

THE SASKATCHEWAN PROVINCIAL POLICE

1917 - 1928

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TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	i
PREFACE	ii
CHAPTER I The R.N.W.M.P. in Saskatchewan	1
CHAPTER II Establishment of the S.P.P.	14
CHAPTER III Enforcement of Liquor Legislation	24
CHAPTER IV Major Cases and Routine	39
CHAPTER V Ethnic Problems and School Attendance	52
CHAPTER VI Disbandment of the S.P.P. and a Subsequent Investigation.	61
BIBLIOGRAPHY	73

ABBREVIATIONS

A.S.	Archives of Saskatchewan (Saskatoon Office)
P.A.C.	Public Archives of Canada
R.C.M.P.	Royal Canadian Mounted Police
R.N.W.M.P.	Royal North West Mounted Police
S.P.P.	Saskatchewan Provincial Police

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Preface

The Saskatchewan Provincial Police were responsible for law enforcement in the Province from 1 January 1917 until 31 May 1928. This force had neither the reputation nor the glamour of the Royal North West Mounted Police (later the Royal Canadian Mounted Police) but nonetheless carried out its duties effectively. These duties included the enforcement of liquor legislation and school attendance legislation. There were major crimes as well as very routine matters to be investigated. The police also had to deal with some of the unique problems encountered by new settlers. Much of the time, in the later years especially, the force was subjected to political interference. This interference, coupled with a generally uncooperative attitude on the part of much of the population, made police work very frustrating.

This study gives some of the background to policing Saskatchewan from the formation of the province in 1905 to the actual take over of police duties by the Saskatchewan Provincial Police in 1917. There is an examination of the reasons for the establishment of the force and the men involved.

The ensuing chapters discuss the work of the S.P.P. in three areas. The enforcement of liquor legislation was demanding, unpopular and frustrating. The problems were never really resolved. Prohibition and the take over of the police duties on 1 January 1917 coincided. Even after the reestablishment of liquor outlets in 1924 the enforcement difficulties persisted.

The S.P.P. dealt with serious crimes, carried out long, frequent and dangerous patrols and sometimes in dealing with cases they suffered from political interference. Sometimes this interference involved lesser offences and the police were told to "take it easy" because votes might be lost.

Checking on school attendance was another unpopular duty, and largely involved the children of non Anglo Saxon origins. The various reports frequently give expression to the rather waspish sentiments common at the time.

On 31 May 1928 the S.P.P. was disbanded. This study examines the reasons given for this action and looks at the subsequent investigation into various activities of different members. The S.P.P. is a largely forgotten part of the history of Saskatchewan and has received very little mention in any studies of the period. Perhaps this thesis will provide some background for further investigation and writing.

The principal sources of information are the S.P.P. Files, the Dunning, Martin and Motherwell papers, all located in the Saskatoon office of the Saskatchewan Archives. In addition to certain government records and interviews much information has been gathered from the newspapers of the time.

CHAPTER I

The R.N.W.M.P. in Saskatchewan 1905-1916

On 1 January 1917, without fuss or fanfare, the Saskatchewan Provincial Police assumed, from the Royal North West Mounted Police, responsibility for law enforcement in Saskatchewan. This latter force had been on the job for 42 years. Eleven more years were to pass before it returned to Saskatchewan in 1928, bearing the new name, Royal Canadian Mounted Police.

From November 1874 to the time of the formation of the Province in 1905 the work of the R.N.W.M.P. was recorded by the Commissioners in their Annual Reports. Initially this force was involved in establishing and maintaining good relations with the Indians thus paving the way for further development and settlement in the West. They dealt with liquor problems (always a thorny question) and with horse stealing. In earlier years they were responsible, among other things, for mail services, customs collection, medical care for Indians and settlers, and the care and custody of lunatics and prisoners serving jail sentences. The patrol system developed by the police cemented good relations with the settlers who came to depend on the force for good advice.¹

On 1 September 1905 The Saskatchewan Act became law. From that time on, the R.N.W.M.P. entered into a contract with the government of the newly formed province to provide and maintain police services. The Annual Reports of the Commissioners again set out the tasks and achievements of the force in the province. Commissioner Perry in his 1905 report summed up these duties,

I am able to report that the new provinces of Alberta and Saskatchewan and the North-West Territories are, from a public point of view, in a satisfactory condition. These provinces begin their career as orderly and peaceably as any in the Dominion, notwithstanding that the great influx of population, drawn from many foreign countries, and the rapid development, have created conditions which hitherto have not existed in any other portions of Canada. This force was organized in 1873, as the instrument by which the 'pax Britannica' was to be carried into the great West. On July 8, 1874, 274 strong, it commenced its celebrated March ... for thirty one years neither white man nor Indian has been afraid to walk erect... 2

The strength of the force in Alberta, Saskatchewan and the North-west Territories that year was 585. These men carried out patrols, and assisted the department of Agriculture, the Indian department, department of the Interior and the Customs department. They investigated murders, cattle and horse thefts, illegal liquor traffic, prairie fires and thefts. These tasks and others were typical of those carried out as long as the force remained responsible for law and order in Saskatchewan.

As noted earlier, following the formation of Saskatchewan in 1905, the services of the R.N.W.M.P. in the province were on a contractual basis. The control of the force was a federal responsibility but the actual execution of those duties relating to provincial statutes were subject to the provincial Attorney General. In April 1906 the provinces of Alberta and Saskatchewan agreed to contribute \$75,000.00 per year towards the upkeep of a force of 500 men. The agreement was to expire 31 March 1911.³

In 1908 Commissioner Perry noted an increase in the number of serious crimes, especially murder, assault, and horse stealing. There

was also an increase of drunkenness among the Indians. This was attributed to "the closer contact of the natives with civilization. The construction of railways near the reservations and the accompanying rough element, also partly accounts for more liquor getting amongst the Indians."⁴

By 1909 the work of the police had increased noticeably. The population was steadily increasing and many demands were placed on the force. An example of the sort of thing they had to cope with was the arrival of the Doukhobors at Yorkton on 29 April 1909. The provincial and Dominion authorities disagreed as to which was responsible for these people. In the meantime the police put them under guard. Finally the Minister of the Interior authorized the establishment of a camp near Orcadia, a few miles north-west of Yorkton. There they remained, although some had to be committed as lunatics. The camp was broken up in September and the Doukhobors returned to their homes (largely in the Yorkton area). Things became normal again and the police could get on with other duties.

Commissioner Perry expressed his concern about the magnitude of tasks carried out by a relatively small force. He said,

Settlement is going on apace; railways are building into every portion of the province; and towns are springing up along these lines. No one will dispute the value of maintaining law and order among the newcomers from the very beginning. 5

Another example of the type of thing the force did was pointed out by the Commissioner when he reported that the Commissioner of Agriculture for Saskatchewan had thanked the police for enforcing certain ordinances such as the Horse Breeders Ordinance, the Fire and Game Ordinance and the Public Health Act. To enforce this latter Act there had been

much patrolling of foreign settlements which had been quarantined for an outbreak of infectious and contagious disease.⁶

As early as 1909 there had been some question in official minds about the continuance of police services in Saskatchewan. Although the agreement for these services still had two years to run the police themselves wondered if there would be a further renewal. Prime Minister Laurier authorized the Comptroller of the force to determine the wishes of the provinces. Apparently the R.N.W.M.P. were making plans to bring the strength of the force down to Dominion requirements by March 1911. Consequently they did not feel justified in engaging new men for five years if the strength in Alberta and Saskatchewan was not going to be kept up to 500.⁷ The Alberta government inquired about Saskatchewan's intentions. The Saskatchewan government replied that it was advisable to have the arrangement renewed.⁸

Premier Scott, writing to the Prime Minister later in the year said, "I may state that we should be willing to have the period of the new arrangement made seven or ten years instead of five which I think would prove beneficial."⁹ Laurier agreed, but not for a period as long as ten years unless the province would agree to pay more than the present "inadequate sum" for the purpose.¹⁰

Again in 1911 the Comptroller asked Premier Scott about continuation of the agreement. Scott referred him to an earlier letter (of Scott's) dated 22 December 1909 wherein he had informed the Prime Minister that Saskatchewan had indeed requested a renewal for a further five years.¹¹ On this basis a new contract was negotiated and the

R.N.W.M.P. agreed to remain in Saskatchewan until 1916. There was no change from the original contract price of \$75,000.00 annually.

Throughout this period the R.N.W.M.P. had responsibility for the enforcement of liquor legislation. At the same time the province had found it necessary to form a Secret Service to assist in producing evidence of violation against the provisions of the Liquor License Act. The members of this "Service" were special constables first appointed by Order in Council under the provisions of The Constables Act of 1906. There were also appointments as assistant liquor inspectors under the provisions of The Liquor License Act of 1908. The reason or origin of the term Secret Service cannot be determined unless it grew out of the fact that its members did not wear uniforms and tried to keep their true identity hidden.

The first documented reference to the term "Secret Service" is recorded in an Order in Council dated 7 December 1911. On this date Charles Augustus Mahoney was appointed,

...Chief Constable and Chief of the Secret Service at a salary of \$2400.00 per annum, such appointment to take effect from the first day of December 1911... it shall be the duty of the Chief of the Secret Service to secure evidence and institute proceedings for violations of the provisions of The Liquor License Act ... such other duties ... power to employ from time to time such assistants as may be required to produce evidence ... more stringent enforcement of the provisions of The Liquor License Act.¹²

Who was this man Mahoney who was destined to become the head of the Saskatchewan Provincial Police? What, if anything, was behind the appointment?

At the time of this appointment he had already been in Regina for a year, having arrived on 26 December 1910. He was 41 years of age and had served 14 years with the Ontario Provincial Police. His record was

apparently unblemished. His duties had brought him into contact with many American and Canadian police officers. He had been the Frontier Officer at Windsor, Ontario and in 1909 he had handled three international extradition cases from the United States.

Mahoney had provided an impressive list of references including one written by his own nephew who called him "absolutely reliable and intelligent" as well as being acquainted with "officers from here to San Francisco."¹³ In 1910 Mahoney was in Regina doing temporary work for the government "with a possibility of being retained permanently."¹⁴

It is not clear why, with his good record, Mahoney left Windsor to come West. In a letter to Scott he said his appointment as Frontier Officer had been made by the Liberals and the recent changes of government meant that the new government wanted his job.¹⁵ This reason is difficult to understand as the next Federal election was not until 21 September 1911 and the next Provincial election was not until 11 December 1911. Furthermore, the Conservatives had been in power in Ontario since 1905. He may have had the gift of second sight when it came to the next Federal election!

From the time of his appointment 1 December 1911 to the takeover of policing duties 1 January 1917, Mahoney and his staff were kept busy. This can be deduced from the large amount of correspondence available which concerns liquor. In late February and in March of 1911 Premier Scott received a host of letters from clergy and laity in the province seeking amendments to The Liquor License Act. These were largely the result of the urgings of the Social and Moral Reform Council of Saskatchewan. These letters were all with the same or at least very similar wording, and so are the replies. Each reply was worded to the effect that the government thanked the writer for expressing concern and that the whole matter of

temperance and prohibition was under serious consideration.¹⁶ The Minister of Agriculture, W.R.Motherwell, and the Premier were both in favour of temperance and ultimately prohibition.¹⁷ Armed with the authority of the Order-in-Council and The Liquor License Act the Secret Service carried out countless investigations into the illegal sale of liquor at various points in the province.¹⁸ This is the force which became the S.P.P.

By 1912 the Commissioner of the R.N.W.M.P. repeated his sentiments about the amount of work the force was expected to do. "The force suffers from the 'growing pains' of the country, which are apparent in labour strikes, over speculation and extravagance." This was the year when the police rendered special service to the city of Regina following the cyclone of 30 June.¹⁹ 1912 and 1913 had seen some slight increase in the strength of the force, with a further and considerable increase in the first year of war, 1914.

The wartime increase had been initiated by the Commissioner in a telegram, to the Comptroller of the force, dated 6 August 1914.

