Appointed to Investigate and Report Upon the Best Means of Re-Organizing the Militia of Canada, and Upon an Improved System of Police." Quebec: 1855.
- Canada. *The Criminal Code of the Dominion of Canada, as Amended in 1893*. ed. Taschereau, Henri Elzéar. Toronto: Carswell, 1893.
- Clarke, S. R. *The Magistrates' Manual Being Annotations of the Various Acts Relating to the Rights, Powers, and Duties of Justices of the Peace: With a Summary of the Criminal Law*. 2nd ed. Toronto: Carswell, 1895.
- Cox, Edward. *The Law and Practice of the County Courts in England and Wales, Comprising the Rules, Instructions, Forms, and Cases Decided in the Superior Courts and in the County Courts*. Vol. I., London: 1848.
- Gorman, M. J. *A Manual of County Court Practice in Ontario Comprising the Statutes and Rules Relating to the Powers and Duties of County Court Judges, and the Jurisdiction, Procedure and Practice of the County and District Courts of the Province of Ontario, and in Appeals Therefrom to the Court of Appeal: With Decisions in Ontario, Nova Scotia, New Brunswick, Manitoba and England, and the County Court Tariff*. Toronto: Carswell, 1981.
- Harrison, Robert A. *The Conventional Man the Diaries of Ontario Chief Justice Robert A. Harrison, 1856-1878*. eds. Oliver, Peter and Osgoode Society. Toronto: Osgoode Society and University of Toronto Press, 2003.
- Jones, J. T., and Canada. *County Constable's Manual, or, Handy Book, Compiled from the Criminal Code, 1892-3 with Schedules of Fees, Crimes and Punishments, the Courts and Jurisdiction*. Toronto: Carswell, 1893.
- Keele, William Conway. *A Brief View of the Township Laws up to the Present Time; with a Treatise on the Law and Office of Constable, the Law Relative to Landlord and Tenant, Distress for Rent, Inn-Keepers and C*. Toronto: J. W. Coates, 1835.
- MacDougall, John. *Rural Life in Canada: Its Trend and Tasks*. ed. Brown, Robert Craig. Toronto: University of Toronto Press, 1973.

Moodie, Susanna. *Roughing It in the Bush: Or, Forest Life in Canada*. Toronto: McClelland and Stewart, 1962.

Murray, John Wilson. *Memoirs of a Great Canadian Detective: Incidents in the Life of John Wilson Murray*. Toronto: Collins, 1977.

Ontario. Commission Appointed to Enquire into the Prison and Reformatory System of Ontario. *Report of the Commissioners Appointed to Enquire into the Prison and Reformatory System of Ontario, 1891*, eds. Drury, C., A. M. Rosebrugh and A. F. Jury. Toronto: Warwick and Sons, 1891.

Scobie, Hugh. *The Municipal Manual for Upper Canada*. ed. Balfour, J. Toronto: Thompson & Co., 1855.

### **Other Sources**

The Canadian County Atlas Digital Project: <http://digital.library.mcgill.ca/countyatlas/>

Dictionary of Canadian Biography: <http://www.biographi.ca/>

Journal of the Ontario Legislature, 1877.

Pennsylvania Historical and Museum Commission; Harrisburg, Pennsylvania; Prisoner Fingerprint Identification Cards; Series: 15.139. (Ancestry.com)

### *Secondary Sources*

- Abadinsky, Howard. *Organized Crime*. 9th ed. Belmont: Wadsworth/ Cengage Learning, 2010.
- Allen, Frederick. "A Rashomon Night: Montana Vigilantes and the Subjective Question of Guilt." *Montana: The Magazine of Western History* 54.3 (2004): 34-43.
- Anderson, S. *A Study of Crime in Rural Scotland*. Edinburgh: The Scottish Office, 1997.
- Archer, John E. *By a Flash and a Scare: Incendiarism, Animal Maiming, and Poaching in East Anglia, 1815-1870*. Oxford: Clarendon Press; Oxford University Press, 1990.
- Arculus, Paul. *Mayhem to Murder: The History of the Markham Gang, Organized Crime in Canada West During the 1840's*. Port Perry: Observer Publications of Port Perry, 2003.
- Aya, Rod. "Norbert Elias and "the Civilizing Process"." *Theory and Society* 5.2 (1978): 219-28.
- Ayers, Edward L. *Vengeance and Justice: Crime and Punishment in the 19th Century American South*. New York: Oxford University Press, 1984.
- Backhouse, Constance, and Osgoode Society. *Colour-Coded: A Legal History of Racism in Canada, 1900-1950*. Toronto: Osgoode Society and University of Toronto Press, 1999.
- . and Jonathan Scott Swainger. *People and Place: Historical Influences on Legal Culture*. Vancouver: University of British Columbia Press, 2003.
- Ball, Carolyn. "Rural Perceptions of Crime." *Journal of Contemporary Criminal Justice* 17.1 (2001): 37-48.
- Barker, Joshua. "Introduction: Ethnographic Approaches to the Study of Fear/ Introduction: Approches Ethnographiques À L'étude De La Peur." *Anthropologica* 51.2 (2009): 267-78.
- Baskerville, Peter A. *Sites of Power: A Concise History of Ontario*. Don Mills: Oxford University Press, 2005.
- Beattie, J. M. *Attitudes Towards Crime and Punishment in Upper Canada, 1830-1850: A Documentary Study 1830-1850*. University of Toronto, 1977.

