

## 'T WAS FIFTY YEARS AGO (II)

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FOR some time previous to 1882, the Government of Canada were being pressed to deepen the Lachine Canal at Montreal. The lock, which gave entrance to the canal, opened up a stretch whereon are situated many industrial properties, but was built only for a fourteen-foot navigation, and it was desired to increase this to a twenty-one foot navigation, to enable ocean-going vessels to enter this stretch of water. Crossing this stretch were two important bridges, one known as Black's Bridge for vehicular and pedestrian traffic, the other being the railway bridge carrying all trains going to or coming from the Victoria Bridge over the St. Lawrence river.

In order to meet the request of the general public for this deepening, it would be necessary to construct new piers for both bridges, and a new bridge to take the place of the old vehicular one. The piers would have to be lowered to take care of the proposed new depth, and the whole stretch excavated, which would mean a very large expenditure of money. One scheme proposed was to build a tunnel under the canal in place of Black's Bridge, but it was estimated that the cost of such a tunnel would be approximately three quarters of a million dollars, and it was therefore too expensive to be considered.

In 1890, the Chief Engineer of Canals, Mr. John Page (to whom reference was made in my previous article) died. Sir John Macdonald, who in addition to being Premier of Canada was Minister of Railways and Canals, induced the then Deputy Minister, Mr. Toussaint Trudeau, a civil engineer, to take over Mr. Page's duties in addition to his own of Deputy Minister. He was therefore made Chief Engineer of Canals, at the time the work of deepening the Lachine Canal was authorized. At that time there was, and there still is, a superintending engineer of the Quebec Canals and staff, located at Montreal, with the management of the Lachine, Beauharnois, Carillon and Grenville, St. Annes, St. Ours and Chambly Canals, but Mr. Parent, the superintending engineer, was a weak man and could be easily influenced.

When it was decided that this work was to be done by day labour, Mr. Trudeau, knowing the characteristics of the super-

intending engineer, decided that he would appoint a special engineer in whom he had implicit confidence to take charge of the work, and he appointed one of the engineering staff of the Department, Mr. J. G. Desbarats (now Deputy Minister of National Defence) to be in charge of the work at Montreal. Mr. Trudeau had particularly in view that a contract had been given to a man in Montreal who commanded the labour situation there, whom we will call Mr. X, and who was to be paid the payrolls, *plus 5%* for his service in employing such labour.

In view of after developments, such a contract was a mistake, and it is the story which I have to relate.

In June, 1891, Sir John Macdonald died, and whilst the portfolio of Minister of Railways was not filled until some time in 1892, the duties were carried out by the late Sir Mackenzie Bowell, until the Hon. John Haggart was appointed Minister. Shortly afterwards Mr. Haggart superannuated Mr. Trudeau, and appointed Mr. (afterwards Sir) Collingwood Schreiber to the threefold positions of deputy minister, chief engineer of Railways, and chief engineer of Canals. Mr. Schreiber did not know the personnel of the various canal staffs, and naturally thought that as there was a canal engineering staff in Montreal who should be able to supervise the work on the Lachine Canal, it was an unnecessary expenditure to employ a special engineer, and consequently withdrew Mr. Desbarats, sending him out to some work being done by the Government in British Columbia. Supervision of the Lachine Canal work was therefore undertaken by the superintending engineer of the Quebec Canals, and as such he had to certify to the correctness of the payrolls submitted by Mr. X.

After some months proceeding at this work, accounts duly certified *as correct* by the Superintending Engineer of the Quebec Canals were paid by the Department amounting to a very large sum. I became alarmed, as the work was not nearly completed, although the total payments by the Department had reached the approximate estimated cost. I drew Mr. Schreiber's attention to the matter, and received instructions to withhold any more payments. When the work was completed and the final paysheets, duly certified, received, it was found that the final cost exceeded the estimated cost by nearly one-half of a million dollars. The contractor not having received the money withheld, and being refused this, until proper investigation had been made, entered action against the Crown in the Exchequer Court of Canada. The Crown defended the action by retaining the services of the late Mr. B. B. Osler, one of Canada's greatest criminal lawyers. The case came

on before the late Mr. Justice Burbidge, and, as I was the custodian of all the payrolls presented by the plaintiff, I was present at the Court as witness for the Crown. Mr. X, alarmed by the well-known reputation of Mr. Osler, declined to go into the witness box, but had his chief clerk and time-keeper go on the stand as his chief witness.