Owing to large foreign population in Western Canada whose native countries are now at war with Great Britain, I am of the opinion that this Force ought to be increased to 1500 [from 1000] men at once. If authorized would call on all ex members of Force to rejoin for one year who are physically fit and not over 45 years of age and whose discharge was not because of moral turpitude.²⁰

This recommendation was accepted and the Prime Minister (Sir Robert Borden) issued appropriate instructions "in order that the peace and good order of the provinces of Alberta and Saskatchewan might be assured."²¹ The instructions were carried out effectively and the 500 were recruited. Unfortunately some of the recruiting was carelessly done and medical examinations were equally careless. But by 17 September Comptroller P.C.N.

Primrose was able to request that no more engagements be made as the force was nearly up to strength. However, by the following September nearly all of the 500 one-year men took their discharge in order to volunteer for overseas service in the Army. The concern for the alien population in the west appeared groundless as there had not been any signs of organized preparations for any sort of outbreaks.²²

Meanwhile Charles Mahoney and his work with the Secret Service obviously met with the approval of his superiors. He received successive salary increases; on 2 November 1915 it was raised to \$2700.00 and by 1 May 1916 it was \$3500.00 plus (as before) travelling expenses and subsistence.²³ Further evidence of approval is noted in the Order-in-Council of 2 November 1915 wherein Mahoney is named as Superintendent of the Provincial Police and Chief of the Secret Service.²⁴ All this was in spite of an apparent attempt in 1914 to discredit Mahoney and thus harm the government. This attempt, referred to in the press as a "conspiracy", came about following an investigation into the operations of the Regina City Police leading to the resignation of the Chief of that force. When the Police Commissioners received applications for the vacant position it appeared that there was one from C.A. Mahoney. Subsequent investigation proved it to be a forgery. As it was Mahoney who had secured much of the evidence in the original case (involving bribery and forgery) this could have cast him in a poor light. Although one man confessed to offering a bribe to set up the forged application he refused to say who was really behind it all.²⁵ Eventually the choice for a new chief was Martin Bruton with whom Mahoney was to lock horns in the future (see Chapter IV).

In spite of approving of Mahoney's work the government appeared anxious to keep the workings of the fledgling force as quiet as possible. W. F.A. Turgeon wrote in 1914, possibly fearing local patronage demands,

Any move of the Department in connection with our secret service must be kept as quiet as possible. Once the erroneous impression gets abroad that we are establishing permanent detachments of Provincial Police throughout the Province you can see the nice mess we will get into ... it would be disastrous and wreck the whole thing if the matter becomes public and the various towns start agitating to become centres of Provincial Police detachments, etc. 26

It was during 1915 that there appeared to be some difficulty with the enforcement of the provincial liquor laws. The Secret Service, which Charles Mahoney headed, had been formed to assist in the more rigorous enforcement of the provisions of The Liquor License Act of 1908. This Act, a very long one, provided for the licensing of brewers and distillers to sell wholesale to recognized licensees. It specified the amounts of single sales and provided for a Board of Liquor Commissioners as well as for a chief license inspector and other inspectors. Inspectors and police officers had the right of search. There was also provision for local option by-laws (forbidding liquor sales) which needed a majority before being enforced.²⁷ One of the constables of this Secret Service, C. O'Sullivan, reported that the R.N.W.M.P. at North Battleford refused to "enforce any of the Scott Liquor Laws."²⁸

A few weeks later the M.L.A. for Melfort, G.B. Johnson, wrote to W.F.A. Turgeon, the Attorney General, and told him of an R.N.W.M.P. Staff Sergeant Loggin who claimed to have been instructed not to enforce provincial liquor laws, as clause 113 of the Bill did not specify R.N.W.M.P. Johnson, on the other hand, wanted the law enforced "because it will be bad for me politically if it is not enforced."²⁹ It appears the matter was settled by Perry who informed the Premier that the Act would be enforced.³⁰

The problem of liquor law enforcement was not really settled. It is not clear why the R.N.W.M.P. did not want to enforce this law other than the fact that it perhaps made them unpopular. It would appear from an overall view of the work of the R.N.W.M.P., as depicted in the literature of the force, that their work met with general satisfaction; that is with the general exception of the liquor law enforcement. The same situation was to arise in the later years of the life of the Saskatchewan Provincial Police (see Chapters III and VI).

The contract for Royal North West Mounted Police services was not renewed or renegotiated again in 1916. Instead, on 29 November, federal Orders-in-Council were passed which provided for the cancellation of agreements, concerning the services of the force, between the government of Canada and the governments of Alberta, Saskatchewan, and Manitoba. Consequently 31 December 1916 was the last day on which the Royal North West Mounted Police policed the Province of Saskatchewan.³¹

After that date the Secret Service, under its new title of Saskatchewan Provincial Police, assumed these policing duties. This force first functioned under the authority of The Constables Act of 1906 and by an Order in Council of 23 October 1916. It was not to be until 1920 that the Saskatchewan Provincial Police Act was passed.³²

Footnotes to Chapter I

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15. Ibid., C. Mahoney to W. Scott, 19 December 1910, p. 300.
16. Ibid., Liquor Legislation Files (M 3 .15^d) 1911.

17. Motherwell Papers, Liquor File 71.
18. Turgeon Papers. pp. 392, 523 and 527.
19. Sessional Papers of Canada, No. 28. "Report ... 1912", 30 October 1912.
20. P.A.C. Minister of Justice Files, Vol. 2649.
21. Sessional Papers of Canada, No. 28. "Report ... 1914", 1 November 1914.
22. Ibid., "Report ... 1915", 1 November 1915.
23. Order-in-Council 614, 4 May 1916.
24. Order-in-Council 1652, 2 November 1915. Up to this time Mahoney was known as "Chief Constable etc."
25. Regina Leader, 21 March 1914, p. 19.
26. Turgeon Papers, Humboldt Constituency File, Turgeon to J.M. Crerar 5 May 1914.
27. Revised Statutes of Saskatchewan, 1908, Ch. 14.
28. Scott Papers, O'Sullivan to [Scott], 13 June 1915, p. 77958.
29. Ibid., G.B. Johnson to Turgeon, 21 July 1915, p. 77962.
30. Ibid., Perry to Scott, 17 August 1915, p. 77968-9.
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CHAPTER II

Establishment of The Saskatchewan Provincial Police

"After more than forty years the role of the Mounted Police as the guardians of law and order on the western plains had come to an end."¹

In its stead, on 1 January 1917 the newly organized Saskatchewan Provincial Police assumed responsibility for all local police work in the province.

The decision to terminate the longstanding agreement between the government of Canada and the government of Saskatchewan respecting the services of the R.N.W.M.P. had been made on 29 November 1916. From then until the end of the year was a time of preparation so that the provincial force was able to assume its new responsibilities on 1 January 1917. The take over was without ceremony. All arrangements went smoothly although some shakedown was necessary.² There did not appear to be any evidence of the local patronage demands about which W.F.A. Turgeon had been concerned in 1914 (see Chapter I).

Although the change had been expected and debated for some time, formal notice had only been given on 10 November 1916. On that date Prime Minister Sir Robert Borden wrote to Premier Martin of Saskatchewan confirming that the agreement for the R.N.W.M.P. to police Saskatchewan was to be abrogated. Premier Martin replied to the effect that "... when Commissioner Perry some little time ago came to see me in regard to the new condition of affairs that had arisen with regard to the Mounted Police it was a matter of some surprise."³ Nevertheless the Premier accepted the federal decision without complaint and promised the province would make the necessary arrangements and would be ready within the period of a month, to take over

the duties performed up to this time by the R.N.W.M.P.⁴

The official reason given for the withdrawal of the R.N.W.M.P. was that the federal force should be used for federal purposes only. There was additional work to be done on the boundary and the provisions of The War Measures Act also imposed new duties. Furthermore, members of the R.N.W.M.P. were enlisting for overseas service in ever increasing numbers, thus making it difficult to keep the force up to strength.⁵

It is a bit puzzling why the R.N.W.M.P. had trouble enrolling men when the newly formed S.P.P. apparently recruited over eighty men, who were to be trained on the job, to establish four districts or divisions without serious difficulty. What is equally puzzling is that Commissioner Perry stated, "... so soon as the provincial authorities can take over the stations ... now held by the R.N.W.M.P. this famous unit will be recruited to full strength."⁶ Furthermore, twenty-nine members of the new provincial force were formerly members of the R.N.W.M.P. and wherever possible the new officers were ex-R.N.W.M.P. constables with certain preferences extended to Army and Navy veterans.⁷

As early as 9 December 1913 Prime Minister Borden had written to Premier Scott regarding the question of termination or continuance of the agreement between the two governments for policing Saskatchewan. Scott replied four days later asking for a continuance to April 1915. There appears to be some problem about this letter, either Borden never saw it or he had forgotten about it because a year went by before he made a statement to the effect that he did not see any prospect of renewal of the agreement to maintain the R.N.W.M.P. in Saskatchewan. The Morning Leader commented on this in an editorial which set forth these facts and tried to

refute an item in the Conservative Province which had claimed there was a connection between Scott's Banish-the-Bar policy (see Chapter III) and the establishment of the provincial force. Apparently the Province had claimed it had so stirred up public opinion against the termination of R.N.W.M.P. services that the Scott government had backed down. The Morning Leader article further stated that it understood that the enforcement of liquor legislation was indeed to be carried out by the R.N.W.M.P.⁸

In 1916 the Liberal press supported the creation of a separate provincial police force while the Conservative press supported renewal of the R.N.W.M.P. contract. The Regina Daily Post of 14 December 1916 reported on negotiations between the two governments concerning the termination of the agreement.⁹ A week later The Leader drew attention to the fact that some people erroneously believed that the province had requested the change. This was not so. The headline for this article was "Fifty Men to Police Province In Future!"¹⁰ That same day the Post explained that the R.N.W.M.P. would be used in connection with the National Service Commission under the direction of R.B. Bennett, M.P.¹¹ In addition, the Mounted Police force was to be allied to some degree with the Dominion Police who worked mainly in eastern Canada.¹² The Dominion Police had been formed in 1868 for the purpose of protecting parliamentary and departmental buildings in Ottawa. The duties of this 150 man force were expanded to include the protection of Navy Yards at Halifax and Esquimalt, enforcing laws against counterfeiting and white slave traffic, maintenance of a finger print bureau and a paroled prisoner branch. During the war it undertook the supervision and control of enemy aliens. The two forces became one, under the name Royal Canadian Mounted Police, in November 1919.

On 23 December 1916 The Leader reiterated (in a news item from Ottawa) that the R.N.W.M.P. had been relieved, "so that the force may be in a position to devote its energies to the enforcement of federal ordinances and war work."¹³ And by the 28th The Post reported on the handover, pointing out that the R.N.W.M.P. were assisting the new force so things could be expedited as rapidly as possible. At the same time they [the R.N.W.M.P.] prepared for border patrols.¹⁴

The press commentaries appear to have closed with the pro-government Leader explaining that so far the Provincial Police had been, "-- a comparatively small body doing practically one class of work [enforcing liquor legislation] which it was not considered wise in its own interests that the Mounted Police should do." Finally it emphasized that the whole thing was purely at the request of the Federal government.¹⁵

The question of the real reason for the withdrawal of the R.N.W.M.P. nevertheless persisted. In reply to an Order of the House on 12 February 1917, the Premier tabled the correspondence he had with the Prime Minister on the subject.¹⁶ Apparently the official reason was accepted as satisfactory. The Commissioner of the R.N.W.M.P. reiterated these reasons in his Annual Report for 1917 when he said,

At that time [July 1916] the energies of the force were absorbed in its civil duties; it was widely distributed and at no point, except at headquarters, was there any reserve strength. To render it of more service in meeting war conditions, its numbers would have to be largely increased, its ordinary police duties taken over by the different provinces and its distribution revised.¹⁷

These same reasons were repeated yet again in the House of Commons on 20 May 1918 when Mr. Rowell (President of the Privy Council) replied to a question put by Mr. Bureau (M.P. for Trois Rivieres - St. Maurice)

and gave the additional information that there had been a request from overseas authorities for reinforcement for the cavalry brigade.¹⁸

In addition to the official reason there appear to be two other reasons which emerge from the evidence. One is the suggestion of patronage, the other is a stronger suggestion of the problems of liquor legislation and its enforcement.

