

## CHAPTER TWENTY-FOUR

On March 26, Justice Metcalfe began his charge to the jury. It lasted six hours. He reviewed the indictment and explained each count. To help explain sedition, he used the same analogy as had served him the Russell charge:

A torch applied to a green field may not be likely to cause a fire, yet when the grass is ripe and dry, a spark may cause a conflagration. Just so, words spoken in privacy or during a quarrel, or in the heat of the moment, or in normal times, may be unlikely to have a seditious effect, and may be overlooked; yet when spoken in times of stress and in more public places, may be likely to cause such discontent, hostility, and disturbance as to be seditious.

Furthermore, Justice Metcalfe told the jury that they must consider the “altered conditions” brought about by the war:

Public sentiment is more inflammatory. Words which previously were unlikely to produce an evil effect upon the public mind you may now very well regard as seditious [...] I think after considering the speeches throughout and the literature circulated, you will have little doubt of there having been a seditious conspiracy to educate the so-called proletariat to assume the reins of government and subvert the existing constitution [...] But your difficulty will be to decide who were the members of that conspiracy. Russell, one of those charged, you may believe to be one; but your question is which if any of the accused now on trial before you is guilty [...] When we consider the benefits conferred upon our people by the British Constitution, the crowning effort of centuries of bloodshed and sacrifice, it should fill the heart of every British subject with gratitude that God has seen fit to place him within the jurisdiction of that constitution; and we should righteously guard it and prevent its destruction by unlawful means.

Justice Metcalfe went carefully into the evidence concerning the June 10 and June 21 riots. He said that he would not have done so had it not been that counsel for the defence made light of riots and the work of the RNWMP:

I say there was a riot, a vicious riot. There was a proclamation issued on June 5<sup>th</sup> by the Mayor, requesting the people to refrain from gathering on the streets. He may not have the right to keep them off the streets entirely, but he certainly has the right to warn them of the probable consequences if they don't.

Each count in the indictment was to be considered separately, and each of the accused could be found guilty or not guilty on each count. Justice Metcalfe said that if there was a reasonable doubt, this must be given in favour of the accused. If any were found guilty and recommended to mercy, the court would consider the recommendation.

It was after midnight when he finished. “Gentlemen of the jury, your duty is as mine. This is to hew the line and let the chips fall where they may. You may now retire and consider your verdict,” the judge concluded.

In the early hours of the following morning, crowds assembled outside the Law Courts building. When the doors were unlocked, people swarmed into the lobby and up the staircase to form a long line outside Courtroom No. 1. When the doors were opened, the room was filled to capacity.

The accused men entered the packed room. They exchanged greetings with their many friends in the audience and joked among themselves as they took their places. Pritchard did not take part in the banter and wore no smile on his face. Dixon was talking with some of the defendants when Johns, standing near the defence table, caught his eye. They exchanged greetings and Johns, with the motion of his arm, offered Dixon a seat at the counsel's table. Laughing, Dixon refused the offer.

At 11:15 a.m., the jury returned to the courtroom. D. Bruce, the foreman, a gentleman with a rolling Scottish brogue and elegant moustache, stated that they had not yet reached their verdict and asked Justice Metcalfe if the court could give the jurors something to guide them in their deliberations. Judge Metcalfe stated that if there was no objection on the part of the defence, they might be given all of the 1,050 exhibits and the indictment as well. Motivated by a desire to show that they had nothing to hide, the defendants unwisely stated that they had no objection. They did not seem to realise the damage that would result from the jury reading the numerous inflammatory documents. The jurors advised the court that they would return at 2:00 p.m. and retired to the jury room with the exhibits. Hope was renewed when the jury extended their deliberation.

Shortly after 2:00 p.m., the jury reported back. The courtroom was tense with excitement as the twelve men filed in and took their seats in the box. A breathless silence fell on the crowd when the jury foreman stood to give the verdict. "What say you as to the first charge against the accused William Ivens?" asked the clerk.

"Guilty."

There was a startled gasp, a sharp intake of breath from the audience. Ivens' chin squared, but he gave no other visible sign of emotion.

A crowd of about one thousand was waiting outside the courtroom. The first verdict of the jury was mistaken for "not guilty" and the word was passed along. Prolonged cheers filled the hallways of the building, and the powerful roar of the crowd rocked the courtroom.

"Silence!" a bailiff shouted. The crowd pressed against the courtroom doors. When the crowd realised the real verdict, the people became hostile and noisy. Justice Metcalfe ordered the halls cleared. "That noise has got to be stopped," he said. "I don't know whether they are cheering because the men are guilty, or because they are not guilty. I don't see much to cheer about."

The clerk then rapidly read through the other six counts against Ivens, and the foreman answered “guilty” to each of them.

Then the jury’s verdict on the other men was returned. Johns, Pritchard, Queen, and Armstrong were each found guilty on all counts. Bray was found guilty only on the charge of a common nuisance. Heaps was acquitted.

The verdict made no sense to the defendants. How could Bray be innocent and Johns guilty? Why was Queen guilty and Heaps acquitted? Heaps was on his feet remonstrating with the court that if the others were guilty, so was he, insisting that his place was with the others.

The jury foreman, Bruce, started to read a prepared statement. But Justice Metcalfe interrupted, “You shouldn’t clog your verdict with anything you want to recommend. Do you want to recommend the accused to mercy?” Bruce’s response was affirmative.

Bonnar asked that the jury be polled, a procedure that confirms the unanimity of the verdict. The poll proceeded smoothly until the last count against Bray was reached, when Alex Sinclair, the twelfth juror, was questioned. It was the last chance for a change in Bray’s verdict and, when Sinclair hesitated, the excitement in the courtroom became intense. The accused and their counsel leaned forward, straining to catch Sinclair’s words. “Do you find Bray guilty or not guilty of common nuisance?” Judge Metcalfe demanded.