It was exceedingly interesting to listen to Mr. Osler in cross-examination of the witness; leading him on quietly, thus gaining his confidence until he was ready to pounce upon him by asking him to produce the original time books to substantiate the plaintiff's case. The witness admitted that all the time books had been destroyed. Immediately this admission had been made, the judge stopped the proceedings by saying that as the plaintiff had destroyed all the evidence to substantiate his claim, he would non-suit him, thus putting an end to the case.

Shortly after this, under instructions from the Justice Department, Colonel (now Sir Percy) Sherwood, who then was Commissioner and Chief of the Dominion Police, and I proceeded to Montreal to make such investigations as would lead to the issuing of a warrant for the arrest of Mr. X.

We took with us to Montreal several members of the Dominion Police force, and in Montreal associated with us the late Silas Carpenter, who had been for years previously on the Montreal Police detective force, but was at that time the superintendent of a private detective agency. We used his offices as our headquarters. We would go over the payrolls, picking out names of men who had been employed steadily, sending the police and detectives to try to find them and bring them into the office for questioning. It was surprising the number of men who kept memorandum books showing the time they worked, and the money they had been paid.

We received information enough from these men we questioned to warrant Mr. Carpenter in laying information for the issue of a warrant for the arrest of Mr. X, for obtaining money under false pretences. Mr. X was therefore arrested, and brought before the police magistrate, Mr. Dugas. The Hon. J. H. Hall, at that time Provincial Treasurer of Quebec, was retained for the Crown, and was represented by a partner of his law firm, Mr. Cross. We had our witnesses summoned, examined by Mr. Cross and cross-examined by the lawyer retained by Mr. X. We submitted the payrolls prepared by the contractor, and proved to our satisfaction by the witnesses summoned that the payrolls had been greatly padded; but the magistrate, after hearing all the evidence, declared that there was not sufficient evidence to commit the prisoner for trial

before the Supreme Court. We therefore returned to Ottawa, and reported the result to the Department of Justice. The Minister of Justice (Hon. Sir Charles Hibbert Tupper) then gave instructions to indict Mr. X before the Grand Jury. The indictment on its back contained the names of over one hundred witnesses, mine being the fortieth. The Grand Jury met at the Court House in Montreal at 10.30 a. m., and after slight deliberations they commenced at 11 a. m. calling the witnesses in the order in which their names appeared on the back of the indictment. Mr. X was seated in a chair outside the jury room, and had a pleasant smile for everyone. About half-past eleven I was called, for they had disposed of the thirty-nine previous witnesses in a half hour. When I entered the jury room, the foreman, a big burly French-Canadian, asked me what I knew about any fraud having been committed by Mr. X. I replied that I did not think that was the proper question to put to me, that he should first ask me my name, residence and official position, to which he said, "You do not know anything about it, you can go," and immediately had the next witness called. In this manner they disposed of all by one o'clock.

It is needless to say, I was very much put out by the manner in which I had been treated, and so expressed myself to Mr. Hall who was in an adjoining room. I told him I was returning to Ottawa by the afternoon train. He asked me to wait until the next day, and just when he was so expressing himself, there was a knock at the door, and one of the jurymen came in requesting that he might be allowed to telephone his wife that he would not be home for lunch. Whilst he was doing so, Mr. Hall, speaking with a raised voice, so that the jurymen could hear him, said that I had been treated shabbily, that I was an important Government official, who must know something to be a witness. This jurymen was an Englishman, and a gentleman, who returning to the jury room protested as to the way in which I had been treated, with the result that it was decided to recall me next day, and due notice was therefore given me. Accordingly next morning I was in attendance, going into the jury room when I was called. On my way there I noticed Mr. X seated in a chair in the hall outside of the door opening into the jury room, just as the day before, but not with the same smile on his face.