Insofar as patronage is concerned the Conservative Evening Standard on 23 March 1915 published an article entitled "Scott Machine Desires Provincial 'Arm of Law' under Its Own Control."¹⁹ This was followed by an editorial two days later claiming that the Scott government wanted a police force more expensive [than the R.N.W.M.P.] yet more amenable to the wishes of the government. It further claimed that the new force would advance the political ends of the government. This editorial concluded, "... a more notorious outfit masquerading under the name of police has never been gathered together anywhere. 'Whisky-Spotters' is the most magnanimous term that could be applied to them."²⁰

The question of patronage in the matter of appointments to the force arose very early in the game, and there is a conflict of evidence at that time. In January 1917 the then Attorney General (W.F.A. Turgeon) recommended the appointment of one George Marshall, from Moose Jaw, to the force as a guard for the cells in that city. This came about because the Liberal Association of Moose Jaw had advised that Marshall, who had formerly worked in the Government Liquor Stores Service controlled "from 2 to 3 hundred votes in Moose Jaw."²¹ Then less than a month later the Attorney General said,

... appointments to the Provincial Police must not be dealt with in the same way as ordinary appointments. They can in no sense be considered as patronage matters. We have assumed a most difficult task in taking over the work carried on by the Mounted Police. Unfortunately, the Provincial Police which has existed for several years and which forms the nucleus of our present larger force, was charged and attacked time and time again most unfairly on the ground that it was merely a political organization. It is essential therefore that every precaution be taken to establish the confidence of the people with due and impartial carrying out of the administration of Justice by the Provincial Police ... If Mr. Marshall were appointed it could only be on condition that he would sever all his political connections and activities ... we have adopted the policy of placing the responsibility for all appointments ... upon the Chief of the Force.²²

Both Turgeon and his immediate successor in the office of Attorney General (Premier Martin) adhered to this policy once it had been uttered. Martin wrote to Dr. Uhrich four years later and said much the same thing,

... we can never allow the Chief of Police or any of the officers of the Force to be placed in a position where the policemen have any reason to think that outside influence can determine where a man is to be located or under what conditions he should serve in the Force.²³

The next Attorney General, Col. J.A. Cross, exercised more personal control in the affairs of the force during his tenure of office (5 April 1922 to 8 December 1927). There is, for example a report on a case of breaking and entering at La Fleche in 1926. To this report is attached a note dated 17 March saying, "Col. Cross requests that Mr. Geddes [the Deputy Attorney General] kindly have this carefully gone into. It is in Col. Cross's constituency." On the reverse side is this notation, "Telephoned Tracy [the Assistant Commissioner] to give special attention".²⁴ Cross, or at least his department, interfered in postings of police, in ordering remands of liquor cases until after the 1925 election and in the

enforcement of liquor legislation. In addition he had ordered the Commissioner to provide a police officer to assist in preparation for a trial which was very political in nature. These events were not revealed until a Royal Commission enquired into the so-called "Bryant Charges" in 1930, and reported several instances of interference in the work of the S.P.P. by the Attorney General and other politicians (see Chapter VI).

The third possible reason for the creation of the new force was the alleged unwillingness of the R.N.W.M.P. to enforce unpopular provincial liquor legislation. There is evidence that the R.N.W.M.P. did not consider it in the interest of the federal force to enforce such legislation. In August of 1915 Commissioner Perry expressed the view that R.N.W.M.P. constables were probably not in sympathy with the Liquor Acts, "... as you are aware, prior to 1st July the Mounted Police did not deal with liquor matters, and that after, a complete change was made."²⁵ It is not exactly clear what Perry meant by this because the Mounted Police in fact had dealt with some liquor matters, especially the illicit manufacture of alcoholic beverages. He went on however, in his letter to point out that as the majority of the men in the Force were "middle class" and "well educated" Englishmen they were not accustomed to prohibition ideas and laws and did not think highly of them.

The opinion that the enforcement of liquor legislation was not in the interests of the police was not peculiar to the R.N.W.M.P. It was to be expressed later by the S.P.P. and by politicians (see Chapters III and VI). This is a difficult thing to understand. Whose task was it to enforce these laws if not that of the police? It is clear however, that the R.N.W.M.P. considered this to be provincial legislation best enforced by a provincial force. The S.P.P. grew out of an organization formed for the

express purpose of enforcing liquor legislation and, as will be shown, did its best to carry out these duties. Nonetheless, the attitude is hard to understand, unless popularity was the real problem. But surely there is much about law enforcement that is calculated to make policemen unpopular!

And so it was that Charles Mahoney and his men assumed on 1 January 1917 the rather burdensome responsibility of law enforcement in Saskatchewan.²⁶ The R.N.W.M.P. continued to be responsible for enemy aliens in the West and for border controls. They carried out these duties until April of 1918 when the S.P.P. took over.²⁷

The S.P.P., which Mahoney headed as Commissioner, had its headquarters in Regina and was organized into 4 divisions (Regina, Weyburn, Saskatoon and Prince Albert). There was no Assistant Commissioner at the start, however Inspector W.R. Tracey was appointed to that position in 1919. The strength during the first years was 86 and in 1920 reached its peak at 175.

The responsibilities of the new force included the enforcement of liquor legislation and school attendance legislation. It included dealing with major crimes as well as very routine matters. It meant dealing with new settlers and some resulting ethnic problems. It was not to be easy.

Footnotes to Chapter II

1. S.W. Horall, Op. Cit., p. 171.
2. Morning Leader, Regina, 2 January 1917, p. 11.
3. Regina Leader, 3 March 1917, p. 14.
4. Ibid.
5. Morning Leader, Regina, 23 December 1916, p. 1.
Martin Papers, Police Files, p. 35172.
6. Morning Leader, Regina, 26 December 1916, p. 1.
7. Ibid., 30 December 1916, p. 11.
8. Ibid., Regina, 13 May 1915, p. 4.
Ibid., 1 June 1915, A.O.S. Newspaper Clippings File, Judiciary,
Administration of Law and Justice, 16/6/2.
9. Regina Daily Post, 14 December 1916, 16/6/2.
10. Regina Leader, 22 December 1916, 16/6/2.
11. CAR 1916, p. 328. This commission was established to coordinate manpower resources and to make plans for the maintenance of agricultural and other industries without impairing the public services of the country.
12. Regina Daily Post, 22 December 1916, 16/6/2.
13. Regina Leader, 23 December 1916, 16/6/2.
14. Regina Daily Post, 23 December 1916, 16/6/2.
15. Regina Leader, 30 December 1916.
16. Journals of the Legislative Assembly (Sask.), Session 1917,
12 February 1917.
17. Report of the R.N.W.M.P., 1918, No. 28 "Report ... 1917", p. 9.
18. Debates of the House of Commons, 1st Session, 13th Parlt. 1918,
Vol. III, p. 2285.
19. Evening Standard, Regina, 23 March 1915, 16/6/2.
20. Ibid., 23 March 1915.

21. Turgeon Papers, Turgeon to C. Mahoney, 15 January 1917, p. 294.
22. Ibid., W.G. Ross to W.G. Hooker, 11 January 1917, p. 255.
Ibid, Turgeon to W.G. Ross, 7 February 1917, p. 234-235.
23. Martin Papers, Martin to Dr. Uhrich, Regina, 25 November 1921, p. 35510.
24. A.S. Attorney General's Files, S.P.P. Crime Reports.
25. Scott Papers. Commissioner A.B. Perry to Scott, 30 August 1915. p. 77976.

A.S. Taped interview with R. Pyne, Saskatoon, 11 December 1974. Mr. Pyne, a former member of the R.N.W.M.P. (January 1922 - July 1926) of the S.P.P. (July 1926 - May 1928) and of the R.C.M.P. (June 1928 - 1961), claims that the R.N.W.M.P. did not want to enforce the liquor laws and refused to do so. He considers the "official reasons" of their being needed for overseas service is wrong and that the R.N.W.M.P. simply did not want to be criticized as far as liquor legislation was concerned.

26. Privy Council Order 2960, 29 November 1916. This Order cancelled the agreement between the governments of Canada and Saskatchewan respecting the services of the R.N.W.M.P. in Saskatchewan, effective 1 January 1917.
27. Morning Leader, Regina, 27 December 1916, p. 1. A statement by Commissioner A.R. Perry.

CHAPTER III

Enforcement of Liquor Legislation

I have a feeling that my mother spoke for all womankind when she used to cry out tearfully, 'Oh God, if only we could get rid of those cursed bars! 1

The story of the liquor problem, the resultant legislation, the enforcement of that legislation, movements for temperance and prohibition, the prevalence of bootlegging, rum running across the American/Canadian border, corruption and charges of corruption at various levels, is an involved story. Perhaps it has best been told (in popular form at least) by James Gray in two of his books, The Boy from Winnipeg and Booze.²

The liquor problem preceded the formation of the province and remained an unresolved problem throughout the time the S.P.P. were responsible for the enforcement of liquor legislation.³ As early as 1906 Premier Scott was receiving letters from private citizens and from church groups (Saskatchewan Provincial Union of Christian Endeavour, Methodist Church Department of Temperance and Moral Reform, Synod of Saskatchewan, The Moral and Social Reform Council of Saskatchewan and the Methodist Conference, to name several) all urging total prohibition. Scott sent a standard reply to them all. " ... the government is giving the question serious consideration."⁴

There can be no doubt that the problem was serious. Life in Saskatchewan was hard and rough in those days. Vast distances separated homesteads and farms. Many men had come to the West ahead of their

families and consequently were lonely. The work of breaking the land and erecting buildings was tiresome and the climate was not always kind. Thus many sought solace in drinking. In many cases men had to travel many miles to get a drink and, even with the best intentions, often stayed in the bar until they were completely drunk. Accidental deaths were, in many cases, the result of over indulgence in alcohol. This all led to hardships for families, needless expense and the waste of money earned by hard labour.

At the same time, it led to profits for those who provided and sold the liquor. It was obvious to most people that the existing legislation (The Ordinances of the North West Territories were observed until 1907) was not curbing the excesses. Consequently, in 1907, there was established a Liquor License Board and in 1908 The Liquor License Act provided the first real response to the cry of the prohibitionists.

This Act provided for license districts, a board of license commissioners and license inspectors. It set out the terms whereby licenses could be obtained, including fees and the reasons for which licenses could be revoked. Liquor could be sold by druggists for medicinal purposes (in local option by-law areas a doctor's or veterinarian's certificate was required).⁵ Unfortunately, although this Act also provided for local option by-laws, enforcement was difficult and amendments were required.⁶

Premier Scott wrote to A.L. Smith, the M.L.A. for Moosomin,

There is simply no doubt about the matter that we shall have to use a very considerable Secret Service Force in connection with this Liquor Act. Some such

force has been lacking all along but now that prohibition is coming into effect in quite a few places in the Province there is even greater necessity for such work. The ordinary Liquor Inspectors and even the regular policemen are of very little use in the enforcement of the liquor selling part of the law. 7

Two months later reference was made by the Premier to the fact that Charles Mahoney was the administrator of the Liquor License laws. "It is our intention to give Mr. Mahoney a free hand this coming year. His work ought to produce revenue commensurate with the outlay."⁸ Such a statement poses a question. Was the government trying to control excessive drinking or to raise money? From this time on the Secret Service/S.P.P. were the enforcers of the liquor laws, aided by special constables or "spotters" who, as plain clothesmen, could work undercover. The R.N.W.M.P. continued to enforce Federal laws including those prohibiting illicit manufacture of alcohol.

