

Andrews' closing address was complete. Now, it was left to the defence to undo the damages.

CHAPTER TWENTY-THREE

W.H. Trueman, K.C. opened the speeches for the defence with a bold and eloquent address on behalf of Abe Heaps. He began by reiterating the notion that the courtroom was being used as a weapon in the long-standing battle between capital and labour. Then, he broached the issue of freedom of speech. Trueman wondered whether Andrews was "alive to the gravity of the issues" raised in the trial. Was Andrews aware that they "reach down to the fundamental things of our British constitution and to the roots of great principles of British liberty established in our law?" In defence of freedom of speech, he gave his "entire approval" to the conduct of Bill Ivens, who as editor of the *Western Labor News* refused to be gagged by the censorship imposed by Orders-in-Council.

At this point, Andrews intervened to raise his objection. In support of the Crown's objection, Justice Metcalfe reprimanded the defence counsel for his defiance:

ANDREWS: I object, My Lord, to my learned friend telling the jury that he approves of the actions of the editor of this paper in defying the laws. He has openly stated so.

METCALFE: Look that passage up, Mr. Reporter, I was otherwise engaged at the moment.

TRUEMAN: I said, My Lord, that if I had been the editor of the paper I would have done the same thing as he did.

METCALFE: Mr. Trueman, these orders-in-council were in force and you will have to withdraw that statement or stop. I can't sit here in this court of justice and hear you openly defy the law [...] I won't let you state facts not contained in the evidence. Either you'll have to stand by my rulings or you'll have to quit.

Trueman argued that he was clearly within his right, but the judge was unyielding.

METCALFE: There is no law that permits you to state to the jury that half the editors of Canada were doing the same thing that Ivens did in defying the censorship laws.

TRUEMAN: Then I will have to withdraw that statement in deference to Your Lordship.

Resuming his address to the jury, Trueman denounced the prosecution of the defendants: "I venture also the prediction that the day is not far off, if it is not already at hand, when this prosecution will be a source of wonderment to men." Furthermore, he condemned Andrews' address to the jury:

Mr. Andrews in his address has referred to well-clothed and well-paid working men as evidence that their lot is satisfactory. It was the language of the Dark Ages. It did not belong to the conversation of thoughtful men alive to the trying nature of the problems that confront our times. In that remark counsel revealed as by a flash of lightning his complete want of sympathy with the labour movement, and his ignorance of the great propelling forces that are changing the face of modern society. You men of the jury who are farmers can at least understand, if Crown counsel cannot, that a man's life, as was said 1900 years ago, is more than food or raiment.

This time, it was Justice Metcalfe who interrupted Trueman, forbidding him from reading a passage on socialism from the *Encyclopaedia Britannica*. Trueman rebelled at the interruptions and said it was the first time he had seen such interference with a lawyer addressing a jury. The two men became engaged in a hostile argument with devastating consequence on the defence:

METCALFE: I have had, on rare occasions, counsel in my court refuse to take the law from the bench as you. If you persist in refusing to take the law from me my patience is about at an end.

TRUEMAN: I simply must go on, but with the protest that I am being denied the inalienable rights of counsel for the defence.

METCALFE: Will you withdraw that statement? [...] You have made a statement practically amounting to this: 'You are an unjust judge.' Will you withdraw it?

TRUEMAN: I made no such charge, it is simply a clash between Your Lordship and me, and under the circumstances I cannot continue.

METCALFE: That is your privilege. If you intend that as an apology I will accept it. I might say this is the third time counsel has withdrawn in this case.

Trueman had spoken for less than an hour when his address came to an abrupt end. Abandoning his clients, Trueman returned to his chair and placed his notes in his briefcase.

John Queen spoke next. Like Heaps, he was also represented by Trueman and now bore the responsibility of speaking to the jury himself. Rather than allowing the literature to be read in full, Queen accused Andrews of carefully choosing excerpts and samples to “suit his purpose.” While delivering his address, Queen spoke with confidence, driving home his points in a forceful manner.

Queen used his status as a non-lawyer to gain credibility: “You know what His Lordship said at one stage of trial, ‘That lawyers are paid to lie,’ and I want you to remember that. I am glad now that I am not a lawyer, and let me say that such cannot be honest men.” Andrews took offence to Queen’s statement:

ANDREWS: My Lord, this cannot be allowed to go on.

QUEEN: My Lord said it before the jury.

