

FIGHTING FOR DIGNITY

The Ginger Goodwin Story



Roger Stonebanks

FIGHTING FOR DIGNITY:

THE GINGER GOODWIN STORY

FIGHTING FOR DIGNITY: THE GINGER GOODWIN STORY

Roger Stonebanks

St. John's: Canadian Committee on Labour History

Copyright © 2004 Canadian Committee on Labour History

All rights reserved

Canadian Committee on Labour History
Faculty of Arts Publications, FM2005
Memorial University of Newfoundland
St. John's

ISBN 1-894000-06-4

Manuscript was prepared for the printer by the staff of the
Canadian Committee on Labour History

Printed and bound in Canada

Cover design by Helen Houston
Mural by Frank Lewis



National Library of Canada Cataloguing in Publication

Stonebanks, Roger

Fighting For Dignity: the Ginger Goodwin Story/ Roger
Stonebanks.

Includes index.

ISBN 1-894000-06-4

1. Goodwin, Ginger. 2. Trade-unions—Coal miners—British
Columbia—Officials and employees—Biography. 3. Labor leaders—
British Columbia—Biography. I. Canadian Committee on Labour
History. II. Title.

HD6525.G66S74 2004 331.88'122334'092 C2003-906481-6

“If there is no struggle,
there is no progress.”

Frederick O. Douglass
(1817-1895)

(U.S. social reformer who championed
emancipation for blacks and rights for women)

For Helen, for her love and support,
and for having the idea to write about Goodwin's life
as well as his death.

CONTENTS

Introduction	1
Chapter 1 – The Boy from Bole Hill	5
Chapter 2 – The New World	21
Chapter 3 – The Big Strike, 1912-14	36
Chapter 4 – The War Begins	55
Chapter 5 – Goodwin in Action	64
Chapter 6 – The Killing	90
Chapter 7 – From General Strike to Courtroom	108
Chapter 8 – Murder, Conspiracy, Manslaughter, Self-defence, Or, Panic-Reaction?	126
Chapter 9 – “Gentlemen of the Jury: What is Your Verdict?”	136
Epilogue	164
Acknowledgements	184
Bibliography	187
Index	199



Ginger Goodwin, 1887-1918. This photograph was likely taken in 1916 or 1917. The location is uncertain. *Cumberland Museum and Archives, C110-002.*

INTRODUCTION

CUMBERLAND, BC, SATURDAY 27 JULY 1918: The Dominion Police posse left Cumberland, the coal mining city nestled against the Beaufort Mountains on Vancouver Island, early on this bright sunny day under the command of William John Devitt. Vancouver-based Devitt, 49, was a career policeman and BC inspector for the Military Police component of the Dominion Police. With him was hotel proprietor Dan Campbell, 46, of Victoria, a disgraced former constable in the BC Provincial Police in Esquimalt, now a special or temporary constable with the Dominion Police. Lance Corporal George Henry Roe, 48, former customs agent at Union Bay, where Cumberland's coal was loaded on ships for export, now living in Victoria and employed by the Dominion Police, rounded out the posse. They met up with two trappers who led the way into the wild mountainous country west of Cumberland — Thomas Downie (Scabby) Anderson, 58, of Bevan, a small coal mining community near Cumberland, and George Alfred (Dad) Janes, 44, of Victoria, a famous cougar hunter. But the prey this day was human. It was draft dodgers including Albert (Ginger) Goodwin: immigrant, coal miner, smelterman, union organizer, Socialist. A warrant had been issued for his arrest for failing to report for active service as an army conscript.

Not present on that fateful day was Robert Rushford, 38, the BC Provincial Police constable based in Cumberland. He was transporting a prisoner to Oakalla Prison just outside Vancouver. Back in 1914, Rushford, a Cumberland coal miner, volunteered at the start of World War I to rejoin his old regiment in Scotland, the 1st Battalion of The Black Watch (Royal Highlanders).

He was shot through the lung on 11 November 1914 in the First Battle of Ypres. He would later harbour serious doubts about the official version of what was about to happen to Goodwin.

Devitt, Campbell, and Roe were armed. Campbell, the proprietor of the Colwood Hotel near Victoria, carried his personal hunting rifle, a .30-30 calibre 1893 Marlin. He was an outdoorsman and known to be a crack shot. Roe also had a rifle.

Goodwin, 31, was killed by a single bullet from Campbell's rifle which shattered the spinal column in his neck. There were no witnesses on the trail in dense bush on Alone Mountain, just Goodwin and Campbell.

"The question is, was it a killing in self-defence, as the press reports say, or was it murder," demanded Jack Kavanagh, a leader of the longshoremen's and tilesetters' unions in Vancouver as well as the Vancouver Trades

2 *Fighting For Dignity*

and Labour Council and the BC Federation of Labour.¹ Or, as Sergeant A.E. Lees, secretary of the Great War Veterans Association in BC, put it: "Whether he was shot in the front or the back, he got his just and due deserts. He was an outcast, an outlaw, and not deserving of sympathy."²

Goodwin's death sparked a partial one-day general strike in Vancouver, the first in Canada. The controversy over his death continues. Kavanagh's key question has echoed through the subsequent decades. Yet regardless of how the circumstances of Goodwin's death may be viewed — murder or self-defence — what he stood for and believed in during his short life remains unchanged by the nature of his death.

Born into a time of political, economic, and social turmoil, Goodwin became a charismatic union leader and Marxist Socialist. He was evading conscription, an issue that divided Canadians during World War I, as a matter of principle. He opposed war believing that workers of one country should not kill fellow workers of another country. He espoused a Socialist philosophy that said wars were the outcome of capitalist conflicts between countries to protect existing markets or to seek new ones. In his own words, written in 1917, just over a year before his death: "Our efforts must be bent to the cause of our enslavement, capitalism; and in that case it precludes the workers from taking action in national wars, that does of necessity undermine the international character of the proletariat." The workers, he pointed out, had nothing to do with the calling of World War I. "The real trouble was that the masters interests were endangered through competition with each other, and they called upon their slaves to fight it out. And that the manufacturers of armaments wax fat at the large profits derived from the sale of the engines of destruction, explains their attitude on war very ably."³ He was a leading member in BC of the Socialist Party of Canada and spent time as an organizer for the party that advocated production for use, not for profit. The party sought this change through peaceful, non-violent, and democratic means at the ballot box. It emphasized education to achieve the political change it advocated.

Goodwin joined the militant United Mine Workers of America, the coal miners union in Canada and the United States, after arriving in Nova Scotia in 1906 from his native Yorkshire, at the age of 19. He began his ascendancy as a trade union and Socialist leader during the bitter conflict between coal miners and companies for union recognition on Vancouver Island during the Big Strike of 1912-1914. After working in coal mines in Merritt and Coal Creek in 1915, he went to Trail, BC, in 1916 where he worked for Consolidated Mining and Smelting Company Limited (CM&S), later renamed

¹*B.C. Federationist*, 2 August 1918.

²*Vancouver Sun*, 3 August 1918.

³"Nationalism and Internationalism," *Western Clarion*, Vancouver, June 1917.

Cominco and now TeckCominco Limited. Soon he was elected full-time secretary of the Trail Mill and Smeltermen's Union, Local 105 of the International Union of Mine, Mill and Smelter Workers. He led the 1917 strike that closed the smelter for a month. It was then the world's largest non-ferrous smelter. Today it is described as one of the world's largest fully integrated zinc and lead smelting and refining complexes.⁴ In World War I, the smelter was an important supplier of raw materials for the armament industries. The strike issue, however, was not war but the eight-hour day.

Goodwin had been granted a temporary reprieve (Category D) from conscription on the basis of ill health. Whether or not the ill health was tuberculosis, as often stated in later years, cannot be confirmed because the conscription records were destroyed. But just eleven days into the strike Goodwin was suddenly recalled for re-examination and placed in Category A — fit to fight in the trenches overseas. This alone was highly suspicious, but there was more. The recall was contrary to public policy. Prime Minister Sir Robert Laird Borden asserted flatly at the time there was “no likelihood” of men in categories such as Goodwin's being called up. The order for medical re-examination was strongly suggestive of complicity by CM&S officials. They had the necessary motive — to get rid of this troublesome union leader who had started the first strike at the company's smelter, and in wartime. Goodwin's opposite number in the management side, Selwyn Blaylock, was pro-war and president of the Trail branch of the Win the War League, a pro-conscription group. He was also a captain in the reserve militia. Nor was it out of character for CM&S to intervene in the conscription process. The company tried to exempt all its employees — Goodwin, of course, was not employed by the company but by the union — on the basis that they were performing their war duties by working in what amounted to a munitions plant. The blanket exemption, however, was rejected. All this was circumstantial evidence of CM&S's involvement in Goodwin's call-up for overseas duty. Now, thanks to the research efforts of a retired history teacher, Paul Appleton of Victoria, there is a witness — if his statements in 1919 are to be believed — to complicity by CM&S officials to get Goodwin out of Trail in November 1917 — but not in the killing of Goodwin eight months later.

Did special constable Campbell murder Goodwin, as labour claimed? Or, was it manslaughter, as the police charged? Or, was it self-defence, as Campbell said? Can we even say given the paucity of the record left to us? We can say that justice was short-changed because a grand jury did not send Campbell to trial as ordered by two justices of the peace. In Chapter Nine,

⁴The company became TeckCominco Limited in 2001 through the merger of Cominco Limited and Teck Corporation. See www.teckcominco.com

4 Fighting For Dignity

Adrian Brooks, a leading criminal lawyer in BC, contributes his review and analysis of the case against Campbell and what he thinks the prosecutor and defence counsel would have told the jury at Campbell's trial — had there been a trial.

Goodwin was an ambitious man as well as an idealist. He sought appointment in 1917 as deputy minister when the BC government created its first labour ministry. The first Minister of Labour was John Wallace deBeque Farris, one of the lawyers who defended the Vancouver Island coal miners following riots in 1913 during the Big Strike, and later a renowned Liberal senator. Goodwin won support from his own union and from the labour councils in Vancouver and Victoria, but he failed to win the Liberal government's favour.

Goodwin was a slightly built man who weighed 150 pounds and stood just five feet six inches. He was an accomplished semi-professional soccer player with a knack for scoring goals. He enjoyed dancing and attending masquerade balls. He was an orator of no mean skill and was personally popular. The world in Goodwin's time was sharply divided between 'haves' and 'have-nots,' the rich and the poor. Economic and social differences produced clear class antagonisms. Said the blunt-spoken Goodwin early in his activity in the Socialist Party of Canada in 1913: "This is no sentimental movement, and the masters can howl; we do not hide our intentions, for we are what they have made us — the dispossessed class that is out to overthrow them."⁵

This is the story of Albert (Ginger) Goodwin's life and the times in which he lived, as well as his death and its aftermath. Told for the first time are the ugly events that marked his childhood and adolescence in Yorkshire until he left for Canada where they were to be repeated.

⁵"Capitalism the Leveller," *Western Clarion*, 16 August 1913.

CHAPTER ONE

THE BOY FROM BOLE HILL

"Be calm"

*The constant advice of Fred Croft,
Chairman of the Denaby Main branch
Yorkshire Miners' Association
During the 1902-03 strike¹*

ALBERT (GINGER) GOODWIN grew up in the rapidly expanding coalfields of Yorkshire in the late 19th and early 20th centuries. Born on 10 May 1887, in the mining village of Treeton in the West Riding of Yorkshire (now South Yorkshire), a few miles east of the big industrial city of Sheffield, he was named Albert after Prince Albert, Queen Victoria's late husband. She celebrated the 50th anniversary of her reign in June 1887. Later, Albert was nicknamed Ginger because of his red hair.

