

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

the service, Ivens thanked his choir on behalf of his fellow prisoners. He humorously remarked that the prisoners would gladly come and sing to the choir if ever their positions were reversed. One person who travelled with the choir recorded the parting scene at the prison:

The time to part came – right about lunch – and the audience filed out. A few moments more chat with the ‘boys’ then down the stone steps to the corridor below – a donning of hats and coats, more shaking of hands, goodbyes spoken, a glance around at the wistful faces of those behind the bars, the signing of the visitors’ register and then we went out and ‘they’ remained.

On April 6, the men were brought from the provincial jail to the courtroom for sentencing. Deputy Sheriff Pyniger placed Ivens, Pritchard, Queen, and Johns in the prisoner’s dock, which had been empty throughout the trial. When Sheriff Inkster arrived, he immediately directed that the men be seated in their usual places at the counsel’s table.

The atmosphere in the courtroom was lighter than it had been the week before. The tension was gone, and the convicted men smiled and chatted with their families and friends. The defendants were resigned to their fate and hoped that the judge would not be too severe. A reporter asked Johns how the men were reacting to confinement. Johns said it was irksome to all of them, as they had been used to living in the open quite a bit. “I suppose we’ll get accustomed to it, though,” he said optimistically.

As the hour approached, the wives and relatives were seated in an unused jury box. At 10:30 a.m., Justice Metcalfe entered and promptly heard Andrews’ motion that sentences be pronounced. Only Goldstine sat beside Andrews, and McMurray appeared alone for the defence. Trueman was in court but not gowned. Replying to Justice Metcalfe, McMurray said he had nothing to say. The judge then called Ivens’ name and began to speak:

METCALFE:

Before passing sentence, I would like to make a few general remarks. Sedition, of which you men have been convicted, is a very serious offence. It is difficult to determine just where sedition merges into treason. The law has been amended in recent years, fixing the penalty at twenty years for offences of this nature, and it is just as well to remember that in the Russell case, although the jury had that privilege, there was no recommendation for mercy. In this case, in view of the defence offered, I would have given the same sentence as in the Russell case, but the jury’s recommendation for mercy, I believe, must be given cognisance. William Ivens, have you anything to say

as to why sentence should not be pronounced upon you at this time?

IVENS: No, My Lord. I have nothing to say.

Then the judge sentenced Ivens to one year on the first six counts and six months on the common nuisance charge; all sentences were to run concurrently.

“So that there may be no suspense, I will say that the sentence will be the same in all the other cases,” Justice Metcalfe announced.

Pritchard was next. He made a short statement proclaiming his innocence and quoted Socrates: “If a man be true to himself he cannot then be false to any man.” When Justice Metcalfe announced his sentence, Pritchard kindly thanked him.

John Queen rose to receive his sentence with a smile and a short speech. He said that he had not had a fair trial. “It was merely because we know that no one not of the working class could help but be prejudiced against us after passing through the experience of the strike,” he said. Queen said that he was not and never had been a member of a union, and yet the judge and Mr. Andrews described him as a member of the Strike Committee. Justice Metcalfe only reprimanded Queen for not bringing the matter to his attention at the time. Queen’s response demonstrated the extent of the defence’s frustration during the trial:

My Lord, there are times when a man is so crowded that he simply throws up his hands and says, ‘What’s the use?’ [...] Seeing I was not a member of a union and not on strike, I am forced to the belief that my attitude in the City Council as the elected representative of Ward 5 is the real cause of my being here. The Citizens’ Committee of 1,000 could not get me to act in their interest and the reasons are plain, I opposed them.

Queen also reiterated his earlier assertion that Justice Metcalfe should not have tried the case.

Speaking next, Armstrong said that presumed he was tried on his record:

There was very little evidence against me. Under present conditions, I suppose my record is regarded as very bad. I have been preaching a new philosophy for the last eleven years [...] Nothing was said when I spoke these things in Market Square in 1910, ‘11, ‘12, and even up to 1915. But when the life of capitalism was jeopardised, I find what I was saying was seditious. I think an elasticity has been given to our laws to fit the occasion.

Judge Metcalfe interrupted to deliver another firm reprimand:

If you have anything to say why you should not be sentenced, say it. Don’t make a speech. You are not here to make a joke of the villainous and seditious literature that

was circulated. I think it high time that the people of Canada know it is seditious and that sedition is punishable by twenty years in the penitentiary.