BONNAR: If Crown counsel says, ‘My Lord did not say it,’ then I say, ‘His Lordship did say it,’ and I heard it myself.

METCALFE: I expect that counsel knows when a joke is implied.

Referring to Andrews’ earlier remark that “work is one of the sweetest things in life,” Queen continued to express his unfavourable opinion of lawyers: “It is all right for a lawyer to talk of sweet work. True, they get the sweets, we get the work. Work to the lawyer is words, no wonder it is sweet.”

In his effort to mount a convincing counter-argument, Queen dissected Andrews’ closing address to the jury:

Mr. Andrews said that there are books which you would not like your children to see. What is the inference? Is it that the people of Canada are all children and cannot be trusted? I say it is! There is not a book in a doctor’s office I would not let my child see, and I am proud of it, and I would not tell my child a bunch of lies, and be proud of it [...] I may appear to you to be a little hot over this, and I don’t mind saying that I am. If you gentlemen could understand the circumstances in the same way as I understand them, and as friend Andrews understands them, you would feel pretty hot about it, too. Gentlemen, isn’t it obvious to you now that Mr. Andrews is a man that will stoop to any level to gain his point, and in this case, I want to tell you, the

evidence shows he has contended certain things before you in order to get a conviction, regardless of the facts. I am here accused of a crime, but I am accusing Crown counsel of that crime. The permit cards originated at that meeting of the City Hall, which was attended by members of Crown counsel. The idea did not originate at the Strike Committee. Gentlemen of the jury, I have shown you how the permission cards came into existence [...] Mr. Andrews asks why we didn't use constitutional means to change things. We have. I was elected to the City Council to give expression to the aspirations of the workers. I did this in the Council during the strike – I am not ashamed of it – and I find myself here as a result of representing the workers by constitutional means.

Queen's presentation was excellent. He addressed the jury in a slowly spoken Scottish dialect and often had a broad, disarming smile upon his face.

At 10:00 p.m., Queen appealed to the jury to consent to adjourning early. Bonnar rose to support Queen's request: "It is beyond human endurance; no counsel can stand it [...] These men cannot defend themselves properly if they are not allowed proper time to do it." Justice Metcalfe conferred with the jury and fixed the hours from 10:00 a.m. to 10:00 p.m. The defendants thanked the jury.

Queen's address to the jury continued the next morning and his oratory proved as impressive as it had been on the previous day:

My actions were entirely in the open. Nothing I did can be construed as evidence of seditious conspiracy. Mr. Andrews made quite a point of the fact that the Strike Committee ordered the police union to stay on the job. I thought it was a wise thing for the Committee to do. I am blamed for that. I supposed I would have been blamed, too, if the police had gone out on strike. Isn't that an awful conspiracy? [...] Not one piece of all this literature was found in my home, yet they bring me into court and say I must defend myself against it [...] Gentlemen, I have a grievance. When Andrews lays his unholy hands on me and has no more evidence than he has shown here, I am glad I can appeal to my fellow citizens for protection. I am not asking for favours. I am not pleading for mercy. I am asking you gentlemen to deal with me as you would expect me to deal with you if the case were reversed.

Queen completed his address at 3:00 p.m. on March 18. The next day, the *Western Labor News* ran the headline, "Queen Electrifies Court with Eloquent Address."

Because there was little evidence in the trial dealing with Dick Johns, it would have been unwise for a lengthy speech to be made to the jury on his behalf. Ward Hollands followed Queen, and he spoke for only an hour on behalf of Johns. Hollands justified Johns' support for the creation of the One Big Union:

Each year we find it necessary to revise our laws. So it is with labour organisations. They are constantly changing to meet new conditions. If Canadian labour had outgrown the American Federation of Labour and wanted an industrial organisation of its own, did not it have the right to form one? Labour organised for the same

reason capital does, to become more efficient, to get higher wages, and to improve its condition.

In addition, Hollands accused the Crown of being generally unfair in the case and referred specifically to Ivens' speech at the Labour Temple, which had been introduced into evidence by the Crown: "This [speech] has absolutely nothing to do with this case, except to make Mr. Ivens look bad in the eyes of judge and jury. It does not show seditious intent. It was a red herring to influence His Lordship against Ivens and for no other reason."

Judge Metcalfe intervened to provide Hollands with a stern reprimand: "Now that you have gone into that part of the evidence, when it didn't affect your client at all, I will have to consider whether or not the jury should not be acquainted with the result of that evidence. I don't think you should have done that."