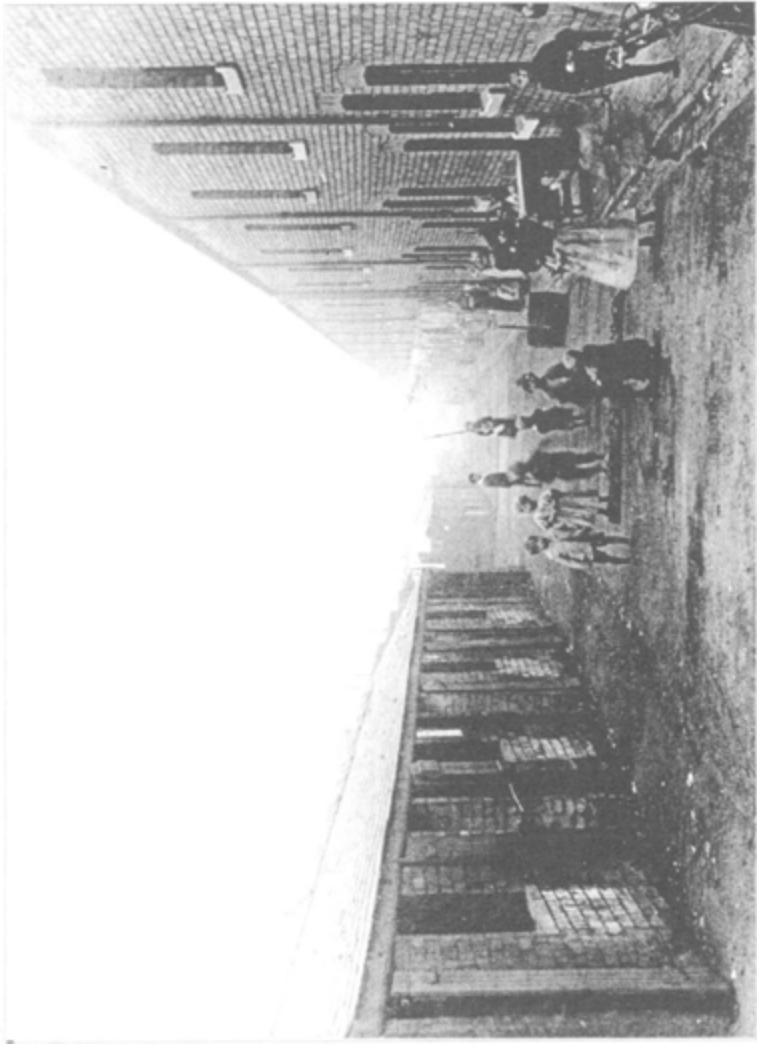
Like tens of thousands of other young men, Goodwin followed his father into the mines as soon as he left school at twelve. Miners' strikes and evictions from company houses, including his own, etched class-consciousness into his soul. Mining companies often evicted tenants from company-owned houses to press a point in a strike and create accommodation for strikebreakers. Those who were evicted often made do in tents supplied by the union.

Miners were frequently crowded together into cheap barracks-like housing that maximized land use and minimized the cost to the coal companies. The state of sanitation in company houses was atrocious: Primitive sewage systems that in some cases were nothing more than holes in the ground were responsible for epidemics of typhoid fever. Mining subsidence damaged houses that often needed bracing by iron rods after developing severe cracks.

Goodwin's father, Walter, was a hewer, one of the skilled men who worked at the coalface to win coal from the earth by manual labour in the days before machine mining. Hewers worked in stalls about eight yards

¹J.E. MacFarlane, *The Bag Muck Strike Denaby Main 1902-1903* (Doncaster 1987).

6 *Fighting For Dignity*



Grim conditions in Denaby Main are well portrayed about 1900. This is Loversall Street, built in 1895, several blocks from where the Goodwin family lived. The filthy toilets, called privy-middens, are on the left. *Doncaster Library and Information Service.*

long. "The stalls system of getting coal demanded men of superb courage and resource," writes Treeton historian Tom Rossington, who lived in the village his entire life.² Each stall had a small team, usually two hewers and a filler. Stalls were generally worked two shifts a day. The men were required to provide their own tools. One of the miners, lying on his side, hacked away at the base of a seam with his pick. "He might take away about a foot of coal and gradually work his way underneath to a distance of five or six feet, and as he did so he would fix short wooden sprags to bear the weight of the coal above him. In this uncomfortable position his body was often bruised, and an old miner would bear on his body for the rest of his life dark blue marks under his skin," writes Rossington. The next step was to knock out the sprags and hope the coal would fall and break up. If this didn't happen, the hewer worked harder and longer "and this was a serious matter, for wages depended on the amount of coal produced from the stall. So it often happened that, because of geological conditions the wages due to one stall might differ considerably from another, although a greater amount of hard work had been expended."

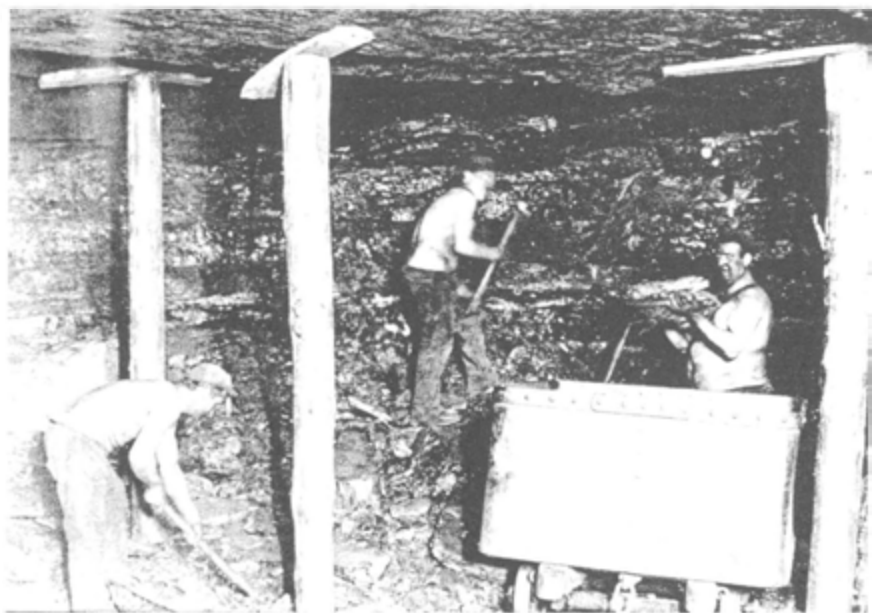
A variant of this form of mining was, after undercutting the seam, boring holes into the face up to five feet in depth, inserting explosives, and exploding them, breaking down the coal into manageable sizes. Coal was mined at Treeton and many other places by the stall system until the 1920s when coal cutting machines were introduced in the long wall method.

The job of pony driver, which Ginger Goodwin took up as a teen-ager, was to keep a supply of coal tubs running to and from the coalface. "The pony driver's role was important. If they thought the circumstances warranted it they had power to stop the pit and so it happened on a number of occasions," writes Rossington. At the end of the shift, the pony drivers and other mineworkers left and saw daylight. Not so the ponies. "Only on very rare occasions was a pony brought to the surface, possibly for rest and treatment in the pony 'hospital,' or, being old and worn out to be humanely slaughtered," writes Rossington. But there were times, such as strikes, when the ponies — and there were more than 150 of them at one time at Treeton — were brought to the surface to run and graze in the fields.

Walter Goodwin moved his family every few years, taking up better working places at the new mines that were quickly opening up to fuel the expansion of British industry and to heat homes. Walter hailed from Killamarsh, where Derbyshire blends into Yorkshire, and his wife, Mary Ann, came from Workington in Cumberland county. Albert was their third child. He was preceded by brother George, with whom he was closest and who later turned down his requests to join him in Canada, and sister Alice. George

²Tom Rossington, *The Story of Treeton Colliery: One Hundred Years of Coal Mining 1875-1975* (Rotherham 1976).

8 Fighting For Dignity





Underground work scenes from an English coal mine contemporaneous with Goodwin (father and son) show typical conditions in pillar and stall mining before mechanization. *Leeds Postcards*.

and Albert worked together in the Cadeby Colliery opposite the new mining village of Denaby Main. George himself had twelve children including five boys, who followed him into the mines. Albert never married. George named his youngest boy Albert after his favourite brother. Edith, Walter (junior), Daniel and Elizabeth rounded out the offspring of Walter and Mary Ann Goodwin.³

Goodwin was born at home in Well Lane in the Bole Hill neighbourhood of Treeton just before the street becomes Bole Hill Lane.⁴ The site has since been cleared and is vacant. Goodwin was baptized into the Church of England on 29 May 1887 at the parish church of St. Helen in Treeton.⁵

³Information regarding the Goodwin family's travels was obtained through: author's correspondence with the Goodwin family; George Goodwin's birth certificate; Albert Goodwin's birth certificate; Castleford Library; British Census 1891 and 1901 (www.census.pro.gov.uk).

⁴Albert Goodwin's birth certificate; author's correspondence with Tom Rossington, 1992.

⁵Treeton parish register, author's correspondence with Sheffield Libraries and Information Services, 12 April 1990.

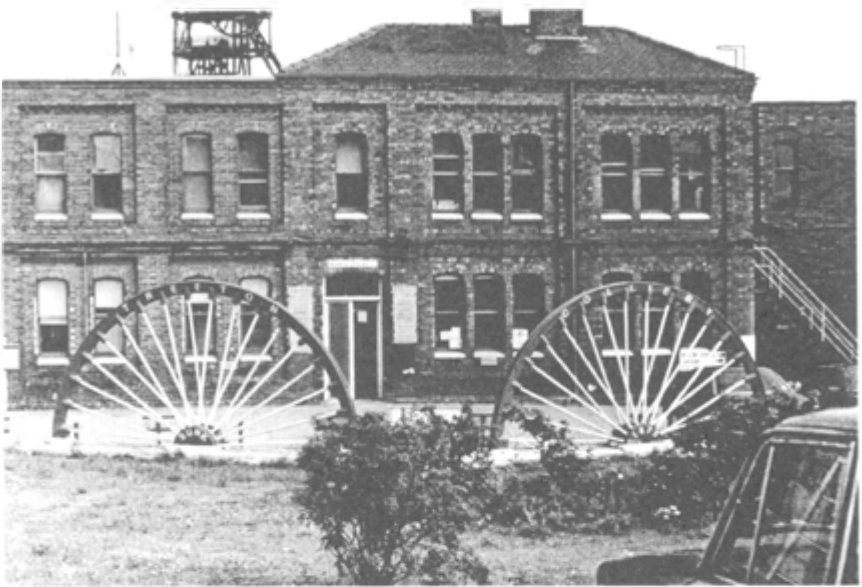
10 *Fighting For Dignity*



Boy leads pit pony and coal car in an English mine contemporaneous with Ginger Goodwin, who was a pony driver before coming to Canada in 1906. More than 70,000 horses and ponies were at work in British coal mines by 1913. *Leeds Postcards*.

Over the years, many of the original Treeton mining houses were condemned and pulled down after being weakened by subsidence from underground mining. Others remained but were often braced with steel supports. Rother Vale Collieries leased 1,300 acres from the Duke of Norfolk, one of the great landowners of Britain. As the Earl Marshal of England, he was the premier peer of the realm. He lived in splendour in Arundel Castle in Sussex, a rebuilt Norman fortress above the River Arun, hundreds of miles from Treeton.

