

Upon completion, Metcalfe told the jury they could retire. The judge asked when the jury might be ready to deliver its verdict and the foreman for the jury gave an ominous response:

METCALFE: I do not think I will come here before eleven o'clock, unless you think you will be ready before that time. What time would you like me to come?

FOREMAN: We were nearly satisfied we might be ready by ten o'clock.

Typically, a quick verdict meant bad news for the defence. However, Russell and his defence team were hopeful this would prove to be an exception.

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## CHAPTER FIFTEEN

The next morning, the jury reconvened in the jury room adjoining the courtroom. Meanwhile, the atmosphere in the courtroom was informal. The judge was not present, and the defendant, counsel, and spectators casually walked about the courtroom and hallways. A knock was heard at the jury room door. The constable answered and received the announcement. The jury had reached its verdict. The judge was hurriedly called from his chambers and the lawyers were summoned. The chatter from the large crowd in the public gallery was stilled.

The jurors filed silently into the courtroom and took their seats. The reporter for the *Evening Tribune* described the scene:

Theatrical managers would give much if they could produce plays which would hold an audience as tense as did the concluding scene of the Russell trial drama which was unrolled to the largest crowd attending the courtroom during the whole trial [...] The dropping of a pin could have been heard as the clerk of the court rose to question the jury.

The clerk shattered the silence: "Gentlemen of the jury, have you agreed upon your verdict, and if so, who shall speak for you?" The crowd held its breath and strained forward as the foreman of the jury rose to reply. Although his voice was low and unsteady, it could be heard to the farthest recesses of the room. "We have," he responded.

Although he was a trial veteran, the clerk could not prevent his voice from faltering a trifle as he put the fateful question. “How say you? Do you find the prisoner guilty on the first charge?”

“Guilty.”

The word, though spoken quietly, travelled like a shock wave to the back of the courtroom. Russell wrinkled his brow but sat composed as a guilty verdict was read for each of the seven counts.

George Armstrong and Abe Heaps, seated at the side of the prisoner’s dock, exchanged troubled glances. Then Armstrong got up and left the room. Heaps remained in his seat, still scribbling notes.

Justice Metcalfe said he would not sentence Russell until Saturday morning and delivered some final words to the jury:

Gentlemen of the jury, I must thank you on behalf of the country for the sacrifices you have made in this case. I hope you will realise that while you made these sacrifices, and were submitted to inconvenience, and deprived of your family ties, the situation, after all must be one of pleasure to know that you have all done your duty in thus serving your country [...] Gentlemen, you are discharged and relieved of all further duty.

The court was adjourned.

Cassidy came to Russell’s side. “I’m sorry, but we did the best we could. A Merry Christmas to you,” he said.

The spectators began gathering around the counsel tables and the prisoner’s dock. Press reporters questioned the lawyers. When asked if Russell would be deported, Coyne denied the rumour: “The Crown has not considered deportation.”

Another reporter asked Andrews if he knew how the remaining cases would be handled. “No, the Crown does not know how the cases of the other seven strike leaders will be handled [...] Sufficient to the day is the evil thereof,” he said. “This trial has not been a pleasure, I like Russell.” Before the sentencing, Cassidy informed the court that Russell would appeal his conviction. Andrews knew the fight was not over.

There was one lawyer missing from the room. Shortly after the jury retired, J. Edward Bird left Winnipeg to spend Christmas at home with his family. Years later in his unpublished biography, he wrote, “The seven men who were indicted never had a chance of success.” He had “no heart” to finish the trials because the results were “a foregone conclusion.” He noted that the sympathy of the public was generally with the Crown and “it must be admitted that the acts disclosed at the trial indicated unmistakably that a conviction must follow [...] We were well-paid for our work. I really felt some compunction about accepting any further money.”

While Russell spent Christmas Day at home with his family, Andrews wrote to Senator Robertson: "I hope you are satisfied with the results of our labour in the Russell case [...] Permit me to wish you and yours a very happy New Year and a long continuance of your splendid service to your country." Similarly, Andrews wrote a letter to Justice Minister Meighen:

We are starting at once to prepare for the trial of the other seven, which will take place on the 20<sup>th</sup> of January. We have a jury list of 250. I am obtaining the jury list today and I am making arrangements to secure the best possible information about these jurymen in order to select an impartial fair jury. I need not enlarge upon the case, as I presume you have had the Winnipeg papers. I received throughout the heartiest support and co-operation of the local government and cannot speak too highly of the effective work done by the mounted police.

Russell's sentencing was scheduled for Saturday, December 26. That morning, Cassidy walked through the swinging doors of Courtroom No.1, with Andrews following closely behind. Soon after, defence counsel McMurray and Lefaux entered together and, after an interval, Sweatman and Pitblado. People crowded the courtroom. Every seat was full, and the hundreds who could not gain entrance waited in the corridors.

Only a few minutes before 10:00 a.m., Russell entered the courtroom and started to make his way to the prisoner's dock. He was immediately surrounded by the other defendants and a group of well-wishers. He kept moving until he reached the box, entered, and closed the gate behind him.

The court was silent when Justice Metcalfe entered a few minutes later. The judge asked if Russell had anything to say before being sentenced by the court. Russell rose to speak: "I have been unduly honoured in being declared a leader [...] I carried out my instructions from the rank and file in the movement as a paid servant, to the best of my ability, and I feel that if the court had permitted me to demonstrate my real intentions during the strike, I could have convinced everyone that it was free from anything criminal."