The clash ended there, but the interruption threw Ward Hollands off course, and he had difficulty regaining control. "I want you to find him not guilty on the first six counts, and I know you will find him not guilty on the seventh count [Common Nuisance], because he wasn't even in Winnipeg during the strike," he concluded.

The brevity of Hollands' address reflected the defendants' confidence that Johns would be acquitted. Since he had left Winnipeg months before the general strike started and had returned weeks after it ended, surely the jury would see that Johns was not involved. But Hollands had perhaps underestimated the scope of the charges against his client.

With a bundle of notes and newspapers in his hand, Bill Ivens was next to approach the jury:

Gentlemen of the jury, I appear before you on a charge of seditious conspiracy [...] Because I know I am innocent of the charge and because there was a conspiracy against me, I plead not guilty [...] Four out of eight members of the Citizens' Committee, mentioned in this trial, are Crown counsel. I look them in the eye and tell them I would rather be here defending myself than be one of them prosecuting me.

In Addition, Ivens explained what he had meant in one of his speeches, when he had said that he was a Bolshevik: "Gentlemen, there is a big difference in saying 'that if Bolshevism stands for a certain thing, then I am a Bolshevik' and 'I am a Bolshevik.' That is the trouble with putting in a sentence here and a sentence there." Ivens challenged the Crown to show that the *Western Labor News* ever advocated Bolshevism for Canada. He explained that any stories on Bolshevism were news stories and not editorials. Seventy-four copies of the *Western Labor News* were put in as exhibits, and Russia was mentioned in only eight of these.

Ivens' passionate and self-righteous speech went on long into the evening session, and he unequivocally denied any wrongdoing:

I was asked to take over the editorship of the *Western Labor News*, and I did it to make a living. I had to do this because I preach to the working people at the Labour Church without taking any salary from them. I am not ashamed to tell you I have been in jail [...] I have been seized by this man [Andrews] and he ought to have been seized himself. I am ashamed, not of the part I have played myself, but of the part others played toward me [...] If I were being prosecuted by a private prosecutor I would expect him to do his worst. But I am being prosecuted by my country [...] and all the facts are deliberately shut out of the evidence. If Crown counsel says all the worst things he can think of against me and nothing in my favour, it is my country that does that [...] you expect your country to be fair. I have fought the battle of liberty for you and for myself [...] I will stand for right whether it be popular or unpopular [...] There is a great feeling of distrust in the world, engendered by the war [...] Governments grow suspicious of citizens [...] But have we come to a place where the Crown prosecutor can say a spy is the true patriot? It has come to this, where a man who stands for truth and justice is put in the dock, while a man who says he lies every time the truth doesn't fit, is put in the box against him, and the Crown calls him a patriot [...] If you say I am guilty, it will be for two reasons, either the facts have not been adduced correctly, or I have failed to outline the facts as they are. You will never send me to jail because I am guilty, because I am not [...] I never threw myself into anything so fully convinced that Christ was on our side as I did with that strike. I told the workers I believed Christ, the carpenter, if he were living today, would be on our side, and I would take my position where I thought Christ would be if he were here [...] Gentlemen, after one has dedicated and given his whole life to the uplift of humanity, it seems like the irony of fate that he should be brought here to a court of justice and charged with common nuisance [...] They raided my home in the dead of night, but all they produced were a few cards which they said were notes of my speeches. If spies had come into your wife's bedroom in the middle of the night, if they had picked up your sick babies from their warm beds and laid them on the floor while they searched under the mattresses, would not you feel that an injustice had been done to you? Especially, if all you had done was to support a resolution asking the government for justice?

Near collapsing with fatigue, Ivens had spoken for seventeen hours and had not yet finished his address.

Several years later, Pritchard described his reaction to Ivens' long speech that day:

Ivens could get a little carried away. He made a bombastic speech to the jury – with considerable religious overtones. To Ivens these proceedings resembled Christ's trial before Pontius Pilot. Ivens told the jury that when he came to the end of the journey he believed that he would hear the commendation, 'Well done, thou good and faithful servant.'

When court began on Saturday morning, Ivens asked Justice Metcalfe if he could resume his address at a later time because he was too exhausted to continue. He had been working under great pressure and had been awake all

night tending to his sick wife and children. His usually florid face was pale with fatigue. His request was granted.