Treeton today is an attractive village perched on a hill overlooking the Rother Valley in one direction and country fields in the other. Mining activity began in 1875 with the sinking of two shafts to a depth of 333 yards to the famous Barnsley Bed, a coal seam eight to ten feet thick. A sleepy country village with 383 residents in 1871, Treeton's population soared more than six-fold to 2,450 in 1901. Treeton claimed to be the first village in England to have electric streetlights, in 1897. Rother Vale Collieries Limited built



Treeton Colliery, where Ginger Goodwin's father, Walter, worked in the 1880s, is in South Yorkshire near Sheffield. The mine closed in 1990 and the property was turned into housing. Ginger Goodwin was born in Treeton in 1887. A typical street scene in the village is shown from just over 100 years later. *Helen Ayers.*

234 units of row housing for miners in Treeton. Other miners came to work from nearby villages.⁶

While the Goodwins moved frequently, they remained within the coalfields of north Derbyshire and south Yorkshire, 60 kilometres at the most between the north and south points. The family started out shortly before 1880 in Clowne, in north Derbyshire. The coal mine in Clowne, Barlborough No. 1 Colliery, had opened in 1873 and, at its height, employed 560 men underground extracting 200,000 tons of coal a year. The family moved to Mexborough in Yorkshire and then to Treeton shortly before Albert's birth in 1887. Within three years, the family moved north to New Fryston, near Castleford, where Wheldale Collieries had opened a new mine close to the River Aire that would remain open until 1985. Nothing remains of it today. The Goodwins lived on Castle Street. Like many working-class families, they supplemented their income by taking in lodgers. Walter was involved in a 16-week strike of 300,000 miners in 1893 in Yorkshire, Lancashire and the Midlands against a threatened reduction of nearly 20 per cent in wages. The school logbook at Treeton, where they had lived, recorded that many children had no boots to wear. Despite the labour unrest provoked by the colliery managements, Yorkshire coal production rose by more than half, from 20,100,000 tons in 1887 to 32,500,000 tons in 1906. Employment increased in the same period from 66,900 miners to 115,500.⁷

Just before the turn of the century, the Goodwins moved to the rapidly expanding mining village of Denaby Main on the River Don just below the historic town of Conisbrough, between Rotherham and Doncaster. Here the family's last child, Elizabeth, was born in 1897. Conisbrough is famous for its castle that was built about 1100. Its ruins dominate the countryside. Denaby (now called Old Denaby) was a quiet country village with a population of 203 in 1861 and a history going back 1,000 years although the presence of coal was long known and some mining had occurred since medieval times. Denaby Main sprang into life as an industrial village next door to Old Denaby, in the midst of the beautiful Yorkshire countryside. The Denaby Main Colliery Company Limited sank two shafts in 1863 and the famous Barnsley seam, well over nine feet thick, was reached in 1867 at a depth of 422 yards. It was then the deepest mine in Yorkshire and the farthest east in the coalfield. Just across the River Don, a second mine was started slightly farther east at Cadeby. By 1893, the Barnsley coal seam was reached at 757

⁶Rossington, *The Story of Treeton Colliery*.

⁷B.R. Mitchell, *British Historical Statistics* (Cambridge 1988); *Treeton Parish Magazine*, May 1988; "A Miner's Son: The Derbyshire Coal Mines" (www.a-miners-son.com).

yards and production began at Cadeby, where Ginger Goodwin was to work.

By the time the Goodwin family arrived, 3,500 men were employed in the two mines, 2,600 of them underground. This reached 4,672 workers in 1903 — 2,069 in Denaby Main and 2,603 at Cadeby. The company built more than 1,000 units of terrace housing packed into a density of 49 to the acre, laid out in barracks-style rows. Several hundred units of housing were added in the 1890s for workers at the new Cadeby mine. Eventually, the company built 1,700 units of housing.

Denaby Main historian John Gwatkin, who lived there before the housing was demolished in the 1960s and 1970s, saw them as “rows of endless terrace houses, with no open spaces” that were not built “to afford much pleasure or comfort to the miners and their families who inhabited them.” The “closely packed rows” of terraced housing “radiated outwards from the colliery like parallel lines and every now and then an odd row would criss-cross the others forming a maze-like structure of houses, roads, narrow passages and entries.”⁸ The sameness of the streets gave rise to the expression “Packy’s Puzzle,” because packmen, or pedlars, became confused.

Homes in Denaby Main often housed several miners with working sons and lodgers. Company houses were small, typically with two rooms on the main floor and two rooms upstairs, although some were three up-three down. None of the houses had bathrooms, indoor toilets or running water when they were built. Water initially was obtained from just two taps for the whole village before the company built a reservoir in 1898 after housewives complained. Toilets and areas for household waste, separate from the homes, were emptied once a week, later more frequently. Disease was rife, particularly with outbreaks of typhoid, a highly contagious disease producing fever that is usually associated with unsanitary conditions.⁹

Gwatkin describes the privy-midden system of disposing of sewage and household wastes this way: “In between the backs of the rows of houses in Denaby Main was another building which housed the privy-middens. The privy part of the building was just a hole in the ground with a plank of wood across it. The sewage was shovelled out at night into a horse and cart. At the same time, the middens that were adjacent to the privy and contained the ash from the coal fires and other household waste, was also emptied.”¹⁰ Later, the privy-middens were upgraded with water closets that flushed, at specific intervals, a whole block of toilets. The infant mortality rate, a classic

⁸John Gwatkin, *A Photographic Record of the Old Village of Denaby Main* (Conisbrough 1990).

⁹*Denaby and Cadeby Miners Memorial Chapel*, Denaby Main local history brochure (Denaby Main: Parish Church of All Saints, 1989).

¹⁰Author’s correspondence with John Gwatkin, 3 March 1993.

14 *Fighting For Dignity*



The Goodwin family with seven children lived at 64 Firbeck Street in Denaby Main (row houses) when they were evicted along with almost 800 other families in January 1903 during the Bag Muck Strike. By 1905, they were back in Denaby Main, living at 39 Rossington Street (shown in later photo). Both homes had only two rooms up, two rooms down, and outside toilets. The houses on these two streets were built in the late 1880s/early 1890s and demolished in the early 1970s. *A Photographic Record of the 'Old' Village of Denaby Main.*

measurement of the state of public health, was more than twice that of middle class areas of the city of York.¹¹ A quarter or more of all babies born in Denaby Main died before they were one year old, a common death rate for poor and working class districts. The infant mortality rate at the turn of the century reached 276 deaths for every 1,000 births in Denaby Main. But throughout England and Wales, the infant mortality rate in 1900 was 154 deaths per 1,000 births.¹² By the end of the 20th century, infant mortality rates in western industrialized countries had dropped to fewer than 10 deaths for every 1,000 births because of more plentiful and varied food, steps to prevent infectious diseases, public health measures to make the environment less hazardous to health, and new drugs. The worst rate in the world in 2002 was Angola with 191.66 deaths per 1,000 live births. Even this was well below conditions when Ginger was a child.¹³

An outbreak of typhoid in Denaby Main in 1904 resulted in 95 cases and eleven deaths. The privy-midden outside toilets were labelled "obsolete abominations" by Dr. C.J. Russell McLean, Medical Officer of Health for Doncaster Rural District, which had approved them at the time of construction. The toilets frequently overflowed. The toilets themselves, together with the sloppy removal of excrement, and the closeness of the toilets to the houses, "are the likeliest explanation of the existence of typhoid fever," reported Dr. McLean.¹⁴ The outbreak was sufficiently alarming to cause the Local Government Board in London to launch an inquiry. Dr. Reginald Farrar concluded that there was strong evidence to connect not only the typhoid outbreak to the privy-midden system but also the excessive annual prevalence of epidemic diarrhoea. Because of bad construction the toilets were often full to the level of the seat, and unusable because of faecal accumulation. Dr. Farrar wrote that Doncaster Rural District Council "should seriously entertain the question of substituting for the present midden-system a water-carriage system of removal of excreta."¹⁵

The sulphur-laden coal smoke from industry and homes often clouded the community but housewives took pride in keeping their homes as clean as they could. Steps and windowsills were scoured to produce a white effect.

¹¹G.E. Mingay, *The Transformation of Britain 1830-1939* (London 1987).

¹²Reports of the Medical Officer of Health for Doncaster Rural District, 1901-1909, Doncaster Metropolitan Borough Council, Cultural Services Division, Archives Department; Mitchell, *British Historical Statistics*.

¹³*The World Factbook*, 2002.

¹⁴Annual Report for 1904 by Dr. C.J. Russell McLean, Medical Officer of Health for Doncaster Rural District, Doncaster Metropolitan Borough Council, Cultural Services Division, Archives Department.

¹⁵Report of Dr. Reginald Farrar to the Local Government Board, No. 216 of 1905, West Yorkshire Archive Service, Wakefield.

Men, filthy from work in the mine and without any washing facilities at the pithead (a situation common in Britain until the privately-owned mines were nationalized by the Labour government in 1947), crouched over tin tubs of hot water in their living rooms while their wives scrubbed them. With sons following fathers into the mine, this happened several times a day, with the water heated by a coal fire. Monday was washing day and housewives typically worked from morning to night laundering clothes. Respiratory problems were common in the choking atmosphere, especially when coal smoke mixed with fog to produce what in later years would be called smog.

The mining company was paternalistic, providing many social, educational, and recreational amenities, including buildings and playing fields. Not for nothing was William Henry Chambers, manager of Denaby and Cadeby Main Collieries Limited, nicknamed “the King of Denaby.” But inside the velvet glove of outward care and concern was an iron fist.

“On the one hand the DMCC was seen to be generous in their provision of numerous facilities for their pit village; yet on the other hand they were a commercially ruthless company who had a hard, even callous, attitude to their men when working at the pit,” writes historian A.J. Booth.¹⁶

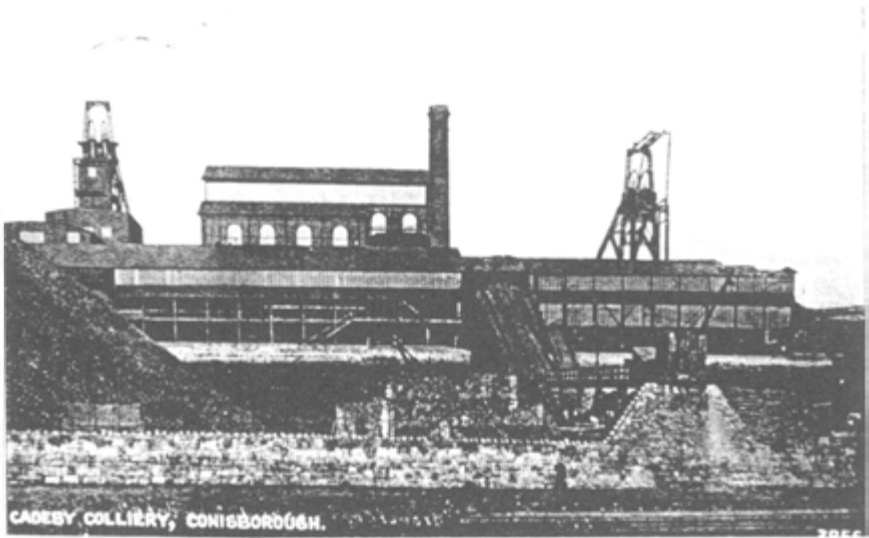
The first strike at the Denaby Main mine was in 1869 and others followed in 1875, 1877, and 1884-85. The strikes brought hardship for the miners but also camaraderie among the men who shared the danger of work each time they descended into the mine, and with women who supported their husbands, especially on picket lines.¹⁷

Ginger started work either in 1898 when he turned 11 years old — school leaving age — or the following year when the age was raised to 12 by the Elementary Education (School Attendance) Act. In 1901 it was common for 12-year-old boys to start work underground hauling coal. He worked at the Cadeby mine across the River Don from the Denaby Main mine where his father worked, according to family members. By 1901, he was working as a pit corporal underground — showing his leadership qualities at a very early age as the one in charge of the haulage boys whose job it was to move full coal tubs from the face and bring empty tubs for filling. Later in his teens, Ginger became a pony driver. Ponies pulled loaded coal tubs from the coalface to a point inside the mine where the tubs were attached to haulage ropes that took them to the bottom of the shaft. The tubs were loaded, eight at a time, into the cage, two tubs on each side of four decks, and hoisted to the surface.¹⁸

¹⁶A.J. Booth, *A Railway History of Denaby and Cadeby Collieries* (Bridlington 1990).

¹⁷*Denaby and Cadeby Miners Memorial Chapel*, brochure.

¹⁸Author's correspondence with the National Coal Mining Museum for England, Overton, West Yorkshire, 23 September 2002; British census 1901 (www.census.pro.gov.uk); author's correspondence with Goodwin family.