“I’m confused. I don’t remember which one is Bray,” Sinclair answered.

“Stand up,” the judge ordered. Bray stood and faced Sinclair.

“Do you recall him now?” the judge asked.

“Yes.”

“What is your verdict on the seventh count of this indictment, guilty or not guilty?”

“Guilty,” said Sinclair. A low murmur arose from the audience as the spectators relaxed. Sinclair’s vote on all seven counts against Bray was taken again and recorded.

Bonnar asked that the foreman’s request to read a prepared statement to the court be accepted. Justice Metcalfe said, “No. The jury may return a verdict of guilty or not guilty, and may recommend mercy if it desires.”

Bonnar told Justice Metcalfe that the convictions would be appealed and asked that the men be admitted to bail:

BONNAR:

It is the desire of the defence, My Lord, to make a reserved case for each of the convicted on many points. We have not had time to prepare it yet, but during this time I would like to move that the accused men be admitted to bail.

METCALFE: The position of these men is different to what it was yesterday. Yesterday they were presumed to be innocent. Today they are found guilty by a jury. I know of no case where a convicted person has been admitted to bail. My own impression is that it cannot be done. If you have any authority on it, I will be glad to see it.

Bonnar was granted permission to confer with the defendants. They retired to an anteroom, and Heaps started to accompany them. "Sit down," said Johns, laughing. "You are not a conspirator." Upon their return, Bonnar stated that he would prepare his reserved case as quickly as possible.

The judge told Heaps he was free and then, with some final words of instruction, discharged the jury:

I want to tell you that this case has been of intense public interest, more than you can imagine as you have been locked up here since January 28 [...] When you leave this place, you may be asked, directly or otherwise, what took place in the jury room. The proceedings are sacred to yourselves. No one has a right to make you disclose what took place inside that room. If you are asked, it will be proper conduct on your part to tell them to mind their own business. Goodbye.

A special escort was arranged for the jurymen. To avoid the angry crowd, they were taken through judge's entrance to an exit at the back of the building.

Mrs. Pritchard was in tears. Her husband, visibly affected, asked the judge if the defendants might be permitted to see their families before going to jail. Justice Metcalfe agreed: "Certainly. Clear the courtroom and let the families of these men remain. The room is large enough to permit each man to have sufficient privacy to say what he wishes to his family." A daily newspaper reported the ensuing scene in the courtroom:

The most moving spectacle ever enacted in a Winnipeg courtroom was witnessed Saturday afternoon, after Justice Metcalfe's courtroom had been cleared to allow members of the strike leaders' families to say goodbye. It was a tragedy in six scenes, all being enacted simultaneously in different portions of the room, where the convicted strike leaders were surrounded by relatives. Most of the women were crying and the men who were about to go to jail were trying their best to comfort them. The men tried to act cheerfully, but some were obviously affected by the tears of others. In one corner George Armstrong was bidding goodbye to his wife and daughters. Mrs. Armstrong appears to be the most composed of the quartet, but her two daughters were in tears. 'Cheer up, old man,' one of them said as she parted, 'you'll be even a wiser man when you come out.' Mrs. Pritchard sat talking to her husband, her eyes wet. As he was trying to calm her he fumbled in one pocket and pulled out a blue car ticket. 'Here, take it,' he said to her, smiling, 'You'll have more use of it than I will for some time to come.' Mrs. Pritchard almost broke down at this point. She stood for several minutes crying as she gazed at the car ticket in her hand.

The following Sunday evening, on March 28, the Labour Church rented space in the Columbia Theatre for regular services. Dr. S.J. Johannesson led the service that evening. At the opening and again at the closing of his sermon, he read a message that Ivens had written in court Saturday afternoon and passed on to be read to the congregation: “Ideas can never be crushed; principles never die. When one man falls, the heavier task falls on the shoulders of those who remain free. Let us all be true to God, true to humanity, and true to ourselves and all will be well.”

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## CHAPTER TWENTY-FIVE

On the morning of March 29, 1920, two days after the verdicts, Manitoba Premier T.C. Norris released the Robson Commission Report. It had been in the hands of the Manitoba government since November 6, 1919. Premier Norris explained that it was not released earlier because it might have prejudiced the outcome of the trials. In his report, Justice Robson rejected the “revolution theory” and concluded:

The general strike was the result of the determination to support [...] the demand [...] for collective bargaining. It is too much for me to say that the vast number of intelligent residents who went on strike were seditious or that they were either dull enough or weak enough to allow themselves to be led by seditionaries.

As for the men who led the strike, the Robson Commission Report stated: “It should be said that the leaders who brought about the general strike were not responsible for the parades or riots which took place and, in fact, tried to prevent them. The leaders’ policy was peaceful idleness.”

On Easter Sunday, April 4, the full choir from Reverend Ivens’ Labour Church travelled to the provincial jail to be reunited with their pastor so that he could deliver a sermon to them. The atmosphere was charged with excitement as the members of the choir arrived at the jail and greeted Ivens and his friends. In addition, the other inmates were brought into the room to hear the sermon. Once in the pulpit, Ivens spoke a few humble words, offered a prayer, and the choir began a melodious chorus. The audience resounded with round upon round of applause. When the music faded and the tumultuous applause subsided, Armstrong, the atheist, was moved to say, “My God, what a choir! What a choir!”

The imprisoned and the free stood together in the room, many with tears in their eyes as they sang the hymn “Jesus Saviour Pilot Me.” At the close of