- Becker, Gary S. "Crime and Punishment: An Economic Approach." *Journal of Political Economy* 76.2 (1968): 169-217.
- Belyea, Michael J., and Matthew T. Zingraff. "Fear of Crime and Residential Location." *Rural Sociology* 53.4 (1988): 473-86.
- Berg, M. T., and M. DeLisi. "Do Career Criminals Exist in Rural America?" *Journal of Criminal Justice* 33.4 (2005): 317-25.
- Blomley, Nicholas. "Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid." *Annals of the Association of American Geographers* 93.1 (2003): 121-41.
- Boggs, Sarah L. "Formal and Informal Crime Control: An Exploratory Study of Urban, Suburban, and Rural Orientations." *The Sociological Quarterly* 12.3 (1971): 319-27.
- Bouley, Eugene, and Terry Wells. "Attitudes of Citizens in a Southern Rural County toward Juvenile Crime and Justice Issues." *Journal of Contemporary Criminal Justice* 17.1 (2001): 60-70.
- Bowker, Lee H. *Masculinities and Violence*. Thousand Oaks: Sage Publications, 1998.
- Bowles, Richard P. *Protest, Violence and Social Change*. Scarborough: Prentice-Hall of Canada, 1972.
- Brailsford, Dennis. "Morals and Maulers: the Ethics of Early Pugilism," *Journal of Sports History* 12, no. 2 (1985): 126-142.
- Brown, Blake. "'Pistol Fever': Regulating Revolvers in Late - Nineteenth - Century Canada." *Journal of the Canadian Historical Association* 20.1 (2009): 107-138.
- . and Osgoode Society. *A Trying Question the Jury in Nineteenth-century Canada*. Toronto: Osgoode Society and University of Toronto Press, 2009.
- Brown, Desmond Haldane, and Osgoode Society. *The Genesis of the Canadian Criminal Code of 1892*. Toronto: Osgoode Society and University of Toronto Press, 1989.
- Brown, Richard Maxwell. *Strain of Violence: Historical Studies of American Violence and Vigilantism*. New York: Oxford University Press, 1975.
- Burbank, Jane. *Russian Peasants Go to Court Legal Culture in the Countryside, 1905-1917*. Bloomington: Indiana University Press, 2004.



- Burchardt, Jeremy. "Agricultural History, Rural History, or Countryside History?" *The Historical Journal* 50.2 (2007): 465-81.
- Butts, William. "The Donnellys: History, Legend, Literature." University of Western Ontario, Dissertation, 1977.
- Caldeira, Teresa Pires do Rio. *City of Walls: Crime, Segregation, and Citizenship in Sao Paulo*. Berkeley: University of California Press, 2000.
- Campbell, Fergus. "'Killing Time' in Rural Ireland, C. 1881–2013." *Irish Studies Review* 21.3 (2013): 274-92.
- Carey, Elaine, and Andrae M. Marak. *Smugglers, Brothels, and Twine: Historical Perspectives on Contraband and Vice in North America's Borderlands*. Tucson: University of Arizona Press, 2011.
- Carrigan, D. Owen. *Crime and Punishment in Canada: A History*. Toronto: McClelland and Stewart, 1991.
- Carrington, Kerry, and John Scott. "Masculinity, Rurality and Violence." *The British Journal of Criminology* 48.5 (2008): 641-66.
- Carter, Timothy J. *Rural Crime: Integrating Research and Prevention*. Totowa: Allanheld, Osmun, 1982.
- Ceccato, Vania, and Lars Dolmen. "Crime Prevention in Rural Sweden." *European Journal of Criminology* 10.1 (2013): 89-112.
- . "Crime in Rural Sweden." *Applied Geography* 31.1 (2011): 119-35.
- Chambers, Lori. "Exposing the Myth of the Peaceable Kingdom: Trends and Themes in Recent Canadian Legal History." *Acadiensis* 41.1 (2012): 247-56.
- Chapman, Terry. "The Measurement of Crime in Nineteenth-Century Canada; Some Methodological and Philosophical Problems", *Crime and Criminal Justice in Europe and Canada*, eds. Louis Knafla and John Hamilton Baker, Waterloo: Wilfrid Laurier University Press, 1985. 147-155.
- Ching, Barbara, and Gerald Creed. *Knowing Your Place: Rural Identity and Cultural Hierarchy*. New York: Routledge, 1997.
- Clinard, Marshall. "Secondary Community Influences and Juvenile Delinquency." *The Annals of the American Academy of Political and Social Science* 261.1 (1949): 42-54.

- . "Rural Criminal Offenders." *American Journal of Sociology* 50.1 (1944): 38-45.
- Cohen, Anthony P. *The Symbolic Construction of Community*. Chichester: Tavistock Publications, 1985.
- Conley, Carolyn. "The Agreeable Recreation of Fighting." *Journal of Social History* 33.1 (1999): 57-72.
- Csikszentmihalyi, Mihaly. *The Meaning of Things: Domestic Symbols and the Self*. Cambridge: Cambridge University Press, 1981.
- Curran, Mary. "Blood on the Land: Violent Crime in Rural Ireland, 1835-1844." ProQuest Dissertations Publishing, 1992.
- Dale, Lyle A. "Rough Justice: Felony Crime and the Superior Court in San Luis Obispo County, 1880-1910." *Southern California Quarterly* 76.2 (1994): 195-216.
- Das, Suranjan. "Rural Crime in Police Perception: A Study of Village Crime Note Books." *Economic and Political Weekly* 26.3 (1991): 129-35.
- Davis, John A. *Conflict and Control: Law and Order in Nineteenth-Century Italy*. Atlantic Highlands: Humanities Press International, 1988.
- Davis, Natalie Zemon. "The Shapes of Social History," *Storia della storiografia* 17 (1990), 28-34.
- Decker, Scott. "The Rural County Sheriff: An Issue in Social Control." *Criminal Justice Review* 4.2 (1979): 97-111.
- DeKeseredy, Walter, et al. "Thinking Critically About Rural Gender Relations: Toward a Rural Masculinity Crisis/Male Peer Support Model of Separation/Divorce Sexual Assault." *Critical Criminology* 15.4 (2007): 295-311.
- . S. Walter, McKenzie Rogness, and Martin D. Schwartz. "Separation/Divorce Sexual Assault: The Current State of Social Scientific Knowledge." *Aggression and Violent Behavior* 9.6 (2004): 675-91.
- Deller, Steven C., and Melissa A. Deller. "Rural Crime and Social Capital." *Growth and Change* 41.2 (2010): 221-75.
- . and Melissa Deller. "Spatial Heterogeneity, Social Capital, and Rural Larceny and Burglary." *Rural Sociology* 77.2 (2012): 225-53.