Ginger Goodwin started working at Cadeby Main Colliery across the River Don from Denaby Main. The mine closed in 1986. The buildings were levelled and the site now is The Earth Centre, a major 'green' theme park. *A Photographic Record of the 'Old' Village of Denaby Main.*

Goodwin experienced his first strike as a worker in 1902-03. It was called in a complicated dispute over payment for removal of dirt, called bag muck, between two layers of coal and it is still known as the Bag Muck Strike. Goodwin and several thousand others personally witnessed the heartless cruelty exhibited by many mining companies on both sides of the Atlantic. While unions and collective bargaining were lawful, this was effectively undermined by the legal (and not infrequent) use of strikebreakers and the eviction of miners and their families from company housing when they were unable to pay rent during strikes. In the 1902-03 Denaby Main strike, the evictions were used as a weapon by the company to advance its bargaining position.

The company persuaded the Lower Strafforth and Tickhill Petty Sessions of Doncaster Court on 13 December 1902 to issue eviction orders against almost 800 families, including the Goodwins, for non-payment of rent.¹⁹ The company tried to pressure the strikers into returning to work under the conditions that prevailed before the strike began the previous summer. When this failed, the company used its power as landlord to drive the strikers from their homes. The company issued a notice on 1 January

¹⁹Court register, Doncaster Metropolitan Borough Council, Cultural Services Division, Archives Department.

1903, saying police would have the eviction orders in their hands for execution on 3 January.

The notice read: "All those against whom orders have been made will then be compelled to give up possession of their house. UNLESS THEY HAVE PREVIOUSLY SIGNED THE AGREEMENT TO GO TO WORK ON THE TERMS WHEN THE PITS ARE DECLARED OPEN TO THEM."

The evictions of more than 2,000 men, women, and children between 6 and 9 January 1903, at times during snow and rainstorms, caused considerable distress. Sticking to the advice of Fred Croft, leader of the union strike committee, the families remained calm. Their possessions were dumped into the streets and they were left to find shelter from friends or families, from churches that stood with them to the end, and in tents supplied by the Yorkshire Miners' Association.

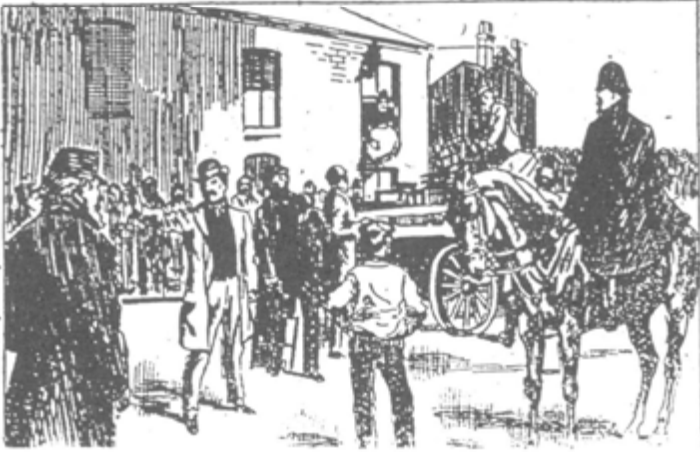
The evictions received national publicity. The press noted the calm of the miners and their families and praised union leaders. The first families to be thrown out of their homes lived on Firbeck Street and Cliff View. At the time the Goodwins — father, mother and seven children — were living at 64 Firbeck Street, jammed into two rooms up, two down, in a row of houses built in 1892. It was noted that the miners' furniture was of good quality but, clearly, much had been sold to provide income during the strike.²⁰ More than one policeman was in tears on having to evict the families. Among many poignant scenes was the removal of 96-year-old Bridget Ford from her grandson Richard Knight's home at 22 Annerley Street. Two policemen, their eyes full of tears, carried her out in a chair. The memory of the evictions was etched deeply among those who experienced them and has been passed on to subsequent generations. It could not have failed to disturb Albert Goodwin, who was then only 15. The strike lingered on before being called off in its 40th week. Hundreds of miners never returned to work. Among those victimized was George Henry Hirst, who went on to become a Labour Member of Parliament from 1918 to 1931, winning ever-increasing majorities. Denaby and Cadeby Main Collieries Limited sued the union for damages and court costs of 180,000 pounds sterling (more than one million pounds in current value, or more than \$2 million) to cover its losses. Long after the strike ended, the Court of Appeal ruled in 1906 in favour of the union in a decision approved by the House of Lords. There was dancing and singing in the streets of the mining districts and flags were flown.²¹

²⁰Mexborough and Swinton *Times*, 9 January 1903.

²¹The account of the Bag Muck Strike is drawn from Macfarlane, *The Bag Muck Strike*; Booth, *A Railway History of Denaby and Cadeby Collieries*; James McMillan, *The Way We Were: 1900-1914* (London 1978); Mexborough and Swinton *Times*.

MEXBORO' & SWINTON TIMES. JAN. 9. 1903.

THE EVICTIONS AT DENABY.



Cruel evictions during the Bag Muck Strike in Denaby Main of almost 800 families — more than 2,000 men, women, and children, including the Goodwins — were carried out between 6 and 9 January 1903, at times during snow and rainstorms. The eviction scene is captured in the sketch from the *Mexboro and Swinton Times*. Police remove furniture from the upstairs of a home. *Doncaster Library and Information Service*.

What happened to the Goodwins immediately after the evictions is not clear but the family was back in Denaby Main in 1905, moving first into 39 Rossington Street and then to 36 Edlington Street the following year. Ginger Goodwin was working at the Cadeby colliery as a pony driver. He boarded with the Martin family where he was remembered for frequently discussing work issues and conditions.

With coal mining booming in the New World, recruiters often came to British coalfields seeking miners who left in groups for new opportunities. The United States and Canada were particularly attractive for hundreds of thousands of Britons. Between 1871 and 1911, Britain experienced a net loss of 1,950,000 persons by migration.²² Both the Dominion Coal Company and the Dominion Iron and Steel Company in Nova Scotia recruited in Europe.²³ Press accounts in the Denaby Main area painted a glowing picture of work and conditions in the Cape Breton coalfield. This undoubtedly encouraged the migration of miners. A former Denaby Main miner named Kenshaw was commissioned by Dominion Coal to recruit new labour. He had gone to Glace Bay earlier in 1906 to join Dominion Coal after working for 17 years in Denaby Main. On 27 July 1906, no fewer than 200 miners left Mexborough railway station near Denaby Main to work for Dominion Coal. The company paid the fares that were deducted over 52 weeks after starting work. If the miner stayed for 12 months, then it was returned as a bonus. It was reported that there was "a craze for emigration" from Denaby Main "to depart from the old mother country, in search of fortune in the land of the West."²⁴ In the summer of 1906 Goodwin was 19 and ready to emigrate to Canada.

²²William Ashworth, *An Economic History of England 1870-1939* (London 1960).

²³Miners Museum of Glace Bay, N.S., "The History of Mining in Cape Breton: Immigration".

²⁴Mexborough and Swinton *Times*, 14, 28 July 1906; *The Colliery Guardian*, 6 April 1906. Both quotations are from the 14 July 1906 issue of the Mexborough and Swinton *Times*.

CHAPTER TWO

THE NEW WORLD

*"The Dominion Coal Company is determined
that it shall not recognize
the United Mine Workers of America."*

*G.H. Duggan
Second Vice-President and General Manager
Glance Bay, N.S., 5 July 1909¹*

GINGER GOODWIN SAILED into the New World aboard the City Line's City of Bombay, 4,165 gross tons, arriving in Halifax on 1 September 1906 after a 10-day voyage from Liverpool via Glasgow and St. John's, Nfld. He was passenger No. 80442 and was described on the ship's manifest as "able to read and write, single, miner." Forty-two of the 174 passengers were miners, 30 of them from Yorkshire. Goodwin was bound for windswept New Aberdeen, a suburb of Glance Bay in the centre of the booming Cape Breton coalfield, bordering the Atlantic Ocean.²

Two weeks before the City of Bombay arrived in Halifax, Thomas Boothman, 49, and his sons Thomas Jr., 30, George, 25, and Arthur, 23, arrived on the City of Vienna.³ The Boothmans were miners from Thorne, near Doncaster in Yorkshire, and they too were headed for Glance Bay. The paths of Ginger Goodwin and the Boothmans were to cross and re-cross in Canada.

The events of the next nine years, set against his experiences in the Yorkshire coalfields, transformed Goodwin from a miner into a union and Socialist activist with the goals of improving workplace conditions and bringing in a new society in which economic activity would be based not on profit but on the common good.

¹Sydney *Daily Post*, 5 July 1909.

²National Archives of Canada (NAC), ships manifests Halifax, reel T-501 (24 April 1906 to 14 March 1907).

³NAC ships manifests.

The coal-mining boom in Nova Scotia boosted the urban population of Cape Breton tenfold in ten years, to 26,279 in 1901 from 2,427 in 1891. Dominion Coal Company, organized in 1893 by Boston and Montreal businessmen with an authorized capital of \$18 million, was the dominant mining company. The heart of the coalfield was Glace Bay, named for the ice floes in the harbour in springtime. The biggest of the Cape Breton coal towns, Glace Bay contained a dozen communities surrounding individual mines. The population jumped to 16,562 in 1911 from 6,945 in 1901.⁴

Hundreds of what were called “comfortable residences” were built by Dominion Coal for the miners. But the rapid transformation of earlier small mining villages into the industrial town of Glace Bay brought problems. “The roads were bad; water was scarce and in summer barely drinkable, and as to sewerage it was a thing undreamt of. Under such conditions sanitary matters were for a while a far cry from satisfactory state,” wrote C.W. Vernon in 1903.⁵

Nova Scotian companies produced 6,000,000 tons of coal a year and employed almost 13,000 workers. Dominion Coal produced just over half the provincial tonnage and employed 5,486 miners. The coal industry not only fuelled home and industry but also the Nova Scotia government. Royalties from coal amounted to more than one-third of government revenues of \$1,783,647 for the year ended 30 September 1908.⁶

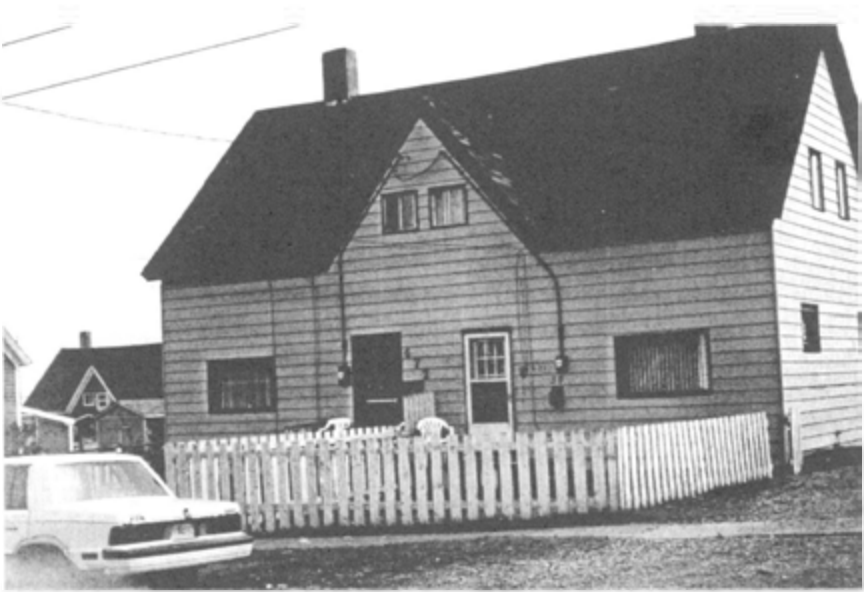
Goodwin lived in a company “double” house or duplex at 471 Second Street in New Aberdeen, little more than a block away from the newest and most important of Dominion Coal’s mines, the huge Dominion No. 2 mine which was also called New Aberdeen Colliery.⁷ It began producing in 1899 from the six-foot-thick Harbour seam at a depth of 405 feet and from the famous Phalen seam in 1901 at 850 feet. The mine employed 1,900 men and was almost directly across from First Street at West Avenue. The house where Goodwin lived, now privately owned, remains but modern siding covers the old clapboard. It was among 300 houses supplied by Dominion Coal around Dominion No. 2 that included the old Hub and Stirling mines. The detached houses, with front and back yards, were a decided improvement on the crowded row housing that Goodwin knew in Yorkshire. Nearby lived two miners who were to become close friends with Goodwin — Arthur Boothman, who boarded with his parents at Table Head, and Tom Carney

⁴David Frank, *J.B. McLachlan, a biography* (Toronto, 1999).