Despite having been notified in court of his father's sudden death only a day earlier, E.J. McMurray began his address on behalf of Armstrong. McMurray told the jury that this was the most important trial that had ever been heard in Canada: "This trial, will be read by your descendants."

In his address, McMurray chastised the Crown for deliberating issues that had no place in a courtroom:

At this late date in the history of the British Empire the Crown has committed a deliberate assault on freedom of speech and liberty of opinion. Crown counsel actually has brought into this court the right to debate the conscription issue. Surely, we have not lost [this] right [...] Look at Australia. It voted down conscription. Was that whole nation guilty of seditious conspiracy?

Referring to the exhibits, McMurray said, "The Crown carefully selected these hundreds of documents." They chose the worst parts, a piece here and a piece there. This unfair choice reminded him of a "crazy patchwork quilt." McMurray spoke throughout the afternoon. When court adjourned that evening, he had not yet finished.

When court opened on Monday, March 22, the defence counsel were in an angry mood. The morning edition of the *Manitoba Free Press* carried a photograph of the jury under the heading, "These men will decide sedition case." The photograph showed fifteen men. Behind the twelve jurors were three men – two jury guards and the Crown witness and doorkeeper, Captain C.G.F. Wheeler.

Bonnar rocked the courtroom with a demand for a mistrial: "This morning I picked up the paper and I see a photo of the jury with Wheeler in it. I think this is an outrage against British justice." At this time, Bonnar was unaware of the extent of the injustice to which he referred. He did not know then that Andrews and Wheeler had a relationship that went well beyond the norm of Crown counsel and Crown witness. When Andrews submitted his accounts for services, he frequently included a payment to Wheeler as a disbursement. However, Crown counsel is not expected to pay for the services of the doorkeeper. What was Wheeler getting paid for? Was he advising Andrews on what he overheard from the jurors? Did Andrews also have reports on what the jurors were saying?

When Bonnar confronted the issue, the sheriff flew into a defensive rage. Justice Metcalfe attempted to provide some explanation for the picture that might alleviate the fray:

METCALFE:

The jury suggested to me that they would like to have their picture taken. I wasn't thinking about Wheeler

but I told them they might have the picture taken with their attendants. I suppose they thought Wheeler was an attendant. If anyone is to blame for that picture it is me. I want you to take back the statement that you are suspicious of Colin Inkster.

BONNAR: I won't take it back.

METCALFE: You may be sorry later for what you have said.

On at least one occasion, Wheeler remained behind with the jury when court adjourned. The defence refused to let the matter rest:

BONNAR: I object to Wheeler being with the jury, as he is a Crown witness. His name appeared on the back of the indictment.

QUEEN: Saturday I stood outside the door and heard Wheeler discussing the case with people coming in and going out of the courtroom. He referred to one of the accused and said, 'I hope to hell they get that son of a bitch.'

Both guards were called up and addressed by His Lordship on the seriousness of their duties:

An application was made in which it appears you have not been doing your duty. It is charged you were allowing men in this courtroom when the jury was here. The accused, the Crown, and myself are entitled to know when I order the jury confined, why they are not confined. It is a very humiliating thing to me as presiding judge that such a thing should happen through no fault of my own.

The judge was satisfied that his lecture to the guards was a sufficient remedy, and Bonnar's motion for a mistrial was dismissed.

With the controversial matter closed, McMurray continued his address to the jury:

Is it any wonder the accused should protest that those who beat them outside this court and starved them into submission should try to send them to the penitentiary? Do you admire the colossal nerve of the man who could turn around and brand thirty thousand of his fellow citizens, men who had dauntlessly endured everything, with the name of traitors and rebels? Rebels, rebels, rebels, everywhere.

McMurray attempted to reject the notion that a conspiracy existed. He pointed out that prosecutions had not been made in any other province,

despite the fact that the Crown brought evidence from all parts of Canada to prove a conspiracy.

McMurray also explained that much of evidence upon which the Crown relied had been obtained after the men were arrested:

The Crown was in desperate straits when it seized these men, dragged them into court in a heap, and then went out and collected letters written by every haphazard writer in the country to use against them. True, some of them are Socialists, but it is too late in the day to charge a man with sedition because he is a Socialist. It is an historical fact that Karl Marx, the author of the *Communist Manifesto*, which the Crown has put in here as evidence against the accused, was granted asylum in England after he wrote his famous work. The *Communist Manifesto* for seventy years was printed in England and spread [...] throughout the world [...] The intention is the whole thing. These men had no intention to overthrow the government, except by constitutional means. Would it be fair to charge political leaders with sedition for opposing the government? The government is not a Grand Llama which the people fall down and worship, but is the trustee for the people, and subject to criticism.