That the S.P.P. throughout its life and in spite of difficulties, took the matter of enforcement of the liquor laws seriously is expressed rather forcefully in this comment by the Commissioner,

There appears to be a near affinity between the use of liquor and major and minor crimes. Dissipation is concomitant with criminal life. The criminal is usually a devotee of one or all of Satan's major debauching devices - liquor, gambling and sexual lust. To obliterate these vices and the place where they may be gratified is the working policy of this Force and is pursued to the full extent of our ability. 9

In order to regulate the sale and consumption of liquor the government found it necessary to pass amendments annually to the Liquor License Act.¹⁰ These amendments covered such things as licenses,

penalties, powers of search, the disposition of confiscated liquor and local option by-laws. But in spite of all legislative attempts at control of the sale of liquor there were still many problems. It should be noted that the cost of a liquor license was high. Hotel licenses were \$400.00 for cities, \$300.00 for towns and \$250.00 for villages and rural localities. Added to this was an additional \$200.00 in those places where a liquor inspector was appointed. This meant that licensees needed a high volume of sales. Consequently they made little attempt to prevent overindulgence.¹¹

By 1913, however, the social consciences of many individuals and groups were sufficiently alert to the serious problems occasioned by heavy drinking that a new movement came into being. This was the Banish-the-Bar movement, strictly speaking the child of the Social and Moral Reform Association.¹² As its name implies, the group called for abolition of the bars and proposed that legislation to this effect be submitted to the electorate in a plebiscite. Because the movement and the government could not agree on the size of the majority of affirmative votes required to carry the proposed legislation no plebiscite was held.¹³ But conditions were such that the movement pressed on. It gained new strength with the outbreak of war in August 1914.¹⁴ Consequently by 1915 it was very widespread and the government suddenly decided to abolish bars without even a plebiscite.¹⁵ The bars closed 1 July 1915. This was considered a wartime measure and a referendum could be held after the cessation of hostilities (or no earlier than December 1916).

This action on the part of the government met with general approval throughout the province, not only by organized groups but also by individuals, many of whom were drinkers themselves but realized the only way they would stop was by legislative action. Strange to say these same people failed, in most instances, to uphold and support the police later when it came to enforcing the legislation. Perhaps the simple reason was the one given by Premier Dunning ten years later; "the great popular appetite for alcoholic beverages."¹⁶ The liquor interests opposed the legislation, while the Conservatives opposed the idea of government dispensaries.¹⁷

The government passed a new Sales of Liquor Act in June of 1915. Among other provisions (including the establishment of government liquor outlets) there was to be a Director of Prosecutions appointed who would have police and special constables to assist him in the enforcement of the Act.¹⁸ As with previous legislation the new Act required amendments.¹⁹ In a year's time, however, the problem was not that of government stores as opposed to licensees but of government stores as opposed to prohibition.²⁰ As agitation grew the government decided to hold a referendum on the latter problem on 11 December 1916. Prohibition won and on 30 December 1916 the government dispensaries were closed.²¹

Thus the S.P.P. takeover of law enforcement and the beginning of prohibition came together on 1 January 1917, and this enforcement commenced on an optimistic note, if a report in the Regina Leader for 17 May 1917 is to be believed.

We have been busy, expect to be more so, and we are going to do what we can to clean out the bootleggers in Saskatchewan, and have the provisions of the temperance legislation respected, said a provincial police

officer yesterday ... the police stated there is a decrease in the number of offences committed and the reports coming to the police are much fewer in number, indicating that the illegal traffic is going out altogether.²²

Alas for fond hopes. Although The Saskatchewan Temperance Act of 1917 prohibited the sale of liquor as a beverage, it did provide for sale by doctors and druggists for medicinal purposes.²³ What is more, liquor could be brought in from outside the province for personal use. It was not until December 1917 that the Prime Minister declared under The War Measures Act total prohibition "of the manufacture, importation, and transportation [across international and provincial borders] of any beverage containing more than two and one half percent alcohol."²⁴ In spite of this there were still abuses and it took until 1920 to legislate for these and other problems.²⁵

The new Act was an attempt to check, among other things, abuses which had arisen from the sale of liquor for so-called medicinal purposes. To enforce this Act the Saskatchewan Liquor Commission was established with R.E.A. Leech as its chairman. Leech had a number of inspectors on his staff who were empowered to call on any provincial or municipal police officer to assist them in their work.²⁶ In theory this was fine, but effective cooperation was never really achieved.

The biggest item in the expenditures of the provincial police was that of carrying out the law respecting the Temperance Act. Investigations were long and expensive, the results often disappointing. To add to the troubles of the police there was frequently little or no backing from Justices of the Peace. These gentlemen often imposed the minimum fine or dismissed cases. This meant that the police would enter appeals and the ensuing cases ran into much time and money. The

police discovered that many doctors, druggists, vendors, and bootleggers were totally without scruples. The public would not render assistance, neither encouraging nor appreciating the police and their work. One divisional report said that the Act "has therefore ... been lacking the sympathetic support of the public."²⁷ Another report said, "It is needless to comment on the difficulties experienced in the enforcement of this Act, as they are well known to you."²⁸ One former member of the S.P.P. claimed that the enforcement of liquor legislation was always unpleasant. The public appeared not to favour enforcement and men who would give evidence against a murderer would perjure themselves to screen a bootlegger.²⁹

The Sales of Liquor Act files (1915-1917), the Saskatchewan Temperance Act files (1917-1919) and the Saskatchewan Liquor Commission files (1920-1925) contain the reports of alleged and proven violations of the various pieces of liquor legislation and the way in which these cases were handled. In the enforcement of the legislation the S.P.P. found that many of the cases were very routine indeed. The usual thing was for someone in a community or town to lodge a complaint (very often anonymously) about some person or persons selling or keeping liquor illegally. These complaints were made to various authorities, often directly to the Attorney General. He in turn would instruct the Commissioner of the Police or of the Liquor Commission to investigate. By the time the S.P.P. and/or the Liquor Commission men arrived at the scene of the "crime" all evidence was gone and no one (including very often the person who had first provided the information) would say anything. Sometimes, of course, the investigations bore fruit, but often

only hearsay evidence was obtained and the matter was dropped.

There were instances of intimidation which had the effect of rendering useless many of the investigations. In one case a detective sergeant was sent from Regina to Lemberg to investigate an anonymous complaint. Shortly after his arrival several farmers approached him, ostensibly to hire him for the season. He tried to avoid the issue by saying he would agree to a few days first in order to see if he liked the work. After a few such offers he was aware that he was under suspicion. Later in the day he was picked up and questioned by the town policeman. Still later, he tried, from a vantage point on a roof, to observe if there was any drinking going on in the hotel. The following day he found his luggage had been searched. Further checking revealed that the local mayor and the hotel keeper knew an investigator had been sent for, and they had instructed the town policeman to check out this stranger. Result - the whole investigation was called off. A needless expense in time and money.

Just prior to the passage of the Temperance Act in 1920, Premier Martin said about the S.P.P.,

At the present time our Police Force is costing us twice as much money as it was two years ago and this is due almost entirely to this one law [the 1917 Act] and I am sure that the members of the Force spend far more than one half of their time in endeavouring to locate men who are illegally disposing of liquor.³⁰

The police were also criticized for the way they disposed of seized liquor. At the outset the policy was that such liquor, if fit for human consumption, could be used for medicinal purposes or disposed of outside

the province. Because people felt this was really not happening, and were vocal about it, the decision was taken to destroy the seized liquor.³¹

It must not be concluded that only the S.P.P. came in for criticism in the area of liquor legislation enforcement. The Saskatchewan Liquor Commission received its share, or perhaps more than its share, as well. Both of these agencies were constantly hampered, not only by an unco-operative and unsympathetic public but also by various loopholes in the legislation. Export houses flourished. Liquor was freely transported in motor cars and distillery permits could be obtained from the federal authorities. Cases dealing with the illicit manufacture of alcoholic beverages were offences against Federal laws and were the responsibility of Internal Revenue officials and the R.C.M.P. The provincial and municipal police forces and the Liquor Commission representatives were powerless in this area. Even the R.C.M.P. had problems. In 1922, for example, it was able to obtain only 318 convictions out of 962 investigations of illegal stills.³²

Methodist laymen meeting in conference in Regina in 1924 complained that the S.P.P. needed to be "jacked-up" by the Attorney General because they weren't doing their job properly. On the other hand, the conference members recognized that the police were often poorly supported by magistrates and the people.³³ The press was particularly outspoken in its condemnation of the work of the Liquor Commission.³⁴ The Commission however, managed to get itself off the hook when, following a large vote in favour of government control on 16 July 1924, the Liquor Board was

able to confine its activities to the administration of outlets and leave the enforcement of legislation to provincial and municipal police.³⁵ This meant, in large part, the handling of cases dealing with drinking itself and with illegal sales or "bootlegging". Premier Dunning anticipated that there would still be enforcement difficulties for he said,

There is a great problem: On the one hand the recognition by all good citizens of the necessity of controlling this traffic and on the other hand the great popular appetite for alcoholic beverages. Because of this latter, the way for the law violator has always been made much easier than in connection with other laws because violation of any liquor law has never been regarded by our people or any other people, as so serious a matter as violating the ordinary provisions of the Criminal Code or the Ten Commandments.³⁶

Following the 1924 vote there was a new Liquor Act, the enforcement of which drew more attention to the police because many of the new regulations caused friction. This Act established a Liquor Board and liquor stores and regulated the amount of liquor to be sold at any one time and the days and hours of sale. There were provisions for permits and for physicians and druggists to keep a small amount of liquor for sale. Dentists, veterinarians and others were also permitted small amounts for professional purposes. Prohibitions, offences, and penalties, were established as were the powers of officers. Appeal procedures were detailed and local option by-laws were allowed.³⁷ People felt that an army of police would be required to enforce this Act. Certainly later (during the 1928-1929 session of the legislature, after the disbandment of the S.P.P.) there were many questions asked concerning government employees. Among these employees were, of course, the police.³⁸

On 2 June 1925 there was a provincial election. The previous day the Conservatives had issued a leaflet which bore an illustration of a \$50,000.00 cheque made out to "E.B. Jonah, in trust". Jonah was a Conservative worker, but he was also a partner in the same law firm as Attorney General Cross. The cheque was signed by Z. Natanson, a well known bootlegger who had been sentenced to 3 months in jail in March 1924 following the seizure of liquor on his farm north of Regina. The Attorney General earlier had advised the Chairman of the Liquor Commission that Natanson should be prosecuted. Accompanying the picture of the cheque were the following words,

This shows that the Bootleggers were not afraid of the Attorney General. Two months after the Export Houses closed they still took their business to the Attorney Generals' office. We do not say that any of this \$50,000.00 went to any members of the Government, but we do say that no person was prosecuted. The little fellow went to jail. The big fellow escaped. 39

The Morning Leader, which had featured this leaflet on its front page, went on to try to refute the facts. It claimed that Conservative leaders had been satisfied with the explanation given them earlier; that the cheque was indeed "in trust". Then, according to the paper, the Conservatives in a most underhanded way "used" the information anyway. Cross, who had succeeded Premier W. Martin as Attorney General in 1922, denied the charges and claimed acceptance of the cheque was an indiscretion on the part of his partner Jonah. The question of export houses and other liquor issues, came up again at the time of the "Bryant Charges" in 1930 (see Chapter VI).

In any event, on 2 June Cross lost his Regina seat. The Morning Leader editorialized, "A victory achieved by such tactics as the Conservative Machine in this city employed contains no glory for anyone".⁴⁰ A new seat had to be found for Cross in Assiniboia. Premier Dunning had been told that Cross was unpopular and that the police had lost the confidence of the public.⁴¹ Indeed, in 1930, the evidence given by Charles Mahoney before the Royal Commission investigating the "Bryant Charges", indicated that Cross had exerted much more influence over the police than his predecessors had done (see Chapter VI).

From the establishment of prohibition to its end in 1924 the S.P.P. persevered, pursued the bootleggers and picked up the intoxicated. But they never really solved the problems of liquor law enforcement. They had found such enforcement distasteful and the public apathetic and sometimes hostile. Some members of the force drank themselves; indeed some were discharged for this very reason.