⁵C.W. Vernon, *Cape Breton Canada at the Beginning of the Twentieth Century: A Treatise of Natural Resources and Development* (Toronto, 1903).

⁶F.A. Acland, “Report of the Deputy Minister of Labour on Industrial Conditions in the Coal Fields of Nova Scotia,” *Sessional Paper No. 36a*, Ottawa, 1909.

⁷Information on Goodwin in Glace Bay was provided by Mildred Howard of Sydney, NS.



Ginger Goodwin lived in this company 'double' house or duplex at 471 Second Street in the New Aberdeen suburb of Glace Bay, NS, after coming to Canada in 1906. He worked at nearby Dominion No. 2 coal mine. *Mildred Howard.*

at Hub. Ginger, Arthur, and Tom excelled at soccer, skills they acquired in their youth and which were continued in Canada.

In 1909, Goodwin and thousands of other miners were caught up in a difficult strike by the United Mine Workers of America (UMWA) against Dominion Coal. It was, writes historian Desmond Morton, "one of the longest and most bitter strikes in Canadian history. In Cape Breton, it was a civil war as much as a strike."⁸ The principal issue was the demand by the UMWA for union recognition and the persistent refusal of this by Dominion Coal which favoured the Provincial Workmen's Association of Nova Scotia (PWA). The UMWA, founded in 1890 in the US, was the biggest union in North America at the time with a membership in the range of 350,000 to 400,000. It was this size and strength that was sought by UMWA miners in Nova Scotia. Wages, hours of work — the eight-hour workday, common elsewhere, was unknown and men worked ten hours or more — and discriminatory treatment of UMWA miners were also issues. The PWA, limited to Nova Scotia, primarily in coal mines, eschewed strikes and was considered by its opponents to be a company union.

⁸Desmond Morton, *Working People: An Illustrated History of the Canadian Labour Movement*, 4th edition (Montreal-Kingston, 1998).

The strike, however, was doomed almost from the start because the miners were divided between the two unions. A referendum in 1908 showed that a slim majority of those who voted preferred the UMWA to the PWA — 2,860 to 2,448. But only 5,308 of 11,000 miners voted. The PWA called a special meeting, refused to let UMWA members in, and passed a resolution setting aside the referendum as unconstitutional and prohibiting agitation for any organization other than the PWA. The press, mirroring Dominion Coal, charged that the UMWA was a foreign organization. But F.A. Acland, deputy federal labour minister, was emphatic in his report that the movement by the miners towards the UMWA appeared “to have been independent of any agitation from the United States” and that the leadership was almost entirely from Nova Scotians. A majority conciliation board supported Dominion Coal in refusing recognition of the UMWA, essentially because it was a US union.

By 23 April 1909, the UMWA leaders had been dismissed by Dominion Coal along with about 1,000 rank-and-file members. These men were generally also evicted from company houses. The union set up tents in vacant fields. The press reported that at least one eviction occurred while a woman was giving birth. The UMWA was rapidly facing a situation where it must either call a strike or walk away from the dispute. The strike began on 6 July 1909 with the company declaring it illegal because 30 days notice had not been given. The company said: “Men on strike will be treated as no longer in the employ of the Company as regards houses, house coal, doctor, or any other privileges they now enjoy” G.H. Duggan, second vice-president and general manager of Dominion Coal, was emphatic: “The Dominion Coal Company is determined that it shall not recognize the United Mine Workers of America.”⁹

The leases between Dominion Coal and miners for company houses provided that the tenancy ended immediately when the tenant ceased to be an employee of the company. Dominion Coal gave two days notice, then went to court for eviction orders.¹⁰ “The company is using the eviction policy as a means of inducing men to return to work, not without considerable success,” said Acland. The company recruited strikebreakers from nearby and abroad. Soldiers — 500 officers and men of the Royal Artillery and the Royal Canadian Regiment — were assigned to Cape Breton and set up camp at the Black Diamond Trotting Park near where Goodwin lived. The Riot Act was read at Dominion No. 2 mine which supplied electricity to surrounding mines. An electrified fence was erected around it. Huge crowds swarmed about the gates and shouted derision at the strikebreakers.

⁹Sydney *Daily Post*, 5 July 1909.

¹⁰Glace Bay *Gazette*, 26 July 1909.

The initial impact of the strike waned and within two months production was back to more than half pre-strike output. Acland said: "The prevailing mood of the strikers, so far as could be gathered from casual conversation with groups of them, was one of grim determination to persist in the demand for recognition." The strike dragged on through the winter, with families in tents in freezing weather, and lasted into the spring before being officially called off on 27 April 1910.

The strike cost the UMWA as much as \$1,500,000 but no price can be put on the distress and bitterness it evoked. The company evicted 1,780 families – more than twice the number evicted, for example, in the Bag Muck strike at Denaby Main in 1903. The UMWA provided tents and paid for doctor and hospital bills, as well as weekly strike pay.¹¹

There is no record of Goodwin being evicted in New Aberdeen but it was likely that he was or, like some, he simply moved ahead of the eviction order. The Boothmans were evicted from their company house in October 1909.¹²

It was at this time that Goodwin received news from home that his parents had made what was to be their last move. Leaving Denaby Main, Walter went to work for Dalton Main Collieries Limited (later called Silverwood Colliery), a new mine opened in 1903 in Thrybergh village. They lived at 8 Abell Street on Whinney Hill in a house long since demolished.

During 1909 and into 1910, jobless miners left Nova Scotia and many headed west, Goodwin and his friends Arthur Boothman and Tom Carney among them. When they stepped onto the soccer field in April 1910 in Michel, BC, they set the Crowsnest Pass on fire with their sparkling play and goal scoring. They were also working again — albeit in some of the most dangerous coal mines in the world, in British Columbia. Sanitation was appalling. "The sanitary conditions in this camp are simply disgraceful and a menace to the community," *The District Ledger* reported about Michel on 9 April 1910.

Coal mining in the Crowsnest Pass, which straddles the boundary between BC and Alberta, began just as the 19th century reached its end. Geological conditions presented challenges to mine owners and mine workers, particularly angled coal seams. There were problems with the coal's hardness, consistency, rock content, heat generating ability, and coking quality.

¹¹The history of the strike is drawn from the Acland report; John Mellor MacEwan, *The Company Store* (Toronto, 1976); Frank, J.B. *McLachlan, a biography*; Maier B. Fox, *United We Stand: The United Mine Workers of America, 1890-1990* (Washington, 1990); Don Macgillivray, "Military Aid to the Civil Power: The Cape Breton Experience in the 1920s" in Macgillivray and Brian Tennyson eds., *Cape Breton Historical Essays* (Sydney, 1980).

¹²*Sydney Record*, 4 October 1909.

The mines were particularly dangerous and spending on safety was miserly. Coal dust, which is extremely volatile, regularly reached depths of two feet on the floor of one mine. In spite of these circumstances the pass became Western Canada's major coal and coke producing district. Crow's Nest Pass Coal Company was the principal operator.¹³

Hemmed into the narrow Elk Valley, Michel was a company town with only 476 residents in 1901 but the population quickly increased. Rows of similar houses were built so closely together that the back sheds of one row were almost immediately before the front doors of the next row. The houses were considered poor, most of them resting on wooden blocks, with outdoor privies.¹⁴ The secretary of the Provincial Board of Health, C.J. Fagan, visited Michel in 1910 and was sharply critical of what he found. "There is no attempt made to provide for the disposal of liquid waste, and the result is that odours exist around the houses of the most offensive character," he reported. Outdoor toilets emptied into holes in the ground. "Such closets are, of course, unsanitary to the highest degree, and should not be permitted to remain," he said. Toilets at the hotels and the mine were also condemned as unsanitary. The only remedy was a regular system of sewage disposal that he recommended to the company.¹⁵ In contrast with the lack of sanitation, the coal plant in Michel "is thoroughly equipped in every way with the best machinery, housed in substantial brick buildings," said the Mines Minister's report for 1909.

Goodwin, Boothman, and Carney found themselves working in a province, British Columbia, with some of the most dangerous mines in the world. In 1887, an explosion killed 150 men in the No. 1 mine of the Vancouver Coal Mining and Land Company in downtown Nanaimo on Vancouver Island. In 1902, 125 men were killed in an explosion at the Crow's Nest Pass Coal Company's No. 2 mine in Coal Creek near Fernie. The worst accident in Canadian mining occurred in 1914 in Hillcrest at the east end of the Crowsnest Pass, in Alberta, where 189 miners died in an explosion. There were many less serious accidents. The 1902 Coal Creek explosion prompted the BC government to appoint a Royal Commission on Coal Mines Explosions. It reported that the fatality rate in BC between 1892 and 1901 was 6.618 deaths from explosions and 10.663 deaths from other causes for every 1,000,000 tons of coal produced, or 188 lives lost in total. This contrasted with a rate of 0.415 deaths from explosions and 4.63 deaths

¹³Lorry William Felske, "Studies in the Crow's Nest Pass Coal Industry From Its Origins to the End of World War I," PhD thesis, University of Toronto, 1991.

¹⁴William James Cousins, *A History of the Crow's Nest Pass* (Lethbridge 1981). Correctly, according to the *Gazeteer of Canada*, it is Crowsnest Pass. But the mining company and the football league chose Crow's Nest Pass, as did Felske and Cousins.

¹⁵Reports by C.J. Fagan, 1909, 1910, 1911, 1913, *Sessional Papers of B.C.*

from other causes for every 1,000,000 tons of coal produced in the same decade in the major US coal-mining state of Pennsylvania, where a total of 5,713 miners died. In Britain, for the decade 1890 to 1899, the fatality rate was 0.624 deaths from explosions and 3.328 deaths from other causes for every 1,000,000 tons of coal produced, a total of 9,036 dead men. The royal commission's recommendations included ample ventilation, copious watering, and government inspection of all explosives used in mines. "The question of ventilation is probably the most important in connection with coal mining," the commission reported. The BC death rate was bad enough but it would have been even worse if the period under statistical study had included the year 1902 when there were 139 deaths including the 125 in the Coal Creek explosion. Later, over a ten-year period between 1907 and 1916, the BC death rate per 1,000,000 tons of coal mined continued to be high, at 12.92.¹⁶

Francis Shepherd, chief inspector of mines in BC, commented that, "The question has often been asked, 'Why is the loss of life in the coal mines of BC so much larger, in proportion to the ratio of the number of persons employed, than in most other countries?' And the question has never been satisfactorily answered."

Explanations were given many years later, however, for the casualties in the Crowsnest Pass. In a study of the coal industry in that region, Lorry William Felske listed a number of reasons for the dangerous conditions including: troublesome geology, angled coal seams, reluctance by operators to spend money on safety, disregard of coal dust danger especially at the Coal Creek mine, and "lax precautions against gas and dust explosions." Another factor was the general acceptance of a high degree of risk by the whole mining community. There was, Felske writes, a slow growth in reasonable respect for mining dangers and a willingness to sacrifice safety to speed when pay was geared to production. "Despite obvious company deficiencies, the miners also shared responsibility for unsafe conditions," he concludes.¹⁷

By the time Goodwin and his friends arrived in BC, the population of Michel and neighbouring Natal (formerly New Michel) had jumped seven fold to 3,500. Crow's Nest Pass Coal Company operated five mines at Michel Collieries as well as mines at Coal Creek, a few miles from Fernie, and at Morrisey. The mines at Michel employed 1,020 men above and be-

¹⁶Government of BC, Report of the Royal Commission on Coal Mines Explosions, 1903; also Nova Scotia, Annual Report on Mines 1940, 1944; Alberta Annual Report of the Department of Public Works, 1916; BC, Annual Report of Bureau of Mines, 1910, 1920.