Referring to the information filed against the men, McMurray called attention to the fact that it originally charged seditious conspiracy only during May and June of 1919. This had later been amended to read 1917, 1918, and 1919. He insisted that this demonstrated that the Crown knew it could not convict the men of seditious conspiracy during the strike:

It's awful to contemplate that this tyrannical old weapon should be dragged out in Winnipeg in the year 1920. Seditious conspiracy is a very rare charge; in fact after exhaustive search I can't find a previous case under that charge in Canada. It is a very ancient and antiquated machine, very much like an old-fashioned blunderbuss that you filled with scraps of iron, slugs, glass, bolts, and anything else you could lay your hands on. The idea was if you aimed it at someone, you would at least hit him with one slug. Why didn't they prefer a charge against any one of these men alone? Because it wouldn't work. But if they could link up a lot of meetings and a bunch of publications, they thought they might get them if they took in the whole crowd.

McMurray completed his address just before the noon recess.

On Monday afternoon, Ivens began again. This time, he described his beliefs to the jurors:

I am a pacifist. But is a pacifist a traitor? Is he a coward? Can't a man serve his country and serve humanity without believing in force? I submit that he can. It is an easy thing to be a pacifist in peace time, but it is an infinitely harder thing to be in war time. Isn't it easier to drift with the tide in war time and subscribe to the doctrine of force than to stand by your principles and stand out for pacifism if you really believe in it? [...] Mr. Andrews told you that I was the worst of all the accused for my actions during the strike. Well, if that is so, your duties will be very light. I had no part in the running of the strike, and if the rest had less to do than I did, then your task is easy. The Ironmasters, Builders Exchange, and the Bankers were responsible, as they would not have anything to do with collective bargaining. We were not responsible and could not have brought about this strike [...] My fate is in

your hands. My destiny is not. My destiny is in the hands of the Almighty and myself. Some day, if not now, I shall be a free man, and then I shall carry on from day to day what I see I ought to carry on. My hope is that you shall see the things that I have done in their true light, and that you will realise that there was no seditious conspiracy in my brain. My words when I came into this court were 'Not Guilty.' The last thing I am going to say to you tonight as I stand before you is that I am not guilty [...] I ask you to come back and let me hear you say my last words, 'Not Guilty,' so that we may stand for justice and liberty. I thank you.

It was Pritchard's turn to speak to the jury beginning the next day. It was soon obvious that his reputation for eloquence was well deserved:

I want here to offer my compliments to the leading spokesman for the Crown, for the excellence of the address that he gave to you, gentlemen of the jury. I like in my own little crude way to appreciate the works of a great craftsman, and I compliment my learned friend, Mr. Andrews, upon his ably constructed, closely reasoned, and excellently presented address. But I want to say here that if half the attention had been paid to the foundation as was apparently given to the superstructure, that possibly history would have recorded that a great oratorical edifice had been built [...] What have our friends of the opposition done? What have they done? They have collected here a mass of correspondence from people all over the world to people all over the world. They have sent their agents from the Atlantic seaboard to the Pacific slope. They have dusted out every cobwebbed corner of every shack of every working-man they considered suspect [...] and out of that mass of documents, my learned friends have gone with the microscope and the surgical knife and they have carved out terms, 'red', 'Bolshevik', 'industrials', 'socialism', 'evolution', 'revolution', 'proletarian', 'bourgeoisie' etc. You see these are the little pieces of poison [...] I can imagine away back in the painful days of last fall, my learned friend, Mr. Pitblado, gathering these choice collections and saying to Mr. Andrews, 'Look what I have found.' You remember old Archimedes as he stepped into the bath suddenly discovered the means of detecting a flaw in the purported gold Crown, and he forgot himself, and rushing home through the streets naked, he cried, 'Eureka! Eureka! I have found it.' And in my mind's eye, I can see Dr. Pitblado rushing around the corridors of this institution crying, 'Eureka! Eureka! I have found it.' And suddenly my learned friend, Mr. Andrews, comes around the corner and says, 'What have you got?' And Dr. Pitblado says, 'Here it is, here it is, here is the connection,' and they put it in the bottle, and upon the face of that you can see written in a hand that no one can deny, 'Shake well before giving to the jury' [...] I have studied my learned friends for the last eight or nine weeks. I never had the pleasure of meeting Mr. Andrews before I came into court at the preliminary hearing. I can easily forgive Mr. Andrews for having mixed up his bottle of medicine upon me. I am not a vindictive kind of chap, and I can easily forgive him. But do you know, gentlemen, I am not so charitably inclined towards Dr. Pitblado. To me he appears to be educated somewhat, and ought to have known better [...] I want to tell you this, gentlemen, speaking with a knowledge of the facts as they apply to me, whether or not we can unmix that bottle of medicine, to your satisfaction, and to the satisfaction of this court, just so sure as I stand here before you. I know this, that I shall unmix that bottle of medicine to the satisfaction of history. Whether or not we be vindicated in this court, we shall be vindicated in process of time by history. I want to tell you that I never looked for any such distinction as this. I had never hoped that my poor