- Dewan, Pauline. *The House as Setting, Symbol, and Structural Motif in Children's Literature*. Lewiston: Edwin Mellen Press, 2004.
- Donnermeyer, Joseph F. "Rural Crime: Roots and Restoration." *International Journal of Rural Crime* 1:2.20 (2007): 1-20
- Dubinsky, Karen. *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929*. Chicago: University of Chicago Press, 1993.
- Dumsday, Travis. "On Cheering Charles Bronson: The Ethics of Vigilantism." *The Southern Journal of Philosophy* 47.1 (2009): 1-112.
- Durkheim, Emile, and W. D. Halls. *The Division of Labor in Society*. New York: Free Press, 1984.
- Egmond, Florike. "Between Town and Countryside: Organized Crime in the Dutch Republic," *The Civilization of Crime: Violence in Town and Country since the Middle Ages* eds. Eric A. Johnson and Eric H. Monkkonen. Urbana: University of Illinois Press, 1996. 138-152.
- Elias, Norbert. *The Civilizing Process*. New York: Urizen Books, 1978.
- Ellis, Bill. "Death by Folklore: Ostension, Contemporary Legend, and Murder." *Western Folklore* 48.3 (1989): 201-220.
- Emsley, Clive. *Crime and Society in England, 1750-1900*. London: Longman, 1987.
- *The English Police: A Political and Social History*. New York: Harvester Wheatsheaf; St. Martin's, 1991.
- and Louis Knafla, eds. *Crime History and Histories of Crime: Studies in the Historiography of Crime and Criminal Justice in Modern History*. Westport: Greenwood Press 1996.
- Erickson, Lesley. *Westward Bound: Sex, Violence, the Law, and the Making of a Settler Society*. Vancouver: Osgoode Society and University of British Columbia Press, 2011.
- Evans, William P., et al. "Are Rural Gang Members Similar to Their Urban Peers?" *Youth and Society* 30.3 (1999): 267-82.
- Fazakas, Ray. *The Donnelly Album: The Complete and Authentic Account of Canada's Famous Feuding Family*. Toronto: Macmillan of Canada, 1977.

- Feltes, N. N. *This Side of Heaven: Determining the Donnelly Murders, 1880*. Toronto: University of Toronto Press, 1999.
- Finch, L. Boyd. "A Shivaree in Prescott, 1864." *The Journal of Arizona History* 31.4 (1990): 425-28.
- Finnane, Mark. *Police and Government: Histories of Policing in Australia*. Melbourne: Oxford University Press, 1994.
- Flint, Colin. "Right- Wing Resistance to the Process of American Hegemony: The Changing Political Geography of Nativism in Pennsylvania, 1920–1998." *Political Geography* 20.6 (2001): 763-86.
- Flynn, Edith E., John Phillips Conrad, and The American Society of Criminology. *The New and the Old Criminology*. New York: Praeger, 1978.
- Frank, Stephen. *Crime, Cultural Conflict, and Justice in Rural Russia, 1856-1914*. Berkeley: University of California Press, 1999.
- Frierson, Cathy. "Crime and Punishment in the Russian Village: Rural Concepts of Criminality at the End of the Nineteenth-century." *Slavic Review* 46.1 (1987): 55-69.
- Friesen, Gerald. "Space and Region in Canadian History." *Journal of the Canadian Historical Association* 16 (2005): 1-22.
- Fyson, Donald William. *Magistrates, Police and People: Everyday Criminal Justice in Quebec and Lower Canada, 1764-1837*. Toronto: Osgoode Society and University of Toronto Press, 2006.
- Gainey, Randy R., and Carole L. Seyfrit. "Fear of Crime among Rural Youth: Testing the Generality of Urban Models to Rural Areas." *Sociological Focus* 34.3 (2001): 269-86.
- Gallant, T. "Greek Bandits: Lone Wolves or a Family Affair?" *Journal of Modern Greek Studies* 6.2 (1988): 269-290.
- Georges, Daniel E. *The Geography of Crime and Violence: A Spatial and Ecological Perspective*. Washington: Association of American Geographers, 1978.
- Gilchrist, Elizabeth, et al. "Women and the 'Fear of Crime': Challenging the Accepted Stereotype." *British journal of criminology* 38.2 (1998): 283-98.