¹⁷Government of BC, Annual Reports of the Minister of Mines, 1910, 1920; Felske, "Studies in the Crow's Nest Pass Coal Industry."

low ground, producing 457,581 tons of coal and 95,239 tons of coke in 1910. Coal dust and fumes from the coke ovens were significant pollutants in the narrow valley. The coal seams were thick ranging from six to twelve feet. Horses hauled the coal out although, in a portent of the future, one mine was switching to the endless-rope system.¹⁸

The United Mine Workers of America was well established in the Pass as the union representing all miners. The UMWA negotiated contracts with various companies that combined in the Western Coal Operators' Association and it owned a weekly newspaper in Fernie, *The District Ledger*, in competition with the Fernie *Free Press*. The miners in Michel belonged to UMWA Local 2334 and membership averaged 838, the biggest in the Pass. Holidays for the men included Labour Day (the first Monday in September) and May Day, the international Socialist day (1 May). When District 18 president Frank Sherman died in 1909, all the mines in the Pass were closed for the day of his funeral.¹⁹ The Michel branch of the Socialist Party of Canada met every Sunday in Crahan's Hall. It obviously had influence because, in the 1909 provincial election, the Socialist candidate in Fernie constituency polled 159 votes in Michel compared with 54 for the Conservative and fifteen for the Liberal. However, overall, the Conservative candidate won the riding with 795 votes followed by the Socialist with 649 and the Liberal with 405.²⁰

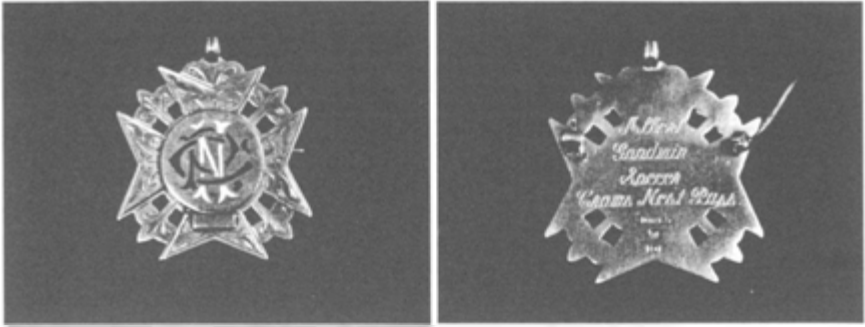
On the soccer field, Goodwin played inside right, Carney centre forward and Boothman inside left in a practice game in April 1910 in which their A team defeated the B team 4-to-2 in a pre-season tryout. That earned them their places on the Michel Football Club team in the six-club Crow's Nest Pass Football League that included clubs from Coal Creek, Bellevue, Coleman, Frank, and Hosmer. One of the Michel players, Tom Chambers, was reported to have played for Scotland, an honour shared with Harry Allen of the Coal Creek club. Playing in blue and white, Michel drew crowds of 600 (one-sixth of the entire population of Michel) by mid-season. One game that ended in a 5-to-5 tie against Coal Creek saw Goodwin head in a goal "in brilliant style" and Boothman score a "brilliant goal." Michel went on to win the league championship but bowed to Coleman in the cup tournament. Goodwin's medal from that season, on display at the Cumberland Museum, is one of his few material possessions to have survived.²¹

¹⁸Government of BC, Annual Report, Minister of Mines, 1910.

¹⁹Michel Reporter, 3 April 1909; Fernie Ledger, 12 March 1910.

²⁰Fernie Ledger, 27 November 1909. Socialist Party voting trends in the coalfields of BC and Alberta are explored by Allen Seager in "Socialists and Workers: The Western Canadian Coal Mines, 1900-21," *Labour/Le Travail* 16 (Fall 1985).

²¹Fernie Ledger, 29 May 1909; 23 April, 21 May, 18 June, 25 June, 9 July, 1 October 1910.



Ginger Goodwin's beautiful soccer medal, shown front and back, was earned in 1910 when he played for Michel Football Club that won the Crow's Nest Pass Football League championship. Goodwin usually played striker. *Ken Wiberg/Cumberland Museum and Archives, C110-132/C110-133.*

Sometime during the fall of 1910, Goodwin, Boothman, and Carney moved to Cumberland on Vancouver Island, skipping the league vs. cup winners' game that Coleman won 1-to-0 over Michel. Perhaps they moved to Cumberland so they could play soccer in the winter when it was impossible in the Crowsnest Pass because of snow.

Cumberland was as far west as a coal miner could go and still stay in Canada. It stood in a recently felled forest below the Beaufort mountain range on Vancouver Island. Cumberland had a population of 1,237 when it was incorporated as a city in 1897 but surrounding communities like Bevan, Minto, and Chinatown added at least another 1,000 residents. The main street is still called Dunsmuir Avenue, after the family who owned the mines. Like other streets at the time, it was unpaved but it did have a wooden sidewalk. In winter the street was a sea of mud.

Coal outcrops were discovered in 1852 and a syndicate of eleven men formed the Union Company in 1869. The syndicate sold in 1883 to Robert Dunsmuir (1825-1889), father of James Dunsmuir (1851-1920), who formed the Union Colliery Company. The Dunsmuirs already operated the Wellington mine near Nanaimo. Wellington closed at the turn of the century but the Extension mines between Nanaimo and Ladysmith, so called because they mined an extension of the Wellington coal seam, were opened. For \$750,000 cash and 2,100,000 acres of Vancouver Island, payments (some might say gifts, because of their magnitude) from the provincial and federal governments, Robert Dunsmuir and his minority American partners from the Southern Pacific Railroad built a 78-mile railway from Victoria to Nanaimo. The railway was quickly extended a few miles to Wellington. James Dunsmuir sold the Esquimalt and Nanaimo Railway in



Dunsmuir Avenue, the muddy main street of Cumberland with wooden sidewalks, in 1910. Goodwin moved to Cumberland from Michel, BC in late 1910. *Cumberland Museum and Archives*, C270-014.

1905 to Canadian Pacific Railway for \$2,330,000 after buying out his late father's American partners for \$1,000,000 in 1902.²²

Coal mines made a fortune for the Dunsmuirs and others. An early partner of Robert Dunsmuir was Wadham Neston Diggle, who invested \$8,000 and after twelve years walked away with \$600,000 and retired to England, leaving Dunsmuir as sole proprietor.²³ Robert Dunsmuir left a lasting memorial to his wealth in his mansion, Craigdarroch Castle, still standing on a hill dominating the city of Victoria. Ironically, he died in 1889 before it was completed but his wife, Joan, lived there until her death in 1908. Today Craigdarroch Castle is a tourist attraction and museum. Even more impressive was son James' Hatley Castle in the Victoria suburb of Colwood. Completed in 1909, with its grounds gently sloping to Juan de Fuca Strait and in the distance the Olympic Mountains in the US, Hatley Park covered more than 600 acres. Today it is Royal Roads University.

²²Terry Reksten, *The Dunsmuir Saga* (Vancouver/Toronto, 1991); "A Selfish Millionaire," *Victoria Times Colonist*, 4 May 1997.

²³Reksten, *The Dunsmuir Saga*.

Between 1904 and 1909, the mines were making an average profit for James Dunsmuir, after allowing for depreciation and exhaustion of mineral assets, of just over \$500,000 a year.²⁴ But the good fortunes enjoyed by the Dunsmuirs and investors like Diggle were not shared by the miners. They were subjected to wage cuts, dangerous working conditions, arbitrary work rules, incorrect weighing of coal (on which piecework was based), but above all, implacable opposition to any form of unionization.

James Dunsmuir stated his case against unions infamously at Christmas 1901 to a committee of miners when two union delegates approached him asking that miners who lived in a small settlement beside the Extension mines be paid there rather than be compelled to travel to Dunsmuir's company town, Ladysmith. The twelve-mile journey by company train required the miners to wait eight hours in Ladysmith for the return train, every pay-day. Said Dunsmuir: "To h--- with the union, to h--- with the committee, to hell — with the men."²⁵

He was more polite — considering the company, no doubt — when he appeared before a federal royal commission in 1903 to say he would not tolerate any kind of union in his mines. "I object to all unions, federated or local, or any other kind," he told the royal commissioners, Chief Justice Gordon Hunter of BC Supreme Court and Rev. Elliott S. Rowe of Victoria, who were inquiring into strikes at Dunsmuir's mines at Extension and Cumberland. Asked, "Did it ever occur to you that wealth carried some corresponding obligations with it — the possession of large riches and lands?" He replied: "No sir. From my standpoint it doesn't."²⁶

Goodwin arrived in Cumberland just after James Dunsmuir sold his mines in 1910 for \$11,000,000 cash to Canadian Collieries (Dunsmuir) Limited. Parker Williams, Socialist member of the BC legislature and leader of an unsuccessful attempt by Vancouver Island miners to unionize in the early 1900s, declared later: "James Dunsmuir pocketed this enormous sum, and like a gambler rising from a gaming table where every hand had been against him, he swept up every last cent of it and neither then nor at the time of his death did the men who made his millions — and lived through it — nor the widows or the orphans of the victims of his greed that fattened his graveyards, nor the Town of Ladysmith, profit to the extent of one red cop-

²⁴ BC Archives, GR 686, Box 11, File 3, "Price Waterhouse report to William MacKenzie," 17 March 1910, Exhibit 816, (BC) Royal Commission on Coal and Petroleum Products.

²⁵ Vancouver *Province*, 24 December 1901.

²⁶ (Canada) Royal Commission on Industrial Disputes in the Province of BC, 1903, transcripts of evidence; Allan Donald Orr, "The Western Federation of Miners and the Royal Commission on Industrial Disputes in 1903 With Special Reference to the Vancouver Island Coal Miners Strike," MA thesis, UBC, 1968.

per. The reapers in the fields of Boaz let fall heads of grain so that the gleaner might not go empty-handed. This reaper grabbed it all, he licked the platter clean."²⁷

Just before the sale went through, Dunsmuir became too greedy for his own good. He helped himself to \$700,000 from his Wellington Colliery Company, proclaiming it to be a dividend. This prompted outrage from Canadian Collieries, which was effectively being short-changed. A four-year court battle resulted in victory for Canadian Collieries in a decision by the British Privy Council, then the final arbiter of disputes in Canada. The amount sought was \$596,253.71 but in a compromise after further disputation, a net \$393,052.76 was paid by Dunsmuir.²⁸

Canadian Collieries (Dunsmuir) Limited was largely owned by British investors and put together by a group of Canadian promoters headed by William Mackenzie of Toronto, president of the Canadian Northern Railway. The Canadian Northern Railway was soon to arrive in BC via the Yellowhead Pass with assistance of BC government-guaranteed loans. King Edward VII knighted Mackenzie and his railway partner, Donald Mann, in 1911.

The price paid for the mines was far beyond their value, the Royal Commission on Coal and Petroleum Products concluded in 1937. The real value was more like \$4,000,000. Nevertheless, on the purchase price of \$11,000,000, bonds and stocks worth \$25,000,000 were floated, prompting a scandal over 'watered stock.' The holders of \$10,000,026.67 in bonds received interest of \$2,019,933.30 for the first four years of their investment but then the company defaulted and payments were suspended until the end of World War I. Preference stock owners only got dividends of \$135,397.73 for the first two years. Common shareholders got nothing. In a corporate reorganization in 1920, the preference shares were reduced to \$1,500,000 and the common shares were slashed to \$100,000. But Dunsmuir did well out of the sale and so did Mackenzie. Dunsmuir got his

²⁷Glenbow Museum and Archives, Calgary, UMWA Papers (M2239), File 10, Parker Williams to UMWA District 18, "A Vancouver Island Crime," 1946.