Commissioner Mahoney was firmly convinced that violations of liquor legislation were vigourously and successfully prosecuted. The public however failed to give the police whole-hearted support and in 1924 the Saskatchewan Government reacted to changed public attitudes by repealing the most restricted aspects of liquor legislation. "Booze", as James Gray points out, "as a prime disturber of the public peace disappeared from the newspapers and the legislative debates."⁴²

Footnotes to Chapter III

1. James Gray, The Boy From Winnipeg, Toronto, Macmillan, 1970, p. 26.
2. James Gray, Booze, Toronto, Macmillan, 1972.
3. From 1907 to 1928 new liquor laws and amendments to these laws appeared almost annually.
4. A.S. Scott Papers. Liquor and Hotel legislation. 1905-1916. These files contain the comments and opinions of various groups, church, political, and liquor. Different interests submitted recommendations and resolutions. The files also contain newspaper articles on legislation, notes for debates, and comments on the results of legislation.
5. Statutes of Saskatchewan, Amendment to 1898 Consolidated Ordinances, 1907, Ch. 31.
Ibid., The Liquor License Act, 1908, Ch. 14.
6. Ibid., Amendment 1908-1909, Ch. 14.
Ibid., Amendment 1910-1911, Ch. 36, Sec. 141.
Donald McLeod, "The History of Liquor Legislation in Saskatchewan", unpublished M.A. Thesis, University of Saskatchewan, Saskatoon, 1948. Chapters IV to VII inclusive deal extensively with the Licensing System (1892-1916), the Banish-the Bar movement, the Government Liquor Store System (1915-1917), and the problem of prohibition (1917-1925). There is little reference to the work of the S.P.P. beyond pointing out (p. 58) that its chief responsibility was the enforcing of the licensing laws, achieved in great part by the employment of special constables and (p. 75) referring to power of search and seizure.
7. A.S. Scott Papers, Liquor and Hotel Legislation. Scott to A.L. Smith, 31 December 1910, pp. 48353-48354.
8. Ibid., Scott to D.L. Oliver, Moosomin. 4 February 1911, p. 48357.
9. A.S. Department of the Attorney General, S.P.P. Annual Report, 1925, p. 9.
10. Statutes of Saskatchewan, Amendment 1912-13, Ch. 45 (11 Jan. 1913).
Ibid., Amendment 1913, Ch. 65 (19 Dec. 1913).
Ibid., Amendment 1914, Ch. 19 (24 Sept. 1914).

11. Donald McLeod. Op. Cit., for comment on high cost of licenses.
12. Canadian Annual Review. 1913, p. 580.
13. Ibid., p. 582.
Donald McLeod, Op. Cit.
14. Ibid., 1914, p. 642.
15. Public Service Monthly, Regina, (Dept. of Agriculture), June 1915,
Donald McLeod, Op. Cit., pp. 277ff.
16. Canadian Annual Review, 1924-25, p. 416.
17. Ibid., 1915, p. 668.
18. Statutes of Saskatchewan, The Sale of Liquor Act, Ch. 39.
19. Ibid., Amendments 1916, p. 716.
20. Canadian Annual Review, 1916, p. 716.
21. Morning Leader, Regina, 12 and 30 December 1916.
Order in Council, 1807, 20 December 1916.
22. The Leader, Regina, 17 May 1917.
23. Statutes of Saskatchewan, The Saskatchewan Temperance Act, 1917, Ch.23.
24. Robert Craig Brown and Ramsay Cook, Canada 1896-1921. Toronto,
McClelland & Stewart, 1974. p. 301.
25. Ibid., The Saskatchewan Temperance Act, 1919-1920, Ch. 70.
26. Op. Cit.
27. A.S. Attorney Generals Files, S.P.P. Divisional Reports, Weyburn
Division, 1919.
28. Ibid., Regina Division, 1919.
29. A.S. Taped interview with H. Boyce, Regina, Sask. on 5 Nov. 1975.
30. A.S. Martin Papers, Martin to Edna More, W.C.T.U., Colgate, Sask.
8 Jan. 1920.
31. Ibid., Mahoney to Martin, p. 35653-35654, and several anonymous
communications concerning alleged seizure of liquor by the S.P.P.
and its eventual disposal. p. 35615-35630.

32. Canadian Annual Review, 1922. p. 713.
33. The Leader, Regina, 5 June 1924.
34. Erhard Pino, "Temperance and Prohibition in Saskatchewan", unpublished M.A. Thesis, University of Saskatchewan, Regina, 1971. p. 231.
35. Journals of the Legislative Assembly, Saskatchewan, 1924-1925. Vol. XXII, p. 115ff.
36. Canadian Annual Review, 1924-1925, p. 416.
37. Statutes of Saskatchewan, The Liquor Act, 1924-25, Ch. 53.
38. Journals. 22, 1924-25, Sessional Papers, p. 131. H. Turner, cited in Smith, D. Prairie Liberalism, p. 173.
39. Morning Leader, Regina, 1 June 1925.
40. Ibid., 3 June 1925.
41. A.S. Dunning Papers, Charles Wilson to Dunning, 9 July 1925, p. 44131-44132.
42. James Gray, Booze, p. 220. Gray also pointed out that bootlegging and prostitution were nearly always found together. The records of the S.P.P. show very little correlation between offences against liquor legislation and the keeping of disorderly houses. Perhaps this can be explained by the fact that the S.P.P. did not police the cities of the province but generally confined their activities to the rural areas and small towns. Grey's references concern urban centres.

CHAPTER IV

Major Cases and Routine

The Saskatchewan Provincial Police were responsible for the enforcement of both civil and criminal laws throughout a province of 250,000 square miles (of which approximately 100,000 was surveyed) with a population of 711,167. In addition to the more regular police duties the members of the new force had several ex officio duties, the most important of which included:

- a) a game guardian under The Game Act.
- b) a fire guardian under The Prairie and Forest Fire Act.
- c) an attendance officer under The School Attendance Act.
- d) an inspector under The Vehicles Act.
- e) an inspector under The Theatres and Cinematographic Act.¹

There can be no doubt that these were onerous duties. The population of the province was growing steadily. In 1913 there had been 1 policeman for every 1633 persons, by 1919 there was 1 for every 5513 persons. The Commissioner compared this latter figure with those for several large cities (the largest of which was only about 320 square miles). The figures are:

London	1 to 300
New York	1 to 580
Chicago	1 to 464
Philadephia	1 to 400
Glasgow	1 to 485
Dublin	1 to 386
Munich	1 to 446

What is more the police were considered to be on duty 24 hours a day, 7 days a week, with their patrols covering distances of 10 to 100 miles.² The Annual Reports of the Commissioner outline the major cases of the year and provide a record of the more routine tasks.³

The first report of the Commissioner for 1917 is not available although there are Divisional reports for Regina, Weyburn, Prince Albert, and Saskatoon. These early reports are concerned largely with organizational matters and general routine. Serious crimes seemed few in number. Only the Regina Division had a murder and even there the Inspector reported there was no serious outbreak of crime. And the next year the Commissioner's report contains more information on equipment, detachments, conduct, health, leave, and salaries than it does on infractions of the law.

It is pointed out in the report for 1919 that there is a notable increase that year in crimes of a serious nature and a decrease in those of a minor nature. Commissioner Mahoney expressed the opinion that the large percentage of serious crimes was traceable to the influx of people of foreign extraction. Liquor and drug offences were responsible for 50% of all crimes committed.

Two of the major cases reported in 1919 appear to reflect the Commissioner's (and probably that of many people as well) view of non Anglo-Saxon groups. First was the case of John Kitzul, accused of murder. The case was introduced in this manner,

In this case the accused, John Kitzul was convicted for the murder of Gregory Hominiuk and presents many

features common to the character of the Austrian race and the motive, though obscure to the casual eye, is quite apparent when the mode of living, such as jealousy and lack of moral principle and the disregard for the value of human life, are enquired into.⁴

The second murder case, in which the deceased died from a knife wound in the neck, contains this statement, " ... this particular form of assault appears to have [been] originated by the races of Central and Eastern Europe and requires considerable practice ..."⁵

Much of the time of the S.P.P. was spent on investigations into such things as pilfering from railway shipments, alleged incendiarism, a Justice of the Peace who always awarded the smallest possible fines, undue ringing of church bells, deserting husbands, theft of flax, sale of extracts to Indians, and the refusal of certain Mennonites to give their children's names to the teacher.⁶

One of the outstanding feats carried out in early 1919 was a patrol by Constable Chappuis of the Ile a la Crosse detachment to investigate the death of a Swedish trapper, Emmanuel Perrson. In all, he covered 1900 miles from Ile a la Crosse to Fond du Lac and returned to Regina. It was an exciting story. Halfway to his destination his Indian guides refused to go any farther and he had trouble getting others. There were no shelters, other than holes in the snow. Wolves followed them. There were no caribou to hunt so they subsisted on frozen fish. Arriving at their destination Chappuis found the trapper had died of natural causes. On the return journey two of the dogs were abandoned to the wolves.⁷ Chappuis' exploit was every bit as heroic as any of the famous R.C.M.P. He is considered the first white man to travel from Ile a la Crosse to Fond du Lac by dog team in winter.

Sometimes, but not often, the S.P.P. were praised for their efforts. In March 1919 the Methodist Church officials in Regina and Dummer commended the force for cleaning up the drinking problem in the latter district. And in the same month the Presbytery of Alameda expressed its appreciation of the S.P.P.⁸

By 1920 there was a reversal in the crime trends. There was a decrease in serious criminal cases but an upsurge in minor crimes. The Commissioner repeated his statement of the previous year that a large percentage of crimes were attributed to persons of foreign extraction.⁹

There is a problem with the reports for 1919 and 1920. The Commissioner refers to the former as the third annual report for the year ending 31 December 1919. The latter is the report for the year ending 31 December 1920. But from the third paragraph (1919) and fourth paragraph (1920) the reports appear identical. It is only when one comes to those pages dealing with specific offences that there are any differences. These concern offences against The Prairie and Forest Fire Act, The School Attendance Act, and The Temperance Act, but when looking at other offences (e.g. against The Children's Protection Act) the figures are identical for the two years. Coincidence or clerical and administrative error?

Investigations this year included such things as a priest who was alleged to have burned a church at Wakaw, a spurious priest, unlawful deportation and bawdy houses.

Perhaps one of the most outstanding cases of the year was that of Pauline Gerring. Not only was she concerned but so were Constable

Dewhirst of the S.P.P. and the Hon. George Langley, a member of the provincial cabinet. The results for all concerned were rather drastic. Pauline Gerring was the presumed victim of drugs and subsequent rape. Dewhirst was fined, dismissed from the force and charged with rape. George Langley was eventually dropped from the cabinet, charged with interference in another situation about a year later when the Gerring case was brought up again. His political career ended.

Briefly, on 10 November 1920 Pauline Gerring took up a position as a chambermaid at the Chaplin Hotel (a few miles west of Moose Jaw). That night she had three drinks and as a result of the third one she did not know or remember anything until the next morning. She awoke to find herself partially dressed in a room with Constable Dewhirst, S.P.P. As the result of her laying a complaint, another woman, Virginia Paul (a known prostitute), was charged with unlawfully administering drugs and, along with Dewhirst, with violating The Temperance Act. Dewhirst was additionally charged with a breach of The Provincial Police Act. He was fined and dismissed for the latter charge. Paul was fined under The Temperance Act, but the drug charges ran into trouble when it was discovered that Pauline Gerring, a material witness, was missing. She was discovered in Calgary and returned to Regina. It transpired Dewhirst had bribed her to disappear. For this he was charged and found guilty. In the meantime, the local magistrates confined Gerring to the Regina Jail so she would be available as a witness.

Now the Hon. George Langley appears on the scene. He was the M.L.A. for Redberry from 1905-1921 and for Cumberland from 1921 to 1922.