- Girling, Evi. *Crime and Social Change in Middle England Questions of Order in an English Town*, eds. Ian Loader and Richard Sparks. London: Routledge, 2000.
- . Ian Loader, and Richard Sparks. "A Telling Tale: A Case of Vigilantism and Its Aftermath in an English Town." *British journal of sociology* 49.3 (1998): 474-90.
- . Ian Loader, and Richard Sparks. *Crime and Social Change in Middle England Questions of Order in an English Town*. London: Routledge, 2000.
- Greenhill, Pauline. "Dressing up and Dressing Down: Costumes, Risky Play, Transgender, and Maritime English Canadian Charivari Paradoxes." *Canadian Theatre Review* 151.1 (2012): 7-15.
- . *Make the Night Hideous: Four English Canadian Charivaris, 1881-1940*. Toronto: University of Toronto Press, 2010.
- . "Welcoming the Newlyweds: Charivari, Shivaree, Serenade, Banjo, and Saluting in Nova Scotia, 1917-C. 1975." *Acadiensis* 38.1 (2009): 52-74.
- Greenshields, Malcolm R. *An Economy of Violence in Early Modern France: Crime and Justice in the Haute Auvergne, 1587-1664*. University Park: Pennsylvania State University Press, 1994.
- Greer, Allan. "From Folklore to Revolution: Charivaris and the Lower Canadian Rebellion of 1837." *Social History* 15.1 (1990): 25-43.
- . and Ian Walter Radforth. *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada*. Toronto: University of Toronto Press, 1992.
- Griffin, Carl J. "'Cut Down by Some Cowardly Miscreants': Plant Maiming, or the Malicious Cutting of Flora, as an Act of Protest in Eighteenth- and Nineteenth-Century Rural England 1." *Rural History* 19.1 (2008): 29-54.
- Haas, Nicole E., Jan W. de Keijser, and Gerben J. N. Bruinsma. "Public Support for Vigilantism, Confidence in Police and Police Responsiveness." *Policing and Society: An International Journal of Research and Policy* 24.2 (2014): 224-241.
- Halfacree, K. H. "Locality and Social Representation: Space, Discourse and Alternative Definitions of the Rural." *Journal of Rural Studies* 9.1 (1993): 23-37.
- Hautzinger, Sarah. "Researching Men's Violence." *Men and Masculinities* 6 (2003): 93-106.

- Hay, Douglas. *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*. London: A. Lane, 1975.
- Higley, Dahn D. *O.P.P., the History of the Ontario Provincial Police Force*. Toronto: The Queen's Printer, 1984.
- Hobsbawm, E. J., and George F. E. Rudé. *Captain Swing*. New York: Pantheon Books, 1968.
- Holman, Andrew C. *A Sense of Their Duty: Middle-Class Formation in Victorian Ontario Towns*. Montreal: McGill-Queen's University Press, 2000.
- Hoven, Bettina van, and Kathrin Hörschelmann. *Spaces of Masculinities*. London: Routledge, 2005.
- Iacovetta, Franca, and Wendy Mitchinson, eds. *On the Case Explorations in Social History*. Toronto: University of Toronto Press, 1998.
- Jackson, Jonathan. "Validating New Measures of the Fear of Crime." *International journal of social research methodology* 8.4 (2005): 297-316.
- . and Jason Sunshine. "Public Confidence in Policing." *The British Journal of Criminology* 47.2 (2007): 214-33.
- Jobes, P., E. Barclay, and H. Weinand. "A Structural Analysis of Social Disorganisation and Crime in Rural Communities in Australia." *Violence and Abuse Abstracts* 11.1 (2005): 114-140.
- Jobes, Patrick C. "Effective Officer and Good Neighbour: Problems and Perceptions among Police in Rural Australia." *Policing: An International Journal of Police Strategies and Management* 25.2 (2002): 256-73.
- . "Residential Stability and Crime in Small Rural Agricultural and Recreational Towns." *Sociological Perspectives* 42.3 (1999): 499-524.
- Johnson, Eric A., and Eric H. Monkkonen, eds. *The Civilization of Crime: Violence in Town and Country since the Middle Ages*. Urbana: University of Illinois Press, 1996.
- Johnson, Loretta. "Charivari/ Shivaree - a European Folk Ritual on the American Plains." *Journal of interdisciplinary history* xx.3 (1990): 371-87.
- Johnston, L. "What Is Vigilantism?" *British Journal of Criminology, Delinquency and Deviant Social Behaviour* 36 (1996): 220-236.

- Jones, David J. V. *Crime, Protest, Community, and Police in Nineteenth-Century Britain*. London: Routledge and Kegan Paul, 1982.
- . *Rebecca's Children: A Study of Rural Society, Crime, and Protest*. Oxford: Oxford University Press, 1989.
- Jones, Robert Leslie. *History of Agriculture in Ontario, 1613-1880*. Toronto: University of Toronto Press, 1946.
- Kent, Joan R. *The English Village Constable 1580-1642: A Social and Administrative Study*. Oxford: Oxford University Press, 1986.
- Knafla, Louis A. *Violent Crime in North America*. Westport: Praeger, 2003.
- . and John H. Baker, eds. *Crime and Criminal Justice in Europe and Canada*. Waterloo: Wilfrid Laurier University Press, 1985.
- Kroneberg, Clemens, Isolde Heintze, and Guido Mehlkop. "The Interplay of Moral Norms and Instrumental Incentives in Crime Causation." *Criminology* 48.1 (2010): 259-94.
- Kubrin, Charis E., and Ronald Weitzer. "New Directions in Social Disorganization Theory." *Journal of Research in Crime and Delinquency* 40 (2003): 374-402.
- Lacour, Eva. "Faces of Violence Revisited: A Typology of Violence in Early Modern Rural Germany." *Journal of Social History* 34.3 (2001): 649-67.
- Laub, John H. "Ecological Considerations in Victim Reporting to the Police." *Journal of Criminal Justice* 9.6 (1981): 419-30.
- Lee, Matthew, and Shaun Thomas. "Civic Community, Population Change, and Violent Crime in Rural Communities." *Journal of Research in Crime and Delinquency* 47.1 (2010): 118-47.
- Levy, Barry. "Tar and Feathers." *Journal of the Historical Society* 11.1 (2011): 85-110.
- Lewis, Gwynne, and Colin Lucas. *Beyond the Terror: Essays in French Regional and Social History, 1794-1815*. Cambridge: Cambridge University Press, 1983.
- Lewthwaite, Susan. "Law and Authority in Upper Canada: The Justices of the Peace in the Newcastle District, 1803-1840." ProQuest Dissertations Publishing, 2001.