Johns spoke next. A headline in the April 9 issue of the *Western Labor News* described his words as “Simple but Powerful.” Johns said that he regretted having followed the judge’s advice to secure legal counsel:

I do not say now that had I defended myself I would have been a free man today, not at all, but I do say this, that I had a number of things on my mind that I would like to have given here. I feel I would like to do so today, and I would hope the court will bear with me for a few minutes [...] I was never on strike. That was the amusing thing to me. I am here charged with seditious conspiracy, being a party to the strike. What about Mr. Heaps? [...] Mr. Andrews said during this trial that any man on strike was a conspirator, and yet Heaps is free today; that is why I contend it was not an intelligent decision from that jury [...] Heaps was a member of the Strike Committee. Johns was not; nor was he in Winnipeg during the strike [...] It does not seem to me common sense but at least according to the law I was a conspirator. I was in Montreal at the time of the strike. According to the statement of Mr. Andrews, you would think I left Winnipeg with the intention of going down there to start Sovietism. How did I get down there? I got to Montreal because the machinists working on fifteen railroads in this country said that ‘Johns must go and speak to the Railway War Board for us.’ Now, if there was any sedition in that, those thousands of machinists working on all the railways in Canada are responsible, because they marked their ballot for me [...] Yet there was a conspiracy, precipitated by the Citizens’ Committee [...] and they certainly beat us. That is, temporarily they beat us. I am going to give them credit for that.

When Bray spoke, he told the court that he had been unduly honoured by being singled out from among the strikers: “Whatever my comrades are guilty of, I am guilty of also, as I endorse everything they have said and done. I have no apologies to make, nor any regrets [...] I cannot help but think that I have not had a fair trial. I think this whole trial has been a travesty on British justice.”

“Travesty of British justice” was a popular phrase used at the time. Earlier, Bonnar used it in court to describe the Wheeler incident. This time, Bray’s comments would not be tolerated. Justice Metcalfe angrily stopped the proceedings: “You have just now committed one of the highest crimes in the face of the court. You have committed a crime for which I could sentence you right now to an indefinite term. Why do you do these things? Do you desire more punishment?” Bray backed down and told the judge that he had nothing more to say. Justice Metcalfe sentenced Bray to six months in jail for being a common nuisance.

Although Bonnar had told Judge Metcalfe that there would be an appeal, no application for a reserved case was made before sentencing. According to the rules of court, that meant that there could be no appeal. The decision in the Russell appeal already settled the points the defence could have argued.

Thus, an appeal would be futile. It was, after all, Mr. Justice Perdue, the Chief Justice of Manitoba, who during Russell's appeal said that the *Communist Manifesto*, when circulated by socialists in Canada in 1919, constituted treason.

A hard-fought trial is as deep and excruciating as any pain felt from human exertions. It had been more than nine months since their arrests. It had been a strenuous battle. The men had been in and out of jail several times. They experienced handcuffs and locked cell doors. They had gone to and from the courtroom for long sittings, six days a week, over the last two months. Jail brought much needed rest.

As far as their families were concerned, they need not worry. Dixon called meetings and organised a campaign to raise money on a continuing basis so that the families were provided with all the necessities of life.

Pitblado, Sweatman, and Coyne went to the West Coast for a vacation. Before he left, Coyne wrote to Arthur Meighen:

You can imagine that extending over a period of five months, working almost every night as well as every day, it was a little trying on the nerves and one would naturally expect a certain amount of friction from beginning to end, and in all steps or measures actually taken, whatever the views of any of us may have been in the beginning, we all agreed in what was eventually decided [...] The prosecutions have had a salutary effect here and I think there is no likelihood of any recurrence of the strike conditions of last year for a long time to come. I anticipate that there will be very little labour disturbances here this spring. Had it not been for the prosecutions, I think there would have been continued unrest.

A few letters passed between Crown counsel and the ministers in Ottawa. They shared the view that a great deal of good was accomplished for the country. Arthur Meighen praised the Crown attorneys in his reply: "The importance of having these cases conducted from the Crown's standpoint with unimpeachable fairness, and as well, with absolute thoroughness, can scarcely be over-estimated. In the state of the public mind at the present time, any failure in either respect would have been disastrous."

Justice Metcalfe was also the subject of compliments in the letters. Coyne wrote, "Justice Metcalfe handled the second trial with just as great ability as the first trial. I do not think that there is any other judge on our Bench that could have as successfully handled these trials, let alone have borne the physical and mental strain entailed." Certainly, it was not an opinion shared by all.

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