On entering the room the foreman said to me, "I understand that you say you were not treated properly yesterday." To this I replied that I certainly had not been, that I was a Government official at Ottawa, and that I must have had certain information or else I would not have been named as a witness. At this point

the juryman, who had the day before protested with regard to my treatment, rose and suggested that I be allowed to tell my story, and questioned afterwards. So with copies of the evidence taken before the police magistrate, and the payrolls submitted by Mr. X, I told my story. When reading portions of the evidence, and making comparisons with the payrolls, the foreman said "He did not tell us this," to which I replied that the only question that had been put was what did he know about any fraud having been committed by Mr. X. Naturally he replied he did not know anything about it, and was dismissed. I pointed out that before the witness had been called, if his evidence taken at the police court had been read, they would have known what questions to put to him.

In order that this story may not be too long, I shall give merely one instance of many that I brought to the attention of the jury: There was a stone mason, with a Scotch name, who was returned on four different payrolls for the month of April—On the day gang, he was returned on Wellington St. bridge, or Black's Bridge, for ten hours each day; on the payroll for the night gang on this bridge he was also shown for ten hours each night; on the day gang on the railway bridge, he was shown as having worked ten hours each day; and on the night gang on this bridge, he was also shown as working ten hours each night. I pointed out this was the most marvellous man I had ever come across, as he was able to work forty hours every day during this month, when the Lord gave us only twenty-four; but, stranger still in his evidence before the police magistrate, he swore he had never worked at all on either of these bridge foundations during that month, as he had been taken off and sent to Côte St. Paul, where there had been a bad break in the canal, and was employed there during the whole month, and I produced the Department payroll showing his name having been on that roll and containing his receipt for the wages paid him direct from the Department. I was in that jury room over an hour, pointing out positive proof of extensive padding of the rolls; and when I came out and looked at Mr. X, he was wiping the tears out of his eyes, under the mental strain of visions of the penitentiary.

The jury debated for some time after I had left the room, and then went before Sir Alexander LaCoste, who was presiding in the Court Room. We went into the Court Room to hear the result of their deliberations. I sat just behind Mr. X. The prothonotary of the Court rose, and asked if the jury had found a true bill in the case of *The Queen vs X*, to which the foreman made answer "No bill," thus ending the whole business. Mr. X, who had been laboring under great excitement, for the tears were streaming

down his cheeks, turned round shaking his fist at me and said: "D——n you, I will get even with you."

A little while afterwards Mr. X. appealed to the Supreme Court of Canada, from the judgment of the Exchequer Court, and the Supreme Court reversed such judgment, and stated that as the proper officer of the Government had signed the payrolls as correct, the Government was liable, and the Government had to pay the total amount claimed, thus causing a theft estimated at close to one-half of a million dollars. Needless to say, the Superintending Engineer was dismissed from the service.

One evening when I had finished my work I asked Mr. Carpenter if he had a "rogues gallery", whereupon he produced a large volume containing the portraits of criminals. In looking over them, I came across a face of one whom I had seen before, and pointing it out to Mr. Carpenter I told him I had seen that man once. He replied "You never saw that man, he was the greatest 'yeggman' in the United States." I told him that when I was a boy, there had been a robbery of the Bank of Nova Scotia at Halifax, that two men had been arrested and brought before the Supreme Court for trial, that my father, who was prosecuting then for the Crown, took me one day into the Court room during the trial, and that I had a seat near the prisoners' box, so that I had a good look at the two prisoners, and that one of them was the man whose picture we were looking at. Mr. Carpenter told me I was right, that this man had spent the greater portion of his life in penitentiaries and had finally died there.

About a year after the X. affair, I was in Montreal, and met a friend on Notre Dame Street, whom I had not seen for some time, He was very anxious that I should have a glass of wine with him. I declined, but he was so insistent that I at last acquiesced, and we went into a place very well-known in pre-prohibition days. On entering I noticed Mr. X standing with some friends at the bar on one side of the large room, so I steered my friend to another part of the place, but Mr. X, having noticed me, came over and wanted me to have a glass of wine with him. I declined. Then he wanted me to have a cigar; this I also declined, saying to him that I was astonished that in view of his having, the last time I saw him, stated he would get even with me, I was at a loss to understand his present attitude. I was astonished at his saying to me "You must make allowance for the excitement at that time—You only did your duty."