- . "Violence, Law and Community in Rural Upper Canada", *Essays in the History of Canadian Law: Volume Five – Crime and Criminal Justice*, eds. Jim Phillips, Tina Loo, and Susan Lewthwaite. Toronto: Osgoode Society and University of Toronto Press, 1994. 353-86.
- Li, Yuh-Yuh. "Social Structure, Social Control, and Crime in Rural Communities: A Test of Social Disorganization Theory." Dissertation: The Ohio State University 2009.
- Lindsey, Michael G. "Localism and the Creation of a State Police in Arkansas." *The Arkansas Historical Quarterly* 64.4 (2005): 353-80.
- Little, Craig, and Christopher Sheffield. "Frontiers and Criminal Justice: English Private Prosecution Societies and American Vigilantism in the Eighteenth and Nineteenth Centuries." *American Sociological Review* 48.6 (1983): 796-808.
- Little, Jo, Ruth Panelli, and Anna Kraack. "Women's Fear of Crime: A Rural Perspective." *Journal of Rural Studies* 21.2 (2005): 151-63.
- Lorraine, Mazerolle, Wickes Rebecca, and McBroom James. "Community Variations in Violence: The Role of Social Ties and Collective Efficacy in Comparative Context " *Journal of Research in Crime and Delinquency* 47.1 (2010): 3-30.
- Lowenthal, David. *The Past Is a Foreign Country*. Cambridge: Cambridge University Press, 1985.
- Machin, Stephen, and Costas Meghir. "Crime and Economic Incentives." *Journal of Human Resources* 39.4 (2004): 958-979.
- Maksymchuk, Andrew F. *Champions of the Dead: O.P.P. Crime-Fighters Seeking Proof of the Truth*. Victoria: Friesen Press, 2014.
- Malleck, Dan. "An Innovation from across the Line: The American Drinker and Liquor Regulation in Two Ontario Border Communities, 1927– 1944." *Journal of Canadian Studies* 41.1 (2008): 151-71.
- Mannheim, Hermann. *Pioneers in Criminology*. London: Stevens, 1960.
- Marquis, Greg. "Doing Justice to "British Justice": Law, Ideology, and Canadian Historiography" *Canadian Perspectives on Law and Society: Issues in Legal History*, eds. Wes Pue and Barry Wright. Ottawa: Carleton University Press, 1991: 43-69.
- . *Policing Canada's Century: A History of the Canadian Association of Chiefs of Police*. Toronto: University of Toronto Press, 1993.



- . "The 'Irish Model' and Nineteenth- Century Canadian Policing." *The Journal of Imperial and Commonwealth History* 25.2 (1997): 193-218.
- . *The Vigilant Eye: Policing Canada from 1867 to 9/11*. Black Point: Fernwood Publishing, 2016.
- Marr, William Lewis, and Donald G. Paterson. *Canada, an Economic History*. Toronto: Macmillan of Canada, 1980.
- Marshall, Ben, and Shane Johnson. *Crime in Rural Areas: A Review of the Literature for the Rural Evidence Research Centre*. London: Jill Dando Institute of Crime Science, 2005.
- Marshall, Clinard. "Rural Criminal Offenders." *American Journal of Sociology* 50.1 (1944): 38-45.
- . "The Process of Urbanization and Criminal Behavior " *American Journal of Sociology* 48.2 (1942): 202-13.
- Marshall, Douglas A. "Behavior, Belonging, and Belief: A Theory of Ritual Practice." *Sociological Theory* 20.3 (2002): 360-80.
- Mawby, R. I. "Myth and Reality in Rural Policing: Perceptions of the Police in a Rural County of England." *Policing: An International Journal of Police Strategies & Management* 27.3 (2004): 431-446.
- Mazerolle, Lorraine, Rebecca Wickes, and James McBroom. "Community Variations in Violence: The Role of Social Ties and Collective Efficacy in Comparative Context." *Journal of Research in Crime and Delinquency* 47 (2010): 3-30.
- McManus, Phil, et al. "Rural Community and Rural Resilience: What Is Important to Farmers in Keeping Their Country Towns Alive?" *Journal of Rural Studies* 28.1 (2012): 20-29.
- Miller, Orlo. *The Donnellys Must Die*. Toronto: Macmillan, 1962.
- Mingay, G. E. *The Rural Idyll*. London: Routledge, 1989.
- . *The Unquiet Countryside*. London: Routledge, 1989.
- Monkkonen, Eric H. *Crime, Justice, History*. Columbus: Ohio State University Press, 2002.