He was also prominent in the Saskatchewan Grain Growers Association and in the Saskatchewan Elevator Company. From 19 August 1912 to 20 October 1921 he was Minister of Municipal Affairs and for a short period he was Minister of Agriculture (13 December 1918 to 15 February 1919). Through his representation (which incidentally completely by-passed the Attorney General) Pauline Gerring was released from jail and confined to a home for mentally deficient people on Dewdney Ave., Regina. Following Dewhirst's conviction of the bribery charges he was charged with rape and attempted rape. Again Gerring was to be a witness and again she disappeared. This time she had escaped through a basement door. She was found in Imperial, Sask., returned to Regina and the case against Dewhirst continued. Gerring refused to give evidence and the charges were dropped. There is a unsigned report in the Attorney General's files which states in part,

... I do not know of anything which could have been done by the Police authorities or by the Department of the Attorney General in endeavouring to get at the bottom of the trouble which took place in the Chaplin Hotel which was not done; and I am convinced that throughout the whole proceedings the Provincial Police and the Department of the Attorney General carried out their duties to the letter of the law, notwithstanding the fact that they were continually embarrassed by the interference of persons who had no business to interfere. 10

What and why was there this "interference of persons who had no business to interfere"? The evidence is not entirely conclusive but it appears that George Langley was convinced that the Dewhirst case was not conducted in a satisfactory manner - even though two convictions had been obtained and he [Dewhirst] had been dismissed from the force.

Consequently Langley approached Magistrate A.J.G. MacEchen to enquire why Pauline Gerring was in jail. The Magistrate, by his own account, told Langley that there had been no option but to commit her. Langley, then, while agreeing that some sort of security was necessary, insisted she should be released. He would guarantee that she would be available as a witness when required. The Magistrate signed the release, Gerring was moved to the home on Dewdney Avenue and made her escape from there.¹¹

Langley went to the Attorney General on 28 January 1921. This visit resulted in charges of rape and attempted rape being preferred against Dewhirst. Langley's mistake in the first place was in approaching the Magistrate before going to the Attorney General.

Unfortunately there is no Commissioners' report available for 1921, although the strength of the force for that year (177) is noted in the report for 1922. However, 1921 was the year in which one of the Provincial Police corporals, William Sulaty, was charged with serious offences. The Hon. George Langley interfered in this case too, and as a result Premier Martin asked for, and obtained, his resignation.

Corporal Sulaty had been charged with several offences including bribery, withholding court costs, and converting a motor licence receipt to his own use. He was convicted on the last charge and dismissed from the force.

It transpired, once Premier Martin had tabled all the relevant correspondence, that Langley had made a trip to Prince Albert on 23 September 1921 to see Magistrate Thomas Murray who was investigating the charges against Sulaty. Failing in his object he left a confidential

letter for the Magistrate in which he emphasized that Sulaty should be left in Hafford, "in spite of everything."¹²

Needless to say, the contents of this letter speedily reached Premier Martin and on 28 September he asked for Langley's resignation. Part of his letter bore out the stand of both Turgeon and Martin where police affairs were concerned,

I can only say that any man who would deliberately go to Prince Albert to see the magistrate having charge of so important an investigation for the purpose of influencing the judgement of the magistrate in favour of a member of the police force ... has no sense of his responsibility to the people of the province and has not a proper appreciation of the absolute necessity of keeping the administration of justice clean. 13

Langley resigned, but not before upbraiding the Premier in rather strong terms. He also carried on the performance in a long letter to the editor of The Leader in which he pointed out that the Premier had referred to the Pauline Gerring case as another example of Langley's interference with the course of justice.¹⁴ The following day the lead editorial in The Leader supported the Premier. The paper also contained the statement which the Premier had made in the legislature accusing Langley of violation of his Oath of Office as a member of the Privy Council.¹⁵

Among other things, Langley had said in a letter to the Premier, "You slandered me with the falsehood you had all too readily swallowed from your guilty Chief of Police".¹⁶ Commissioner Mahoney in a communication to Martin concerning Langley said he

... had been making enquiries in connection with this matter and so far as he could ascertain the cause of the charges preferred against Sulaty was entirely political on account of Sulaty's active interest on behalf of Mr. Langley in the recent Provincial general election and that Inspector Tait had been prejudiced against Sulaty by political enemies of Mr. Langley.

This letter further referred to the fact that the Premier had authorized Magistrate Murray rather than Inspector Tait to hear the case.¹⁷

Perhaps this case is a reason for the absence from the files of the Annual Report for 1921. It is, however, rather tersely recorded in the Prince Albert Divisional Report as follows,

During the year 1921, the following members of this Division were dismissed for the various reasons set opposite their names ... October 20th Corporal W.J. Sulaty, Contravention of Sub-section (U) of Section 18 of the Saskatchewan Police Act. ¹⁸

Corporal Sulaty was defended by John G. Diefenbaker and T.C. Davis (who succeeded Cross as Attorney General in 1927). Mr. Diefenbaker recalls that Sulaty was a political activist for the Liberals and "there was nothing he would not do, whether within or without the law, to bring about the election of Liberal candidates."¹⁹

The Annual Reports for 1922 to 1925 do not indicate any outstanding or dramatic cases, yet these were busy years for the S.P.P., especially in the enforcement of liquor legislation (see Chapter III). Another feature of these years was the growing tension between Commissioner Mahoney and the Regina Police Chief, Martin Bruton. Both men were strong willed and neither lost an opportunity to criticize the other

or to become involved in quarrels over the jurisdiction of their separate forces.²⁰ These quarrels covered such things as Chief Bruton's complaint that the S.P.P. sent reports directly to England in a matter concerning his police. Mahoney complained about the Regina force butting in where a case was clearly outside their jurisdiction and in another instance failing to notify the S.P.P. about a certain case.²¹ The arguments went on over a period of years. In 1922 Bruton wrote to the Deputy Attorney General (A.L. Geddes) complaining about the improper handling of a case by the S.P.P. Mahoney took great exception to the accusations and stated that Bruton was uncooperative.²² In 1926 Mahoney complained to Cross about Bruton's failure to acknowledge reports,²³ and said, that same year, "I do not like to be bombarded by this man [Bruton] in connection with matters that there is no justification in doing so ... petty persecutions."²⁴

In spite of the problems in dealing with routine matters and serious cases, and in spite of criticism and controversy Mahoney and his men had an impressive record of enforcement. Table A is a summary of cases and convictions during the lifetime of the force. The percentage of convictions is high and in the opinion of the Commissioner this was always a reflection of the thoroughness of the work of the police.²⁵

TABLE A
SUMMARY OF CASES AND CONVICTIONS
1917-1927

<u>Year</u>	<u>Cases Entered</u>	<u>Convicted or Summarily Committed for Trial</u>
1917	7173	3140
1918	5834	4391
1919	8826	7141
1920	9775	8090
1921	10126	7569
1922	11147	8860
1923	10627	8878
1924	9609	8139
1925	9957	8523
1926	10305	8800
1927	6968	5901

NOTE: With the exception of 1917 and 1921 these figures are taken from the Annual Reports of the Commissioner. Figures for 1917 and 1921 are compiled by the author from Divisional Reports. There is no Annual Report available for the period 1 January - 31 May 1928 and no Divisional Reports after 1926.

Footnotes to Chapter IV

1. R.S.S. 1919-20, Ch. 19, The Saskatchewan Provincial Police Act, 1920, Sec. 13, 4 February 1920.
2. A.S. Department of the Attorney General, S.P.P. Annual Reports 1919.
3. There are no Commissioner's Reports available for 1917, 1921, or 1928, although there are Divisional Reports for 1917 and 1921. However, the files of the Attorneys General (W.F.A. Turgeon, 20 Oct. 1916 - 14 March 1921; Premier Martin, 14 March 1921 - 5 April 1922; Col. J.A. Cross, 5 April 1922 - 8 December 1927; and T.C. Davis, 8 December 1927 - 9 December 1929) provide the bulk of the detail of the S.P.P. work during those years. Major cases listed in these reports include such things as abduction, assault, carnal knowledge, libels, manslaughter, murder, sodomy, wounding; in short, offences against persons and reputations, religion and morals, the administration of law and justice, property and rights. Minor or more routine cases included offences against federal statutes such as The Lord's Day Alliance Act and against provincial statutes such as The Hotel Act.
4. A.S. Department of the Attorney General, S.P.P. Annual Reports, 1919.
5. Op. Cit.
6. Turgeon Papers, pp. 221, 352, 391, 401-407, 408, 415, 416-424, 445-447, 482, 524.
7. A.S. S.P.P. Annual Reports, 1919.
The Leader, Regina, 2 June 1919, p. 5.
8. Turgeon Papers, pp. 358, 430-433.
9. A.S. S.P.P. Annual Reports, 1920.
10. Martin Papers, Subject Files, 130 Police, pp. 35768-35771.
11. Ibid., pp. 35772-35775.
12. Regina Leader, 15 December 1921, p. 1ff.
13. Op. Cit.
14. Ibid., 16 December 1921.
15. Ibid., 17 December 1921.
16. Martin Papers, Subject Files, 129 Police, pp. 35580-35588.
17. Op. Cit.

18. A.S. S.P.P. Divisional Reports, 1921. 20 January 1922.
19. John G. Diefenbaker, One Canada, Toronto, Macmillan of Canada, 1972, p. 131.
20. A.S. Department of the Attorney General. S.P.P. Mahoney to Bruton, 11 August 1920 and Bruton to Mahoney, 12 Aug. 1920.

Martin Papers, Subject File 129 Police, March/April 1921, an exchange of letters between Mahoney and Bruton over jurisdiction in a desertion case.

A.S. Department of the Attorney General, S.P.P. Disagreement over jurisdiction, September 1923.

Martin Papers, Subject Files, Police (1917-1922) p. 35327-35332, letters and affidavits concerning alleged brutality by Regina City Police to William Nibisnuik and some companions. No follow-up is recorded.

A.S. Department of the Attorney General. S.P.P. June-September, 1924. Complaint from Regina Police re. S.P.P.

21. A.S. Department of the Attorney General. S.P.P. Relations with Regina Police. Cases involving A.H. Campbell, Jacob Singer, Jacob Bardner and Edward Gunning.
22. Ibid., Bruton to A.L. Geddes, 13 and 17 March 1922.
Ibid., Mahoney to A.L. Geddes, 9 May 1922 (two letters) and 19 June 1922.
23. Ibid., Bruton to Col. Cross, 5 March 1924.
24. Ibid., S.P.P. Annual Report, 1927.
25. Ibid., S.P.P. Annual Reports. The Commissioner evidently held that this high percentage showed his men investigated cases thoroughly and prepared charges carefully. R.S. Pyne when interviewed expressed the same opinion.

CHAPTER V

Ethnic Problems and School Attendance

That the foreign born elements in the province were a worry to the S.P.P. has been indicated earlier (see Chapter IV). A very strong expression of opinion appeared in the Prince Albert Division Annual Report for 1919.

There is a very large percentage of foreign born settlers in this division, and they are responsible for over 50% of the crime committed, a goodly number of them have emigrated to this Country to escape the laws in the country of their birth and have carried with them their criminal tendencies ... if the Government would deport ... any foreign born criminal ... [it would be] one of the best deterrents of crime amongst the foreign born population.

The report went on to say that this would prevent the younger generation from being contaminated and they could then take advantage of the educational system and so "would rank on a level with the British born."