modest name could have been linked with the name of Milton; with the name of Galileo; with the names of all those illustrious men of the past, who fought superstition and darkness wherever it existed; who took the broom of scientific investigation and swept up the cobwebs of superstition and ignorance [...] All through the eight weeks that the Crown have been building up this case, that little tune that was given to us in the beautiful light operas of Gilbert and Sullivan, kept recurring to me, 'The flowers that bloom in the spring, tra-la, having nothing to do with the case,' and eighty percent of the evidence that came from that box was like the 'flowers that bloom in the spring' – it had nothing to do with the case [...] You will find that instead of carrying a couple of Mills bombs in my pocket, and a couple of bowie knives in my socks, and going rushing around the country as a wild incendiary, you will find my dynamite, in so far as I am capable of using it, mental dynamite; that the fight I carry on amongst my fellow-workers is a fight with ideas [...] You have seen the indictment, I think. I won't offer you that indictment. I looked at it the way it reads when right side up, and then I turned it upside down and read it that way; I read it from the middle towards both ends, and I worked back again. There was a fellow – he may have been a little profane – who was reading this with me, and he said, 'This is the devil's own indictment.' I agreed with him.

Wednesday evening, as Pritchard brought his address to a close, there was not a sound in the crowded courtroom. He showed the strain of the sixteen-hour address, and it was only with difficulty that he was able to finish:

And standing before you now, on the threshold of the parting of the ways, one path leading, maybe, to the concrete-bound and iron-clad obscurity of the penitentiary and the other leading out to life, to comparative liberty, to wife and children and to such home as a working-man may possess, I want to tell you, gentlemen, standing at that point, with a mind clear to myself and before my fellows, I can say truthfully, I have done nothing of which I am ashamed; I have said nothing for which I feel I need apologise [...] Gentlemen, in so far as my poor self is concerned, this case is in your hands. I am satisfied [...] What I have done, I have done in good faith, in sincerity, and from my own standpoint, from the purest of motives. I thank you gentlemen, for the patience you have shown in listening to me for this past two days.

At the close of his speech, Pritchard sat down, mentally and physically exhausted.

Shortly after Pritchard concluded, the superintendent who commanded the Manitoba District of the RNWMP dispatched a secret and confidential report to Ottawa. It described Pritchard's impressive speech to the jury:

Pritchard's address is causing much comment in the City. It is a masterly defiance of law, Court, judge and Jury, and quite at variance with the utterances of the others. If he is acquitted, it is going to have an effect on the minds of the workers, as he will be given credit for being 'above the law,' and might lead to serious results [...] If acquitted [...] I fear something may happen. I do not know in what form, but this trial has been of such length that much hate has been engendered, and with the end coming in this way, those who have watched the trial [...] are more than likely to give some kind of demonstration, and one can never judge the consequences. While Pritchard may fight with ideas and not Mills bombs, the great mass of the workers is not to be credited with having many 'ideas.' Would it be a good idea to prohibit

Sunday meetings in Theatres or Public Halls for a time? [...] I concur in the remarks of #63 in regard to the effect an acquittal will have on the working class [...] The feeling has become so intense, that it has been decided to search all parties entering the Court House the day the jury brings in its verdict, for arms. It is quite possible that the public will be excluded from the Court House altogether on that date.

Because his lawyer had withdrawn before completing his address, Abe Heaps was allowed to speak to the jury himself. On March 25, Heaps began by paying tribute to Trueman, his erstwhile lawyer, and said that he regretted having to speak in his place.