- Moodie, Susanna. *Roughing It in the Bush: Or, Forest Life in Canada*. Toronto: McClelland and Stewart, 1962.
- Moody, Susan R., and Gavin Dingwall, eds. *Crime and Conflict in the Countryside*. Cardiff: University of Wales Press, 1999.
- Murray, David Robert, and Osgoode Society. *Colonial Justice: Justice, Morality and Crime in the Niagara District, 1791-1849*. Toronto: Osgoode Society and University of Toronto Press, 2002.
- Nation, Maury, Timothy Fortney, and Abraham Wandersman. "Race, Place, and Neighboring: Social Ties among Neighbors in Urban, Suburban, and Rural Contexts." *Environment and Behavior* 42.5 (2010): 581-96.
- Nofziger, Stacey, and L. Susan Williams. "Perceptions of Police and Safety in a Small Town." *Police Quarterly* 8.2 (2005): 248-70.
- Nora, Pierre, L Krtizman and A. Goldhammer, eds. *Realms of Memory: The Construction of the French Past*. Vol. II. New York: Columbia University Press, 1997.
- Norrie, K. H., and D. Owrap. *A History of the Canadian Economy*, 2nd ed. Toronto: Harcourt Brace Canada, 1996.
- Norris, Darrell. "Flightless Phoenix: Fire Risk and Fire Insurance in Urban Canada, 1882-1886." *Urban History Review* 16.1 (1987): 62-68.
- Oliver, Peter. *'Terror to Evil-Doers': Prisons and Punishments in Nineteenth-Century Ontario*. Toronto: Osgoode Society and University of Toronto Press, 1998.
- Palmer, Bryan D. "Discordant Music: Charivaris and Whitecapping in Nineteenth-Century North America." *Labour / Le Travail* 3 (1978): 5-62.
- Panelli, Ruth, J. O. Little, and Anna Kraack. "A Community Issue? Rural Women's Feelings of Safety and Fear in New Zealand." *Gender, Place & Culture* 11.3 (2004): 445-67.
- Parker, Nancy. "Reaching a Verdict: The Changing Structure of Decision-Making in the Canadian Criminal Courts, 1867-1905." ProQuest Dissertations Publishing, 1999.
- Parr, Joy. *The Gender of Breadwinners Women, Men, and Change in Two Industrial Towns, 1880-1950*. Toronto: University of Toronto Press, 1990.

- Payne, Brian K., Bruce L. Berg, and Ivan Y. Sun. "Policing in Small Town America: Dogs, Drunks, Disorder, and Dysfunction." *Journal of Criminal Justice* 33.1 (2005): 31-41.
- Philips, David, and Robert D. Storch. *Policing Provincial England, 1829-1856: The Politics of Reform*. London: Leicester University Press, 1999.
- Phillips, Jim. "Crime and Punishment in the Dominion of the North: Canada from New France to the Present", *Crime History and Histories of Crime: Studies in the Historiography of Crime and Criminal Justice in Modern History* eds. Clive Emsley and Louis A. Knafla. Greenwood: Westview Press, 1996. 163-197.
- . Tina Loo, and Susan Lewthwaite, eds. *Essays in the History of Canadian Law. Volume V, Crime and Criminal Justice*. Toronto: Osgood Society and University of Toronto Press, 1994.
- Pols, Hans. "Anomie in the Metropolis: The City of American Sociology and Psychiatry." *Osiris* 18 (2003): 194-211.
- Poole, Steve. "'a Lasting and Salutary Warning': Incendiarism, Rural Order and England's Last Scene of Crime Execution." *Rural History* 19.2 (2008): 163-77.
- Potter, Gary, and Larry Gaines. "Country Comfort: Vice and Corruption in Rural Settings." *Journal of Contemporary Criminal Justice* 8.1 (1992): 36-61.
- Poveda, Tony G. "The Fear of Crime in a Small Town." *Crime & Delinquency* 18.2 (1972): 147-53.
- Pred, Allan. *Making Histories and Constructing Human Geographies: The Local Transformation of Practice, Power Relations, and Consciousness*. Boulder: Westview Press, 1990.
- Rattner, Arye, and Dana Yagil. "Taking the Law into One's Own Hands on Ideological Grounds." *International Journal of the Sociology of Law* 32.1 (2004): 85-102.
- Ray, Gerda. "From Cossack to Trooper: Manliness, Police Reform, and the State." *Journal of Social History* 28.3 (1995): 565-586.
- Ray, Melvin C., and Ronald L. Simons. "Convicted Murderers' Accounts of Their Crimes: A Study of Homicide in Small Communities." *Symbolic Interaction* 10.1 (1987): 57-70.
- Riches, David. *The Anthropology of Violence*. Oxford: Blackwell, 1986.