For three years the Commissioner reported the nationalities of persons arrested on various charges (no mention of convictions or acquittals). In 1923 Canadians headed the list of 832, next were Americans at 272, then 204 Austrians. Then followed a long list with Icelanders last at 3. In 1924 1133 Canadians were arrested, followed by 341 Americans and 349 Austrians. Then came a list of arrests of people of other races with 15 Jewish and 83 miscellaneous at the end. In view of the nationalities listed between Austrians and Jewish it is hard to imagine what "miscellaneous" meant. The last year he reported nationalities (1925) it had Canadians

1202, Americans 469, then Russians at 455 to 2 Swiss and 13 miscellaneous.²

During the period with which this study is concerned newspapers also reported the nationalities of persons involved in unfavourable or unpleasant circumstances. Headlines such as "Respect Law or Get Back to Europe, Says Judge to Galicians" were not uncommon.³

There were other similar expressions of feeling regarding ethnic groups. In 1914, for example, the Banish-the-Bar crusaders had summed up reasons for the suspension of retail liquor laws during the war. One of these was, "On account of the mixed character of our population, brawls and riots are liable to break out in many places where the various nationalities frequent the bars."⁴ Different organizations, agricultural, professional, denominational, all showed their opposition to central European immigrants. People were suspicious of all aliens (especially following the wartime Elections Act and Military Service Act). They reacted also to the Russian Revolution, consequently persons of that ethnic background were suspect. There was trouble after World War I with language in schools. There were those who wanted only English taught. Others maintained that French, German, and Ukrainian should also be taught. This battle waged loud and long. Problems arose when some returning veterans found themselves unable to get jobs while persons of European origin (especially those with Slavic backgrounds) were working. There appeared to be a burning desire to Canadianize these foreign born elements and to encourage Anglo-Saxon values, especially in the children. Finally the Ku Klux Klan brought

together all the worst anti-foreign (and as a corollary anti-Roman Catholic) sentiments to make a great Protestant, Canadian society.⁵

The attempts at Canadianization were most evident in the field of education. As noted, a large segment of the population held that English, and English only, was the proper language of instruction, for in this way the Canadianization of immigrant children could be achieved. The use of foreign languages, on the other hand, would encourage the foreign born to retain their mother tongue and educate their children in it.⁶

Saskatchewan had several types of schools. There were private schools which were not tax supported. In the main these were denominational high schools. There were separate schools (Catholic and Protestant) which were largely elementary and were tax supported. And there were public schools, both elementary and high, which were also tax supported. It was with the latter schools that most of the problems of school attendance by the children of non Anglo-Saxon families occurred.

The S.P.P., by virtue of The Saskatchewan Provincial Police Act of 1920, were empowered to enforce certain provisions of the School Attendance Act. These provisions were:

- a) Children over seven and under fourteen years of age were compelled to attend school and their parents or guardians were (under pain of penalty for non-compliance) to see to this.
- b) There were certain exceptions, such as efficient instruction being provided at home; sickness or other unavoidable cause; necessity for the child to maintain himself; no school within 2 1/2 miles (by the nearest route) if under the age of twelve

or 3 1/2 miles if older (this did not apply if conveyances were provided); insufficient room in the school; the child had passed Department of Education examinations for Grade VIII or had completed an equivalent course.

- c) Employment of children under the age of fourteen years during school hours was forbidden.
- d) If the School Board agreed, a child over thirteen years of age, who was needed in husbandry or for some urgent necessity, could be relieved from school for certain periods, but not for more than thirty days in a year.⁷

The S.P.P. did not like the business of enforcing these provisions. One division commander (Saskatoon) said in his 1918 report, "naturally the detachments situated in the foreign speaking districts bear the most burden in this respect" and two years later reported " ... the large majority of the work has been done from Vonda detachment and it is no exaggeration to state that this Act employs the Constable in charge the greatest part of his time."⁸

In 1919 this commander commented,

... the enforcement of The School Attendance Act does not harmonize with general police work and as no increase in the Division has been made to meet this extra work in a good many instances the investigation of crime has suffered.

That same year the Regina Division reported it had 590 cases of infractions of this Act with 555 convictions obtained. Consequently there was need for more staff. The Weyburn Division in 1917 claimed that " ... prosecutions of this nature do not enhance the good name of the Police force". And the Prince Albert Division pointed out that

when complaints were investigated it was often found that schools were closed for the winter and the teachers had gone away, usually to Normal School!⁹

These attitudes of the police regarding their duties in connection with The School Attendance Act remind one of their attitudes regarding liquor legislation. If it was not the job of the police, whose job was it?

Commissioner Mahoney said in 1920:

I might state that over 75% of the persons summoned for violating the provisions of this Act [School Attendance] were of foreign extraction, mostly Russians and Mennonites ... a large majority of these cases [in the Saskatoon Division] originated in the Vonda district where there is a large Mennonite population ... [in the Swift Current Division] where there is also a large Mennonite population ... [in the Regina Division] these cases originated mostly in the Yorkton, Kamsack, and Canora Districts, where there is a large foreign population ... 10

On 27 November 1917 several Mennonites in the Swift Current district were prosecuted. The constable concerned felt that as these people lived outside their reserve and paid taxes to School District 3232 (Dunalm, south of Swift Current) they should also send their children there. As they did not, they should be prosecuted. The Mennonite defense was that they were entitled to send the children to their own school. It must be understood that these Mennonites were members of the Old Colony and that the Swift Current Reserve, like that of Hague - Osler, had bishops who insisted on the private elementary schools coming under the control of the church leaders. Mennonites in other areas had

accepted the idea of district [public] schools, although there were some exceptions.¹¹

In 1919 Commissioner Mahoney dealt with a request from Premier Martin for the cooperation of the police in obtaining a census of Mennonite children, in accordance with the Act, particularly in Flora School District 4087 (Rhineland, near Swift Current). Mahoney reported to the Attorney General that the "parents refuse to give the names of their children to the teacher or, in fact, any information about them at all."¹² One of the basic reasons was that the threat of excommunication (especially in the Old Colonies) was a more potent weapon than the threats of the secular arm. It was a thorny question and provoked much discussion over the years. J.T.M. Anderson, writing in 1918, held that the Mennonites did not enjoy the denominational school privileges extended "by law", on 1 September 1905 to those schools already formed, as being "immune from invasion by the provincial government." He, for his own part, did not like parochial schools although he admitted the Mennonites had a moral, even if not a legal, right to them.¹³

In 1921 Premier Martin wrote that the Old Colony private schools would not be recognized and that the provisions of The School Attendance Act would be enforced as much as possible. To one Justice of the Peace, sentencing people at Hague, is attributed a remark to the effect that sometimes the enforcement was more persecution than prosecution.¹⁴

The bulk of the records concerning people other than Mennonites, but nearly always of European origin, and relating to school attendance, show that fines were the usual punishment imposed.

There were instances, however, where it was discovered that the reason for non-attendance at school was the poor financial position of the family. In these cases the parents were warned by the Justice of the Peace and the cases dismissed. Very often harvesting operations were given as the reason for keeping children out of school. There were many cases when the S.P.P. constables, carrying out an investigation, would find the home conditions so destitute that they decided on their own not to lay charges, issuing their own warnings instead. There were several cases where impassable roads and five mile long detours were to blame. Much of the time the real reason was the illiteracy of the parents and their poor knowledge of English and consequently of the law. But there were undoubtedly some cases of deliberately flouting the law (one boy for instance was a deliberate truant and tore up letters concerning his truancy).¹⁵

The School Attendance Act was not a popular piece of legislation for many citizens of the province. Nor did the S.P.P. enjoy enforcing it. However, they did so, exercising judgement and discretion, in what appears to be a relatively impartial manner (even if the majority of cases involved the foreign born element).

This was the period when the desire to Canadianize the foreign born element of the population was perhaps at its greatest and when people were most suspicious of this same element. The fact that most of the offenders against such legislation as The School Attendance Act were indeed foreign born did nothing to allay these suspicions. Therefore the S.P.P. as the law enforcers of the province had an unenviable task when it came to this Act as well as others. But they did so, apparently exercising judgement and discretion in what appears to be a relatively impartial manner.

Footnotes to Chapter V

1. A.S. Department of the Attorney General. S.P.P. Annual Reports, 1919.
2. Ibid., Annual Reports 1923-1925.
3. A collection of newspaper clippings of the period has been put together by David Brims, Victoria, B.C. a former member of the S.P.P. This collection, made up largely of cases investigated by Brims, would almost lead one to believe that only foreigners committed crimes. Unfortunately most of the dates [year] have been cut off and the newspaper titles are not indicated, but many of the items are undoubtedly from the Regina Leader and the Morning Leader. The collection was loaned to the writer of this thesis by Mr. R. Pyne, Saskatoon, another former member of the S.P.P. (see Chapter II, note 17). Photocopies of the collection are being placed in the Saskatoon office of the Archives of Saskatchewan.
4. Erhard Pino, "Temperance and Prohibition in Saskatchewan." Unpublished M.A. Thesis, University of Saskatchewan (Regina), 1971.
5. David Smith, Op. Cit., Ch. 4. "Politics and Prejudice". In this chapter Smith assesses the problem of hostility towards non-Anglo-Saxon settlers. He looks at language and schools; concern about immigrant having jobs when many return men did not; the need to Canadianize; and the influence of the Klan.
6. The Leader, Regina. 22 February 1918. Report of an address by J.T.M. Anderson on "Education of the New Canadian".
Regina Daily Post, 18 December 1918.
7. R.S.S. The School Attendance Act, 1917, Ch. 19.
8. A.S. Department of the Attorney General. S.P.P. Annual Divisional Report, 1918.
9. Ibid., Annual Report, 1919.
10. Ibid., Annual Report, 1920.
11. Frank H. Epp, Mennonites in Canada 1786-1920, Toronto, Macmillan of Canada, 1974, p. 350.
12. Turgeon Papers, Martin to Turgeon, 13 September 1919, p. 220.
Ibid., Mahoney to Turgeon, 19 September 1919, p. 221.

13. J.T.M. Anderson, The Education of the New Canadian, London and Toronto, J.M. Dent and Sons Ltd., 1918.
14. I.I. Friesen, "The Mennonites of Western Canada with Special Reference to Education". Unpublished M.A. Thesis, University of Saskatchewan, 1939.
15. A.S. Department of the Attorney General. S.P.P. School Attendance Act files 35 to 40.

CHAPTER VI

Disbandment of the S.P.P. and a Subsequent Investigation

At midnight tonight [31 May 1928] the Saskatchewan Provincial Police force passes into the pages of history of the North West, their activities being taken over by the R.C.M.P.]

Commissioner Starnes of the R.C.M.P., in his Annual Report for 1928 explained that one of the topics of the Dominion-Provincial conference held in November 1927, was policing. Apparently it had been observed that there was some overlapping of effort and unnecessary expense when both federal and provincial police forces were maintained in the same area.² Early in 1927 Premier Gardiner wrote to Prime Minister W.L. Mackenzie King to say there was not enough work for two forces to do:

Men in uniform are engaged in work which should never be done by a police force. This tends not only to misunderstandings on the part of the public with regard to the intention of the Government in so carrying on their work, but it tends to create too great an intimacy between the general public and police force on matters which should never be mixed with police work.³

It has been suggested that Gardiner found this intimacy not to his liking because he really could not control it. He may have found the influence of his attorney General (J.A. Cross) a threat to this control.

Criticism of the police often seemed, at least indirectly, to entail criticism of the government as well, and some politicians were gradually coming to the conclusion that it would be easier to dissociate themselves from unpopular police action if such action was the responsibility of the R.C.M.P. rather than of the S.P.P. It has been suggested elsewhere

that, although Gardiner would obviously have less control over a federal police force, he was sufficiently sure of himself that he was not too worried about outside interference and influences.⁴

There is some reason to suspect that Mackenzie King wanted to get rid of the S.P.P. as he too considered it a detriment to the Liberal Party of Saskatchewan and hence to the Liberal Party of Canada. Thus, in a roundabout way, their disbandment would improve the fortunes of the Liberals in Ottawa.⁵

The records do not indicate that overlapping was a problem. In fact in many of the Annual Reports of Commissioner Mahoney he comments on the excellence of cooperation between forces. It would likely be more efficient to have one force as it could handle more cases without the business of referrals from one jurisdiction to another.

In short, it would appear that the end was not unlike the beginning. Official reasons and the real reasons for the establishment and the disbandment varied. The Public Service Monthly however, had this to say.

Motives of economy dictated, and the duplication of forces operating in the Province necessitated, the dissolution of the Provincial body. The efficiency of the force was never called into question. ... During the period of its operations in the Province, the Saskatchewan Provincial Police created a record of achievement and efficiency which can compare favourably with that of any other police force in the world confronted with similar difficulties. 6

The article went on to point out that the force had reached (by 1920) a sufficiently high standard to enable it to cope with "organized bands of desperados" involved in the illicit liquor trade. Furthermore,

the S.P.P. functioned during one of the most lawless periods in western Canadian history.