In response, Justice Metcalfe delivered a stern admonishment:

Unfortunately for you, Russell, your ideas were not acceptable to the public nor to the jurors [...] You were wrong [...] I think you are wrong myself. I do not think you should have done what you did [...] I do not think the associates with whom you acted should have acted the way they did [...] It is fortunate for you that I did not take the advice of your counsel in the matter of accepting his suggestion that you be tried under the recent amendment [...] that would mean a twenty-year sentence [...] I am going to give you the punishment which the old law considers the proper punishment [...] The law is there and must be respected.

The judge added, however, that he would temper justice with mercy, by allowing the sentences to run concurrently rather than consecutively.

Russell was sentenced to two years in penitentiary on the first six counts, and for one year on the last count. Russell faced the judge, showing no visible emotion as the sentence was read. Justice Metcalfe expressed his hope that Russell would have the opportunity to reform because of the leniency of the sentence. Before the court adjourned, Metcalfe advised that arrangements had been made to have the Court of Appeal sit to hear the appeal in two weeks. Russell would remain in jail until then, at least.

Before he could be taken to his cell, the other defendants gathered around Russell, shaking his hand and bidding him farewell. Spectators within the courtroom milled about. Mrs. Russell, accompanied by Mrs. Armstrong, pushed through the crowd, which finally gave way to allow her a moment to kiss her husband goodbye.

Deputy Sheriff John Pyniger entered the court area and opened the prisoner's box and began leading Russell through the courtroom. Before the men were halfway across the room, William Staples, one of Russell's friends and a fellow machinist at the Canadian Pacific Railway, climbed on one of the chairs and called for a chorus of "three cheers for Bob Russell." Cheers resounded throughout the room. Excitement grew as the crowd surged toward Russell and the sheriff. The police began to push the crowd through the door to restore order. Staples began another cheer. "And a tiger, give him a tiger, boys."

The deputy sheriff shouted, "Take that man, Jimmy," calling on Constable James Bain and Captain Wheeler to seize and silence Staples. The two officers broke through to Staples' tiny stage, took him into custody, and attempted to lead him to the rear of the courtroom. The crowd surged toward them and it appeared as though an attempt to rescue Staples would be made. More police officers entered to assist with the crowd. Staples was placed in a small adjoining room and the masses were pushed out of the courtroom. Order was restored.

An editorial in the *Evening Tribune* on December 26 proclaimed:

The jurymen in the Russell trial brought in a verdict strictly in accordance with the evidence [...] The jury, representing citizens of Canada, have found that men dare not defy the laws and regulations of the State with impunity. There are means to change the laws of the State, where changes are necessary [...] but those means are not of the form attempted last May and June. Men who live in Canada must conform to the laws of Canada. That was the jury's verdict and it was a just verdict.

On December 27, Labour Minister Robertson wrote to congratulate Andrews on conducting the successful trial: "The results will have a very stabilising effect on the industrial situation throughout Canada and will be of more far-reaching benefit to the whole country than most people appreciate."

The strikers and those sympathetic to the Strike Committee were of a different view. They believed that the accused had not received a fair trial and that Russell had been the victim of injustice.

The news of Russell's conviction spread quickly across Canada. From her home in British Columbia, Mrs. Woodsworth wrote a letter to her husband, whose trial was pending:

You will be almost upon the date of your trial when this reaches you. We read the verdict in the case of Mr. Russell the morning after Christmas [...] Was ever a more shameful iniquitous thing perpetuated in the name of justice? [...] As to your own case, I have no doubt that it is already decided, but I do think that you should fight to the last gasp just to try to let people see how far we are from freedom. I only wish that I could be there to hear you. Never mind if you don't come off with flying colours. It is something to take your stand upon plain, simple truth and stand or fall by it alone. So be of good courage.

The church that Ivens had founded had gained great momentum over the summer of 1919. It continued to attract large crowds to its services throughout the trials. Despite Russell's conviction, Ivens assured his congregation that all would be well, if only one did not lose faith. On December 28, while speaking to his congregation at the Columbia Theatre, Ivens lashed out at Justice Metcalfe in response to the conviction. "There had not been real justice," he thundered. "Our jury still has to be chosen." He accused the judge of being prejudiced, asserting that his address to the jury "made references to us that were tantamount to a statement of our guilt." He told his congregation that:

When Judge Metcalfe refused to let us come into the courtroom because he said we were not being tried, he had no right by the same token to keep rapping, rapping, rapping at us, and, the way he rolled the words 'Preacher Ivens' under his tongue, as if they were a poisoned morsel [...] If Tommy Metcalfe says a general strike is illegal, he says so illegally, and has no law to prove his statement [...] The charge of seditious conspiracy laid against the so-called strike leaders is a farce and a travesty of justice [...] We have too much law not enough justice [...] If Tommy Metcalfe says we acted unlawfully during the strike, he says so unlawfully [...] Bob Russell was tried by a poisoned jury, by a poisoned judge, and he is in jail tonight because of a poisoned sentence.

The congregation responded to Ivens' tirade with thunderous applause. Meanwhile, spies in the audience scribbled every angry word onto their notepads.

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