- Riggs Hafley, Sandra. *Rural Organized Crime: Marijuana Growers in Kentucky*. Louisville: University of Louisville, 1994.
- Robert, Smith, and McElwee Gerard. "Confronting Social Constructions of Rural Criminality: A Case Story Of 'Illegal Pluriactivity' In the Farming Community" *Sociologia Ruralis* 53.1 (2013): 112-34.
- Roberts, Julia. "'a Mixed Assemblage of Persons': Race and Tavern Space in Upper Canada." *The Canadian Historical Review* 83.1 (2002): 1-28.
- Robinson, G. M., and Guy P. F. Robinson. *Conflict and Change in the Countryside: Rural Society, Economy, and Planning in the Developed World*. London: Belhaven Press, 1990.
- Rogers, Shannon L. "'The Historian of Wessex' Thomas Hardy's Contribution to History." *Rethinking History* 5.2 (2001): 217-32.
- Rosenbaum, H. Jon, and Peter C. Sederberg. *Vigilante Politics*. Philadelphia: University of Pennsylvania Press, 1976.
- Rosenfeld, Richard. "Crime Is the Problem: Homicide, Acquisitive Crime, and Economic Conditions." *Journal of Quantitative Criminology* 25.3 (2009): 287-306.
- Rotundo, E. Anthony. *American Manhood: Transformations in Masculinity from the Revolution to the Modern Era*. New York: BasicBooks, 1993.
- Ruff, Julius R. *Violence in Early Modern Europe, 1500-1800*. Cambridge: Cambridge University Press, 2001.
- Rugh, Susan Sessions. "Civilizing the Countryside: Class, Gender, and Crime in Nineteenth- Century Rural Illinois." *Agricultural History* 76.1 (2002): 58-81.
- . "Conflict in the Countryside: The Mormon Settlement at Macedonia, Illinois." *Brigham Young University Studies* 32 (1992): 149-174.
- Samson, Danny, and Gorsebrook Research Institute for Atlantic Canada Studies. *Contested Countryside: Rural Workers and Modern Society in Atlantic Canada, 1800-1950*. Fredericton: Acadiensis Press, 1994.
- Sandwell, R. W. *Canada's Rural Majority: Household, Environment, and Economies, 1870-1940*. Toronto: University of Toronto Press, 2016.

- Sangster, Joan. "Masking and Unmasking the Sexual Abuse of Children: Perceptions of Violence against Children in "the Badlands" of Ontario, 1916-1930." *Journal of Family History* 25.4 (2000): 504-26.
- Saucier, Donald A., and Russell J. Webster. "Social Vigilantism: Measuring Individual Differences in Belief Superiority and Resistance to Persuasion." *Personality and Social Psychology Bulletin* 36.1 (2010): 19-32.
- Schwaner, Shawn L., and Thomas J. Keil. "Internal Colonization, Folk Justice, and Murder in Appalachia: The Case of Kentucky." *Journal of Criminal Justice* 31.3 (2003): 279-86.
- Seal, Graham. "The Robin Hood Principle: Folklore, History, and the Social Bandit." *Journal of Folklore Research* 46.1 (2009): 67-89.
- See, Scott. "Nineteenth- Century Collective Violence: Toward a North American Context." *Labour [Canada]* 39 (1997): 13-38.
- Sennett, Richard. *Classic Essays on the Culture of Cities*, eds. Richard Sennett and William Dendy. Englewood Cliffs: Prentice Hall, 1969.
- Shakesheff, Timothy. *Rural Conflict, Crime, and Protest: Herefordshire, 1800 to 1860*. Woodbridge: Boydell Press, 2003.
- Sharp, Douglas, Susie Atherton, and Kate Williams. "Civilian Policing, Legitimacy and Vigilantism: Findings from Three Case Studies in England and Wales." *Policing and Society* 18.3 (2008): 245-57.
- Sharpe, Robert J. *The Lazier Murder: Prince Edward County, 1884*. Toronto: Osgoode Society and University of Toronto Press, 2011.
- Shaw, Clifford R. *Juvenile Delinquency and Urban Areas: A Study of Rates of Delinquency in Relation to Differential Characteristics of Local Communities in American Cities*, ed. Henry D. McKay, Chicago: University of Chicago Press, 1969.
- Shields, Rob. *Places on the Margin: Alternative Geographies of Modernity*. International Library of Sociology. London: Routledge, 1991.
- Shoemaker, Robert. "The Decline of Public Insult in London 1660- 1800." *Past & Present*. 169 (2000): 97-131.
- . "The Taming of the Duel: Masculinity, Honour and Ritual Violence in London, 1660-1800." *The Historical Journal* 45.3 (2002): 525-45.

- Short, Brian. *The English Rural Community: Image and Analysis*. Cambridge: Cambridge University Press, 1992.
- Simpson, H. "The Office of Constable." *English Historical Review* 10 (1895): 625-641.
- Slabbert, M. "The Development of Criminology: From Traditional to Contemporary Views on Crime and Crime Causation," *Kronos* 12 (1987): 3-7.
- Smith, Bruce. *Rural Crime Control*. New York: Arno Press, 1974.
- Smith, Jonathan. "Time- Binding Communication: Transmission and Decadence of Tradition." *Ethics, place and environment* 10.1 (2007): 107-19.
- Smith, Robert, and Gerard McElwee. "Confronting Social Constructions of Rural Criminality: A Case Story on 'Illegal Pluriactivity' in the Farming Community." *Sociologia Ruralis* 53.1 (2013): 112-34.
- Spano, Richard, and Steve Nagy. "Social Guardianship and Social Isolation: An Application and Extension of Lifestyle/Routine Activities Theory to Rural Adolescents." *Rural Sociology* 70.3 (2005): 414-37.
- Springer, Simon. "Violence Sits in Places? Cultural Practice, Neoliberal Rationalism, and Virulent Imaginative Geographies." *Political Geography* 30.2 (2011): 90-98.
- Steedman, Carolyn. *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856-80*. London: Routledge & Kegan Paul, 1984.
- Stone, Thomas. "The Mounties as Vigilantes: Perceptions of Community and the Transformation of Law in the Yukon, 1885-1897." *Law & Society Review* 14.1 (1979): 83-114.
- Strathern, Marilyn. *Kinship at the Core: An Anthropology of Elmdon, a Village in North-West Essex in the Nineteen-Sixties*. Cambridge: Cambridge University Press, 1981.
- Sugden, Gavin. "Farm Crime: Out of Sight, Out of Mind: A Study of Crime on Farms in the County of Rutland England," *Crime Prevention and Community Safety: An International Journal* 1 (1999): 29-36.
- Sundar, Nandini. "Vigilantism, Culpability and Moral Dilemmas." *Critique of Anthropology* 30.1 (2010): 113-121.
- Supancic, Michael, and Cecil L. Willis. "Extralegal Justice and Crime Control." *Journal of Crime and Justice* 21.2 (1998): 191-215.