Whatever the reasons (expediency or economy) the negotiations in Ottawa took place in January of 1928, were suspended briefly, and then resumed in March. Finally, on 14 April 1928 there was an Order-in-Council passed which authorized the R.C.M.P. to take over law enforcement duties in Saskatchewan. The S.P.P. was to be disbanded 1 June 1928.⁷

Of the seventeen sections of the Order-in-Council two are of particular note. Section 10 said that it was understood the R.C.M.P. would require approximately 70 additional men to police the province; therefore they would recruit them, as far as possible, from the S.P.P. The R.C.M.P. regulations regarding marriage of these men would not be enforced, but the age limit of being under 40 years would be adhered to except in cases where the candidate had previous R.C.M.P. service. Section 11 set forth that of the former S.P.P. officers one was to be commissioned as a Superintendent (this was to be T.C. Goldsmith) and three as Inspectors (R.R. Tait, J. Taylor, and J. Kelly) in the R.C.M.P.

Shortly before the negotiations for the takeover by the R.C.M.P. Commissioner Mahoney went on sick leave from 1 December 1927 to 15 January 1928. Medical examinations had revealed he suffered from diabetic retinitis with possible permanent damage to the left eye and undetermined damage to the right. In addition, he suffered from a concomitant nervous condition. Indeed, one doctor considered him

permanently disabled. Early in January 1928 Mahoney (who was receiving treatment in his home town of Windsor, Ont.) submitted his request for superannuation. An extension to his sick leave was granted to the end of February. Then Mahoney retired 1 March 1928 after 17 years and 64 days service, aged 58 years 7 1/2 months. Except for a brief sojourn in Regina during the hearings of the Royal Commission in 1930 he remained in the Detroit/Windsor area and died 14 May 1941.

Assistant Commissioner W.R. Tracy was named the Acting Commissioner from the time Mahoney first began sick leave and presided over the disbandment of the S.P.P.

The Annual Report for 1927 shows a very marked decrease in the budget for that year. It was \$349,520.00 compared with \$412,959.00 for 1926. Accompanying this monetary decrease was a decrease in the strength and activities of the force. In 1926 they were 167 strong, and entered 10,305 cases with 8,800 convicted and committed. In 1927 they were 143 in number, and entered 6,968 cases with 5,385 convicted and committed.⁸ This surely was a contributing factor to Mahoney's worries. Both he and other members of the force (particularly the senior officers) must have had their suspicions that the whole thing was to be run down eventually. On top of this, the Commissioner had been under more pressure in the latter years of his appointment because of the "vigilant interest of Attorney General Cross."⁹ When he (Mahoney) gave evidence before the Royal Commission in 1930 he said that Attorney General Turgeon considered the Commissioner was responsible for the functioning of the force. Premier (and Attorney General)

Martin did not change this policy. But Cross did not allow Mahoney such a free hand. This was during the premierships of Dunning and Gardiner. Mahoney felt his worries increased after Gardiner became premier.¹⁰

There is no doubt that the unenviable task of enforcing the new liquor laws (when the government took over control of liquor sales in 1925) focussed more public attention on the S.P.P. However, the extent of the problems concerning liquor legislation and the amount of political involvement in the work of the force was not appreciated or understood until 1930.

At that time, several serious charges were made by the Hon. J.E. Bryant, Minister of Public Works in the Conservative government of J.T.M. Anderson. These so-called "Bryant Charges" concerned principally the administration of the Weyburn Mental Hospital, the Regina Jail, and the old Liquor Commission and the administration of justice generally in the days of the Liberal regime. In response to these charges a Royal Commission was convened by Order-in-Council dated 7 June 1930. Three judges were appointed as Commissioners, "two of them [J. MacKay and P.E. Mackenzie] outstanding Liberals before their appointment to the Bench; one a Conservative [J.F.L. Embury] before his appointment."¹¹ By another Order-in-Council dated 9 October 1930 the matters to be investigated which specifically referred to the S.P.P. were:

- a) The matter of participation of members of the Provincial Police Force in the administration of the Liquor Act of the Province of Saskatchewan during

the time the said Act was in force, and particularly, but not in any way limiting the above direction, the participation of members of the said force with any raid or anticipated raids upon the liquor export houses, so-called, situated or near Gainsborough or along the border, in or about the years 1921, 1922, and 1923.

b) The matter of the participation of any member or members of the Provincial Police Force of Saskatchewan in any Federal, Provincial, or Municipal election or elections in the Province of Saskatchewan from the time of the constitution of the said Police Force until it went out of existence.

c) Any matter of political interference or attempted political interference with members of the said Provincial Police Force in the execution of their duties during the period of existence of the said force.¹²

By 25 February 1931, when the Commissioners submitted their findings to the Speaker of the Legislative Assembly, they had heard many witnesses and examined relevant documents. There were sixty volumes of proceedings. Their report, which was about 260 pages, was presented in two volumes. The first of these contained the declarations of Inspector T.R. Duckworth. The second contained reports on James Taylor, James Gallen and "Smokey" Johnson; interference in a contemplated civil action between Senator Jacques Bureau and Milton Campbell; participation of police in elections and interference with the S.P.P.

It should be noted that of the twenty-one findings the Commissioners made on the three charges, ten were specifically connected with the 1925 election, and two with events in 1926. No specific dates seem to be attached to the remainder but from their content they would appear to be connected with the 1925 election period.

Concerning the first charge against the police the Commissioners reported that there had been some evidence given in this regard prior to their being ordered, on 9 October 1930, to examine the three charges. But as there was no further evidence given subsequent to that date they did not make any findings; "for the reason that the evidence given does not go far enough to constitute a full and satisfactory inquiry into the matters therein referred to."¹³

Concerning the second and third charges the Commissioners made their twenty-one findings. They concluded that the police had been subjected to improper political influences in a number of instances. Among the people reported as having exercised such methods were: Jim Cameron, a Liberal worker; J. Longpre, a motor license inspector; William Munroe, a highways inspector and J.J. Keelam, a former Liberal M.L.A. for Happyland. No proof was found of political interference with the R.C.M.P.

There was evidence that this improper influence concerned the fabrication of charges for political reasons, interference with the postings of policemen in certain places, the payment of policemen by the government while engaged in political work, and moving policemen at government expense in order to vote. Furthermore the police were often ordered to restrain from enforcing the law in cases where such restraint would benefit the Liberal Party. Evidence showed that Commissioner Mahoney had instructed Inspector Duckworth to hold certain prosecutions until after the 2 June 1925 election. Duckworth also stated that no special efforts were made by the police to enforce the Liquor Act until after the election. Similar instructions (re prosecutions) were given to Sgt. Taylor, Cpl. Bater

and Const. Wood. Furthermore, Sgt. Taylor gave evidence that after he had laid charges against four Chinese at Neidpath he was visited by the Commissioner who told him that the Attorney General's Department had instructed that all liquor cases were to be remanded every eight days until after the election. Taylor refused to do this and was strongly reprimanded. Commissioner Mahoney did not deny any of this evidence.

In another instance the police were ordered to investigate the Ku Klux Klan and to publicize their misdeeds, "if any".

The timing of raids in Estevan was altered so as not to interfere with the 1925 election, but when it was discovered that the Conservative candidate there had won intensive raids were carried out.

It was proven too that the Attorney General's Department had improperly ordered that a member of the S.P.P. be sent to assist the Hon. Jacques Bureau's lawyer in obtaining evidence in an action of a highly political nature against Milton Campbell, M.P.¹⁴

In the light of some of these findings it is not too surprising that members of the S.P.P. were not always anxious to enforce liquor legislation (see Chapter IV). The directions which emanated from time to time from the Attorney General's Office to "go easy" on liquor enforcement bear out the earlier contention that the police were, on occasion, an embarrassment to the government. These same directions also show the influence of the Attorney General.

There does not seem to be anything to indicate that the findings of the Royal Commission caused much of a stir. Apparently no charges were laid as a result of the findings. Perhaps it is not surprising that the Leader Post editorial for 28 February 1931 said,

Most of the offences dealt with happened six or eight years ago and the public can figure out for itself whether to learn about them was worth \$50,000.00 of the people's money. 15

The same paper reported drifting soil that winter so it is likely the citizens had their minds on other things.

Regardless of the Royal Commission and its findings three years after the disbandment of the S.P.P., the fact remains that in May of 1928 the press had good things to say about the force.

The Regina Daily Post prefaced a short history of some of the major events in the life of the S.P.P. with these words,

Eleven years of policing Saskatchewan from the farthest points North, where the Provincial Police constables travelled in snowshoes or in a canoe among the Indians, trappers and prospectors, through the wheat growing lands of the centre to the ranching country of the extreme south have brought many cases of strange and brutal crimes into the headquarters files of the S.P.P. 16

Did the S.P.P. make any contribution to the development of Saskatchewan? From the time of its origins as the Secret Service to its assumption in 1917 of the greater part of law enforcement in the province it did not often make the headlines. As has been shown, the enforcement of liquor laws was never a popular task and it plagued the force, not only when it was the Secret Service, but from 1917 right through to disbandment in 1928. Discretion often had to be used in dealing with ethnic groups whose knowledge of the English language and of the laws of the country was poor. The monotony of handling routine cases and the perseverance needed to investigate major crimes was taxing.

It was a difficult period in the growth of the province. The S.P.P.,

in spite of unpopularity in many circles and in spite of political interference (especially evident in the latter days), would appear to have done a good job. The maintenance of law and order was not perfect nor complete, still there were no major outbreaks of crime.

As stated earlier (Chapter IV) it is difficult to make comparisons with other provinces or the country as a whole. Whatever the figures, the population generally was able to go about its "lawful occasions" and feel secure doing so during the lifetime of the S.P.P.

As one person interviewed for this study pointed out, the R.N.W.M.P. (and R.C.M.P.) had a good reputation, part of which carried over from the early days in the West. They acted like gentlemen. The S.P.P., on the other hand, did not have this romantic background. Many of its men had no experience and had little training. The result was they were not colourful and did not enjoy as good a reputation as the other force. But in spite of these handicaps they served the province and its people well. ¹⁷

Footnotes to Chapter VI

1. Saskatoon Daily Star, 31 May 1928.
2. Report of the R.C.M.P., for year ending 20 September 1928, Ottawa, Kings Printer, 1929.

S.W. Horrall, the R.C.M.P. historian, in a letter to the author dated 3 May 1976, states "The overlapping of police services ... certainly appears to have been one of the main reasons for Gardiners action. On the one hand it was uneconomical. Secondly, he seemed to feel it gave the appearance of a police state. There are other reasons ... implied or stated in the files. The province, for example, seems to have been anxious to get out of enforcing the liquor laws."
3. King Papers, Gardiner to King, 3 January 1927, pp. 121655-60. cited in David Smith, Prairie Liberalism, p. 186.
4. David Smith, Op. Cit., p. 186.
5. A.S. Taped interview with R.S. Pyne, Saskatoon, 13 December 1974. Pyne stated that another member of the force, Harry Boyce, Regina, had been told by an M.P. [thought to be from Yorkton] that he had overheard a conversation between King and Gardiner to the effect that this would improve the Liberals' chances in Ottawa. Boyce, when interviewed in Regina on 5 November 1975, avoided answering questions concerning the incident.
6. Public Service Monthly, June 1928, "The Passing of the S.P.P." p. 168.
7. Order-in-Council, No. 580, 14 April 1928.
8. Regina Daily Post, 31 May 1928.
9. Royal Commission Files, 1930, Vol. 48, p. 2.
10. Ibid.
11. John G. Diefenbaker, One Canada, Toronto, Macmillan, 1975, p. 130.
12. Report of The Royal Commission to Enquire into Statements Made in Statutory Declarations and Other Matters, 1930, Regina, Kings Printer, 1931.
13. Ibid.
14. Ibid.
15. Regina Leader, 28 February 1931.

16. Regina Daily Post, 31 May 1928.
17. A.S. Taped interview with The Hon. Mr. Justice Emmett Hall, Saskatoon, Sask., 12 December 1974. Mr. Justice Hall began practising law in Saskatchewan in 1916 and thus had many associations with the S.P.P.

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