Heaps had an analytical mind and a good sense of humour, and these two qualities characterised his address. Although the Crown had called 135 witnesses and put in over 1,000 exhibits, his name had seldom been mentioned during the proceedings. He reminded the jury of this. In addition, he analysed the array of Crown witnesses:

We had roughly 35,000 men on strike and only two of them were called as witnesses. Six were newspaper reporters on local papers, four were city officials, three were photographers, one was a millionaire, five depositions were read to the jury, thirty-five were employers of labour, fifty-three were police, government officials, detectives and spies, twenty-six I have classed as miscellaneous, including doctors, women, etc. Did you see with what glee the eighty-eight employers of labour and police and spies would testify against us!

Heaps repeatedly brought laughter to the courtroom. He reminded the jury that Andrews said he would be a happy man if the defendants were found not guilty: "These accused will be happy men too. I will be happy. I think His Lordship will be happy. Then, gentlemen, wouldn't it be a fine thing for us all to be happy after it is all over?"

Finally, Heaps dealt with the last charge in the indictment regarding common nuisance. "I do not mind being called a nuisance, but to be called a 'common nuisance,'" he declared. This caused the gallery to erupt with laughter. Heaps spoke until court adjourned for the evening recess. Heaps' case was not injured by Trueman's withdrawal as counsel. In fact, it probably helped.

When court recommenced later that evening, Bonnar, speaking as counsel for Roger Bray, delivered a short and powerful address for the defence:

In prosecuting a case, the Crown should put all the cards on the table and ask if you find these men guilty or innocent [...] Was the Crown honest with you? Have they dealt fairly with you? If they have not, it is your duty to kick them out of this court. If they don't put all the cards on the table [...] then you are entitled to be suspicious of them. In law, they are not obliged to give you everything. But if they won't give you everything, is that British justice? [...] You heard about those permit cards. Mr. Andrews tried to make it appear those cards showed a desire on the part of the Strike

Committee to control the city. Mr. Andrews was a party to the agreement regarding the issuance of those cards to protect workers, yet he comes into this court and dares to [...] deceive you and His Lordship [...] If you find him cheating, haven't you the right to suspect him? If he did that, knowing what the cards were for [...] it is your duty as British citizens to say you'll have none of it. If you find the Crown has done that, then that should end the case. I don't care what other evidence there is, it's too risky [...] We find four of the five Crown counsel are members of the Citizens' Committee. The men who said to the strikers, 'You'll surrender,' are prosecuting this case. Do you think that is fair? Do you think that is what should occur in a British court of justice? [...] Do you think these men are in earnest? You have seen them; it is for you to say whether they are sincere or not. You must imagine these men are the craziest beings on earth if you believe they planned to seize the country. Are you so sure these men are guilty of the crimes they are charged with? If you have any reasonable doubt, it is your duty to acquit them.

Bonnar spoke for only two hours, knowing that his words would be the last heard by the jury before the judge's charge.

The plan of the defence had been to call no evidence and to derive the maximum benefit from the last speech. But when Bonnar finished speaking, to the dismay of the defendants and defence counsel, Andrews sought permission from the court to speak to the jury in rebuttal. He cited a section of the *Criminal Code* as authority. Defence counsel argued that it was entirely against the established practice of the court. However, over the objections of defence counsel, Andrews would be allowed to address the jury the next morning.

Alfred Andrews was unabashed in seizing every advantage that was open to him at the trial. Although the defence called no evidence, the Crown would still have the last word with the jury. The *Criminal Code* at the time gave discretion to the judge to allow the Crown to make a reply. This section of the code has since been removed.

In this last address, Andrews cunningly told the Jury that the defendants had been fortunate to be represented by a lawyer with an international reputation:

Mr. Bonnar is, perhaps, the greatest criminal lawyer in Canada. You have no doubt after his speech last night that he acted for all the accused. If he had thought anything could be gained by analysing that evidence, he assuredly would have done so. His address last night was the kind that years of experience have taught is the best to make when there is no defence. The defence has been one of justification. While the law says they were wrong, yet they say they should get off because of conditions in this country. Speaking generally of the speeches of the accused, they showed a wonderful knowledge of their subject. They were the sort of speeches you would expect to hear in a debating society or legislative hall. But there wasn't a note of regret for what they had done. Throughout, it was an attempt to justify their actions [...] what wondrous power these men have to move the masses. What a dangerous element to have at large if they are seditious.

Andrews sat down, satisfied that his final words would ensure a conviction.