- Thomas, Alexander R. *Critical Rural Theory: Structure, Space, Culture*. Lanham: Lexington Books, 2011.
- Thompson, E. P. "' Rough Music': Le Charivari Anglais." *Annales. Histoire, Sciences Sociales* 27.2 (1972): 285-312.
- . "Rough Music Reconsidered. (English Mocking Ritual)." *Folklore* 103.1 (1992): 3-26.
- Torrance, Judy Margaret Curtis. *Public Violence in Canada, 1867-1982*. Kingston: McGill-Queen's University Press, 1988.
- Tunnell, Kenneth D. "Socially Disorganized Rural Communities." *Crime, Media, Culture: An International Journal* 2.3 (2006): 332-37.
- Valverde, Mariana. *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885-1925*. Toronto: McClelland & Stewart, 1991.
- Van Hightower, Nikki R., and Joe Gorton. "A Case Study of Community- Based Responses to Rural Woman Battering." *Violence Against Women* 8.7 (2002): 845-72.
- Walden, Keith. "Respectable Hooligans: Male Toronto College Students Celebrate Hallowe'en, 1884-1910." *Canadian Historical Review* 68 (1987): 1-34.
- . *Visions of Order: The Canadian Mounties in Symbol and Myth*. Toronto: Butterworths, 1982.
- Walker, Barrington. *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*. Toronto: Osgoode Society and University of Toronto Press, 2010.
- Walker, James W. St G. "A Case for Morality: The Quong Wing Files", *On the Case: Explorations in Social History*, eds. Franca Iacovetta and Wendy Mitchinson. Toronto: University of Toronto Press, 1998. 204-223.
- Wamsley, Kevin B., and Robert S. Kossuth. "Fighting It out in Nineteenth-Century Upper Canada/Canada West: Masculinities and Physical Challenges in the Tavern." *Journal of Sport History* 27.3 (2000): 405-30.
- Wardhaugh, Julia. "The Jungle and the Village: Discourses on Crime and Deviance in Rural North India." *South Asia Research* 25.2 (2005): 129-40.

- Weaver, John. "Trends and Questions in New Historical Accounts of Policing." *Urban History Review* 19.1/2 (1990): 79-83.
- . *Crimes, Constables and Courts: Order and Transgression in a Canadian City, 1816-1970*. Montreal: McGill-Queen's University Press, 1995.
- Websdale, Neil, and Byron Johnson. "An Ethnostatistical Comparison of the Forms and Levels of Woman Battering in Urban and Rural Areas of Kentucky." *Criminal Justice Review* 23.2 (1998): 161-96.
- . "The Policing of Domestic Violence in Rural and Urban Areas: The Voices of Battered Women in Kentucky." *Policing and society* 6.4 (1997): 297-317.
- Weisburd, David. "Vigilantism as Community Social Control: Developing a Quantitative Criminological Model." *Journal of Quantitative Criminology* 4.2 (1988): 137-53.
- Weisheit, Ralph A., and L. Edward Wells. "Rural Crime and Justice: Implications for Theory and Research." *Crime & Delinquency* 42.3 (1996): 379-97.
- . L. Edward Wells, and David N. Falcone. "Community Policing in Small Town and Rural America." *Crime & Delinquency* 40.4 (1994): 549-67.
- . David Falcone, and Edward Wells. *Rural Crime and Rural Policing*. Washington: National Institute of Justice, 1994.
- Wells, L. Edward, and Ralph A. Weisheit. "Patterns of Rural and Urban Crime: A County-Level Comparison." *Criminal Justice Review* 29.1 (2004): 1-22.
- Wiles, Paul. "Forward", *Crime and Conflict in the Countryside*, eds., Susan R. Moody and Gavin Dingwall. Cardiff: University of Wales Press, 1999. ix-xi.
- Wilkinson, Kenneth P. *The Community in Rural America*, ed. New York: Greenwood Press, 1991.
- Williams, Raymond. *The Country and the City*. Nottingham: Spokesman, 2011.
- Winfrey, L. Thomas, and Terrance J. Taylor. "Rural, Small Town, and Metropolitan Police in New Zealand: Differential Outlooks on Policing within a Unified Police Organization." *Policing: An International Journal of Police Strategies & Management* 27.2 (2004): 241-63.
- Winks, Robin W. *The Blacks in Canada: A History*. 2nd ed. Montreal: McGill-Queen's University Press, 2000.



- Wood, J. Carter. "Self-Policing and the Policing of the Self: Violence, Protection and the Civilizing Bargain in Britain." *Crime, Histoire & Societes / Crime, History & Societies* 7.1 (2003): 109-28.
- Wright, John Kirtland, et al. *Geographies of the Mind: Essays in Historical Geosophy in Honor of John Kirtland Wright*. New York: Oxford University Press, 1976.
- Yarwood, Richard. "An Exclusive Countryside? Crime Concern, Social Exclusion and Community Policing in Two English Villages." *Policing & Society* 20.1 (2010): 61-78.
- . "Crime Concern and Policing in the Countryside: Evidence from Parish Councillors in West Mercia Constabulary, England." *Policing & Society* 15.1 (2005): 63-82.