²⁸*BC Law Reports*, Volume 18, 1911, BC Supreme Court, 583; *Dominion Law Reports*, Volume 13, 1913, BC Court of Appeal, 793; *Dominion Law Reports*, Volume 20, 1915, Judicial Committee of the Privy Council, 3 July 1914, 877 (also in BC Archives, Buckham Collection, Volume 32, File 4, AddMss 436); BC Archives, Buckham Collection, Volume 32, File 4, AddMss 436, Letter from Clarkson, Gordon, Dilworth and Nash, chartered accountants, to Patrick Fagan, secretary-treasurer, Canadian Collieries, 4 November 1938.



Coal baron Robert Dunsmuir, whose family owned the mines in Cumberland and Extension near Nanaimo until 1910, is depicted in a mural painted in 1984 by Frank Lewis in The Home Store, a general shop and gas station at the edge of the village. *Helen Ayers* Miners gather at the pithead in 1912 of No. 5 Mine in Cumberland, where Goodwin worked as a driver and miner, to celebrate record shift production. No. 5 Mine operated from 1895 to 1947. *Cumberland Museum and Archives, C165-002.*



Unknown driver and mule are shown in No. 5 Mine in Cumberland, where Goodwin worked as a driver, sometime before 1920. *Cumberland Museum and Archives*, C160-16.

asking price — and Mackenzie got \$6,000,000 of it back when Dunsmuir re-invested in Canadian Northern Railway bonds.²⁹

Once in place, Canadian Collieries embarked on a modernization and expansion program that was to cost more than \$3,000,000. The capital expenditure, concluded the Royal Commission on Coal and Petroleum Products, was wholly out of relation to business requirements. The better part of \$1,000,000 was spent opening a new mine, No. 8, which was only briefly in production before being closed up. It was not re-opened until the 1930s.³⁰

Goodwin worked as a mule driver and a miner in No. 5 mine, one of four mines operating in Cumberland in 1910.³¹ Its shaft was sunk to 600 feet but the lower seam was abandoned. The upper seam continued to be worked at

(BC) Royal Commission on Coal and Petroleum Products, Volume 2 (27 September 1937) and Volume 3 (5 December 1938); *Victoria Daily Times*, 28 June 1910; *Mining, Engineering and Electrical Record*, 1 April 1915; London *The Times*, 20 March 1915, "Company Meetings"; BC Archives, NWp, 331.8904, C209, Canadian Collieries report to mortgage bond holders.

³⁰"Million Dollar Mystery Mine," *Victoria Times Colonist*, 8 September 1998.

³¹BC Archives, GR 684, Box 1, File 6, Statement by A. Goodwin.

a depth of 300 feet. The seam was three to four feet thick, in places six to nine feet, but a bank of rock six to 18 inches thick ran through it. Canadian Collieries at Cumberland and Extension produced 898,908 long tons of coal in 1910, a record that was not to be beaten. The Cumberland mines produced 518,426 tons and employed 1,172 men underground and 416 above ground. The mines, like others in BC, were dangerous. Between 1877 and 1956, 305 men were killed.³²

Sanitary conditions in Cumberland were primitive and the box drains were in decay. C.J. Fagan, secretary of the Provincial Board of Health, said conditions were neither acceptable nor sanitary. Even worse were conditions nearby, including Chinatown, a two-street ghetto in a swampy area through which flowed the appropriately named Perseverance Creek. "There are no sanitary arrangements in any of these villages and the conditions in the Chinese village are the worst I have yet seen," reported Fagan.³³ Between 277 and 329 Chinese miners were employed in Goodwin's time as well as 125 Japanese. They worked for about one-third of the pay of white miners. The Chinese owed the company a \$500 head tax levied by the federal government on each Chinese immigrant. The company collected it from individuals by payroll deduction.³⁴ The Chinese also depended on company housing. A pool of cheap labour, they were also strikebreakers. They lived separately from the whites and were buried separately.

³²Annual reports, BC minister of mines; D.E. Isenor, E.G. Stephens and D.E. Watson, *One Hundred Spirited Years: A History of Cumberland 1888-1988* (Campbell River, 1988).

³³Provincial Board of Health, report of visit to Cumberland in 1909, *Sessional Papers of B.C.*, 1911.

³⁴Price Waterhouse report to William Mackenzie.

CHAPTER THREE

THE BIG STRIKE 1912-14

*"The attempts of labour through organization
to better its conditions are thoroughly
justifiable, and in the interests of liberty
and justice, as the history of trade unionism
amply proves."*

B.C. Royal Commission on Labour, 1914

IN CUMBERLAND, Goodwin often boarded with the family of John and Margaret Clark at 2725 Penrith Avenue. The Clark home was known as the Red House, not because of the politics of those who lived there, but because it was painted red. It was a single-family house built in 1894 with two bedrooms on the main floor, a living room and a kitchen, and four bedrooms upstairs. Goodwin's room upstairs had a glass door. The garden was full of fruit trees. Goodwin and John Clark spent many hours together in the living room, talking union business and politics. Clark, a Scottish miner who came to Cumberland in 1908, bought the Red House in 1912 for \$1,200. He was one of 150 miners who put their names to a request in 1911 that the United Mine Workers of America organize on Vancouver Island. The Clark family was big — John and Margaret had 10 children, six girls and four boys. Goodwin later became good friends with one of the girls, Mary.¹

Goodwin continued playing soccer with his friends Arthur Boothman and Tom Carney. But it was stiff competition to keep a regular place in the BC Professional Football League and Goodwin would sometimes be spotted as a reserve player. The three friends played for the local No. 5 Thistles — a team from that mine — and, in the League, for Cumberland in the 1911-12 season. John (Scotty) Clark, the oldest of the Clark boys, played in goal. Vic-

¹ Author's interview with Jean Letcher of Trail, BC, 16 March 1988. Letcher was one of the Clark daughters and was 15 years old when Goodwin was killed; UMWA District 28 Records, UMWA, Washington, DC; Land Title Office, Victoria, BC.



Cumberland soccer players in their striped shirts in 1911, likely the team in the B.C. Professional Football League, pose with trophies (the Merrifield 1909 Perpetual Charity Cup in the middle). Goodwin is front row, second from left, and his friend Arthur Boothman is front row, second from right, and between them is Tom Carney. The goalkeeper (with cap) is John (Scotty) Clark, with whose family Ginger often boarded. *Cumberland Museum and Archives, C261-015.*

toria was the runaway winner of the league championship in 1911-12 and its team, the press said, had four players who had turned out for some of the best clubs in England and Scotland, one of them for the Scottish national team.²

In Cumberland, Goodwin became active in the union and the Socialist Party of Canada. He was close friends with Joe Naylor, a hewer at No. 7 Mine in Bevan, a few miles from Cumberland, and a strong-minded activist in union and Socialist causes. A stubborn miner from Wigan, Lancashire, Naylor arrived in Cumberland in 1909 by way of Montana and Nanaimo. Fifteen years older than Goodwin, he became a mentor for the young miner. Naylor was secretary of Cumberland Local 70 of the Socialist Party

²Cumberland *Islander*, 10 June, 9 September, 21 October 1911; 2 March 1912; Cumberland *News*, 17, 24 October 1911; Victoria *Daily Times*, 24 October 1911.



Goodwin (front row, second from left) played for No. 5 Thistles soccer team in Cumberland. In this photograph, his friends and fellow forwards join him in the front row, Tom Carney (third from left) and Arthur Boothman (fourth from left). Goodwin worked at No. 5 mine in Cumberland. According to some newspaper accounts, this became Cumberland's entry in the B.C. Professional Soccer League in 1911. *Cumberland Museum and Archives, C261-009.*

of Canada, which had about 90 members, and first president of the Cumberland Local 2299 of the UMWA. In the Socialist hall opposite the Post Office on Dunsmuir Avenue, the party offered regular economic classes twice a week.

The UMWA was invited by miners to represent them and it chartered District 28 in 1911 after Island miners, who had earlier formed the Canadian Federation of Miners, showed enough interest. In the summer of 1912 everyone knew a showdown was coming after decades of failed efforts to start various unions to address workplace problems and give the miners a collective voice. The issues included wages, methods of piecework, payment of wages only once a month, safety, compensation for clearing rock from coal, company mark-up on the price of explosive powder, discrimination against union members, and non-compliance with provincial laws including the eight-hour day. The Dunsmuir's never accepted a union and neither would their corporate successor, Canadian Collieries (Dunsmuir) Limited. UMWA District 28 sent a letter on 1 June 1912 to all companies on Vancouver Island seeking talks about wages and other questions. There was no response. Subsequent communications would also be ignored.

The *B.C. Federationist*, organ of the BC Federation of Labour, suggested on 27 July 1912 that there were prospects of a complete tie-up of the mines on Vancouver Island. The UMWA's effort to get a Chinese organizer-interpreter from the United States into BC was blocked by George Lawson Milne, who held the position of Controller of Chinese at the federal government's Emigration Branch in Victoria. Milne wrote on 31 July 1912 to George Pettigrew of Ladysmith, District 28's member of the International Executive Board of the UMWA: "... that Chinese are not permitted to come from any country than their own, namely China, unless he is a merchant, and then only passing through from port to port."

The UMWA complained officially that provincial laws about the eight-hour workday were being violated but District 28 president Robert Foster of Nanaimo said he was not able to bring proof because miners were afraid of being fired and blacklisted. He said miners were being discriminated against because they belonged to the union. On 4 August 1912, Foster told a mass meeting at the Recreation Grounds in Cumberland that discontent among the workers portended a coming upheaval. Miners intended to ask for a wage increase and better conditions in the near future. He said that while they were looking for a peaceable working agreement, they would fight if they did not get their demands. It was several weeks before formal proposals were drawn up and communicated to the Island companies, which did not reply.

Canadian Collieries president William Mackenzie, whose well-known objections to union recognition were mirrored by general manager Walter

L. Coulson, sent a confidential report on 19 July 1912 to preference shareholders. Mackenzie complained that profits were “unfavourably affected by the general conditions of disturbance which have prevailed in coal mining during the past year.” There was “an undercurrent of unrest among the men” although he claimed there was no substantial grievance and hoped that the unrest was only temporary. He blamed “deliberate attempts made from outside to stir up trouble,” undoubtedly a reference to the UMWA organizing drive, and said the efficiency of miners had fallen off.

Later, others suggested another explanation for the company’s decreased profits — specifically, that Mackenzie was scapegoating the union for his speculative over-capitalization of the company and the bloated purchase price. Long afterwards, Joe Naylor said miners were convinced that over-capitalization was the reason for the strike.

The Vancouver trade journal, *Mining, Engineering and Electrical Record*, said the strike was engineered to paper over coming financial losses. Coulson told shareholders in 1913, however, that management carefully and deliberately chose to resist UMWA’s attempt to “obtain control of your mines” and that “the ultimate consequences to the Company of surrendering its destiny into the hands of this foreign body would be disastrous.” Union demands would make it impossible to operate at a profit, he said.

Coulson’s phobia about foreigners was strange given that he was an American mining engineer working in Canada for a company that was mainly British-owned. But he came from the notoriously anti-union Somerset area of the Pennsylvania coalfield. Coulson was general superintendent in 1902 of the Pittsburgh and Baltimore Coal Company of Pittsburgh, Pennsylvania. It opened Edna No. 1 Mine in Westmoreland County adjacent to Somerset County in 1900 and Edna No. 2 in 1902. Though by 1910 the company had fallen into receivership, it still managed to defeat the UMWA’s 16-month strike in 1911.

The BC Royal Commission on Labour, appointed just after the strike started but not reporting until it was almost over, dismissed managerial fears of foreigners. “Whilst some employers oppose the international unions on the grounds that the authority exercised by union officials resident in the United States may produce conditions injurious to Canadian industrial interests, yet we find no definite evidence of any such effect; and, on the other hand, it must be said that many large corporations employ managers and superintendents and are controlled by directors who are themselves aliens,” reported the commission.

The pending crisis exploded on 16 September 1912 when Cumberland miners stopped work in an unofficial walkout to protest the dismissal of Oscar Mottishaw and a refusal to hire James Smith, both union members. The dispute centred on Mottishaw who had worked at the company’s Extension

mines between Ladysmith and Nanaimo. He and fellow miner Isaac Portrey, who made up the employees' gas committee, had reported gas in Extension on 12 June 1912. This was confirmed, but not until 20 July 1912, by Chief Inspector of Mines Thomas Graham, who also noted other deficiencies. On 19 August, Mottishaw's workplace was mined out of coal but he was not given a new place to work. Portrey, whose place had not been worked out, continued at work.

Mottishaw moved to Cumberland looking for new work and was hired by a contractor, Richard Coe, as a mule driver in No. 4 Mine. He worked for a few days and then was fired by Coe on orders from mine manager Robert Henderson. The miners' interpretation was this: Mottishaw was let go at Extension because he reported gas, and dismissed at Cumberland for having done that. Company officials in Cumberland, however, denied any discrimination on the basis of the Extension gas report and said they did not know about it. Mottishaw was discharged in Cumberland solely because he had started work underground without Henderson's approval, they said.

In addition, the company said Mottishaw had voluntarily quit at Extension and when he asked to be rehired, was turned down because he had called some firemen at the mine "scabs" and "blacklegs" — strange words since a strike had not started then. Mottishaw denied using the language. Pointedly, Coe said his hiring of Mottishaw was the only one in which the company interfered. Given the long practice of companies getting rid of union-minded miners by simply not giving them further work when their places were worked out, the miners' interpretation was understandable enough, especially with everyone's heightened awareness that trouble was brewing. Both sides maintained their own view of what had happened to Mottishaw.

After a day's work stoppage, the company ordered the miners to remove their tools from the mines. This order was interpreted by the miners as a lockout. The company said it was securing the equipment. Then the company insisted that miners sign two-year contracts at the pre-dispute rates and conditions. Miners at Extension, meanwhile, voted to stop work in sympathy with the Cumberland miners. They went out on 18 September 1912. Several committees which sought to meet management over the Mottishaw matter were turned away by company officials but one committee did meet superintendent J.R. Lockard who denied any discrimination against Mottishaw but said it was the company's prerogative to hire who it wished.

The miners were left with no real choice: Either they capitulated or they protested what they believed was yet another case of discrimination over a safety and union membership issue. The unofficial walkout quickly became an official strike with the UMWA seeking talks to settle the immediate issue as well as presenting collective agreement proposals to all coal companies.



Young lad in Cumberland demonstrates his support for the miners' strike of 1912-14 on Vancouver Island posing with the United Mine Workers Journal. *Cumberland Museum and Archives, C110-128.*

There was no response. The real issue was clear: Union recognition. UMWA weekly strike benefits of \$4 per miner (plus \$2 for wife, \$1 for each child) replaced daily wages of \$2.85 to as much as \$4.50 a day for some (\$17.10 to \$27 for a six-day work week, assuming full-time work, not including any deductions from wages).

Thus began one of the longest, costliest, and most bitter strikes in Canadian labour history. Immediately, it involved 1,600 miners at Cumberland and Extension. The strike spread to the mines in and around Nanaimo on 1 May 1913 and involved 3,777 miners on Vancouver Island. It did not end until 20 August 1914. Except at the Jingle Pot mine near Nanaimo where the UMWA gained recognition and a collective agreement, the strike was unsuccessful in the short term.

Two royal commissions favoured collective bargaining. The federal royal commission reported that it was desirable and of benefit to both sides that collective agreements "voluntarily and formally entered into for a specified time between employees and employer, or between an employees' union and their employer, should be given the sanction and protection of law." The BC royal commission, while supporting legalized collective bar-

gaining, appeared to favour committees of employees, citing the instances in and around Nanaimo. Unions viewed employees' committees as a form of company unionism, not providing recognition to the union, nor any bargaining power for employees. An employees' committee drawing up an agreement was, however, more than miners in Cumberland and Ladysmith (Extension) had before 1912. Not long after the strike ended, employees' committees were put in place.

The provincial government did not intervene on behalf of the miners in the strike but instead sent in special police to maintain access for strikebreakers to the mines. After serious riots in August 1913, the provincial government dispatched the militia to the coalfields for the balance of the strike. Various interventions and overtures by the federal government ran into a brick wall, with companies refusing to recognize the union. While the Extension mines remained closed for many months, the Cumberland mines were reopened after a month and production slowly resumed. Chinese miners, who supported the strike for the first month, returned to work under the old conditions. White miners were evicted from 100 company houses. Nor did the company wait long: The first Notice to Quit orders were issued 10 days after the walkout began, on 26 September 1912, to be effective at the end of October. Those who did not vacate their company houses had judgment against them in County Court starting on 4 December. No reason was given in the eviction orders (such as non-payment of rent) leaving the assumption that striking miners were ordered out to open up accommodation for imported strikebreakers. Displaced miners put up tents in a public park in Cumberland. First tents and then shacks appeared at nearby Royston at what came to be called Strikers' Beach. A trickle of strikers returned to work. The company recruited strikebreakers from the Prairies, the US and Britain.

The events had a major political and economic influence in BC. The cost to the UMWA has been variously put at \$1,250,000 and \$1,500,000. Benefits to strikers alone certainly came to about \$1,250,000 and there were other costs, especially legal. The company ran into a loss position, defaulted in 1914 on interest payments to British bondholders, and found itself taken over by a management committee chosen by the bondholders. The legacy of memories of which side everyone was on during the strike lasted, even extending to the children and grandchildren of the strikers and strikebreakers. The story is told of two brothers who were on different sides in the strike — one went to work, one didn't. They lived in the same room. The striker hung a curtain across the middle of the room and wrote "scab" on one side

and “union man” on the other. The rancour was to remain strong in the coal mining districts of Cumberland, Ladysmith, and Nanaimo.³

Early in the walkout, and later, churches supported the strikers. Members of the First Baptist Church of Nanaimo approved a resolution of sympathy unanimously and urged the government to protect the miners. Pastor J.H. Howe spoke on “Jesus, Capitalism and Labour.” He said: “The church, like the individual, cannot serve God and Mammon. Our present commercial system is one in entire opposition to Christianity. Its principles and precepts are unchristian.” He said capital expected labour to be absolutely subservient. “In a thousand ways through its many agencies and satellites, it can exploit and tyrannize labour,” he said. “Labour must protect itself. Its only hope lies in intelligent combination. Labour must insist on proper recognition, even though it entails suffering.”⁴

³While various books touch on the strike, the only full-length treatments are Alan John Wargo’s unpublished BA graduating essay “The Great Coal Strike: The Vancouver Island Coal Miners’ Strike, 1912-1914” (UBC 1962) and John Norris “The Vancouver Island Coal Strike, 1912-1914: A Study of an Organizational Strike” *BC Studies* 45 (Spring 1980). Helpful also were Lynne Bowen, *Boss Whistle: The Coal Miners of Vancouver Island Remember* (Lantzville, 1982); H.A. Logan, *Trade Unions in Canada: Their Development and Functioning* (Toronto, 1948); D.E. Isenor, E.G. Stephens, D.E. Watson, *One Hundred Spirited Years: A History of Cumberland 1888-1988* (Campbell River, 1988); Fox, *United We Stand*. Also, UMWA District 28 Papers, Washington, DC, has fragmentary records. The causes of the strike are well set out in transcripts of hearings before the (BC), Royal Commission on Labour, BC Archives GR 684, Boxes 1-4. Two royal commissions dealt with the strike: (Canada), In the Matter of the Coal-Mining Labour Troubles on Vancouver Island, 1912-1914, and the Industrial Situation Connected Therewith; (BC), Royal Commission on Labour, 1912-1914. Another royal commission, (BC) On Vancouver Island Riots, 1913-1914, is largely concerned with an itemized list of property damages awarded. The (BC), Royal Commission on Coal and Petroleum Products, Volume 2 (1937) and Volume 3 (1938), deal with Canadian Collieries and the controversy about the 1910 sale and watered stock. Publications of note include: *B.C. Federationist*, 6 January, 13 July, 27 July, 3 August, 21 September, 5 October 1912; 24 December 1920; *Mining, Engineering and Electrical Record*, 1 April 1915; *Cumberland Islander*, 1 April 1911; 10 August, 28 September, 5, 12 October 1912; *Cumberland News*, 28 March, 8 November 1911; 25 September 1912; *The Times*, London, 20 March 1915; *Nanaimo Free Press*, 5 July, 20, 25, 27, 28 September, 2, 5, 9, 12 October, 1912. Subsequent issues of these and other publications deal with further developments in the strike, especially the *Nanaimo Free Press* for coverage of the August 1913 riots and later court cases; BC Archives, NW 971.35, C197a, Third annual report to shareholders of Canadian Collieries for the year ended 30 June 1913; Coulson in Pennsylvania, Virtual Museum of Coal Mining in Western Pennsylvania (<http://patheoldminer.rootsweb.com>). Eviction orders are in BC Archives, GR 1946, Box 1, Files 4 to 9.

⁴*Nanaimo Free Press*, 5 October 1912.

An opposite view was taken by the *Cumberland Islander*. In an editorial, the newspaper said most miners were not in sympathy with the strike and no secret ballot had been taken. As well, "Strikes, or cessation of work, never was of any value to the employer or employee." The *Islander* said: "The present industrial deadlock is one of the most unfortunate instances of labour tyranny that has ever come to our notice. We often hear and read of the tyranny of capital, but we doubt if the annals of capitalism can show a more glaring example of despotism." Unions must choose as leaders "men of responsibility and sound judgment, capable of restraining and holding in check the rash and the headstrong, such as those responsible for the present crisis."⁵ Thus one editorialist summarized the great divide that lay behind the 1912-1914 strike for union recognition.

Fresh to activism, Goodwin worked mostly in support of the Socialist Party of Canada but also became active in the union, attending two conventions of the BC Federation of Labour and a convention of UMWA District 28. Just before the strike began, he wrote in the *Western Clarion*, the SPC's newspaper, about the spirit of revolt because of miserable working conditions. "Now, then, we know that all this misery is the outcome of someone's carelessness, and that someone is the capitalists, those who own the machinery of production. Now, as this class of parasites have been living on the blood of the working class, they are responsible for the conditions existing at the present time," wrote Goodwin, under the headline "The Iron Heel." What was to be done? "In order to throw this system over we have got to organize as a class and fight them as class against class. And so I say we have got to back our forces against them, and our weapons are education, organisation and agitation ..."⁶

Halfway into the strike, he wrote under the headline "Capitalism the Leveller" that the institutions and values of society were based on property rights that kept the working class in subjection. He called for the abolition of the capitalist system. Drawing on his strike experiences, he wrote: "When we find the workers howling about not getting 'justice' and that it is 'not right' — that is proof that they do not understand the class nature of society. It has been in evidence during the coal strike that this sentiment is nothing but a sham, for those that have [been] brought up before the court and are strikers are given the maximum penalty, while those that are helping the masters to defeat the strikers are let off with the minimum penalty — showing conclusively that the courts are at the disposal of the master class."

Goodwin was apparently referring to police and court responses to occasional disturbances in the strike because his comments were published just after the serious riots but — and here he was certainly being prophetic —

⁵*Cumberland Islander*, 8 October 1912.

⁶*Western Clarion*, 10 August 1912.

before severe sentences were handed down. Goodwin's Marxist political and economic message, sharpened by personal experience in evictions and strikes in Denaby Main, Glace Bay, and now Cumberland, had come full circle: "This is no sentimental movement, and the masters can howl; we do not hide our intentions, for we are what they have made us — the dispossessed class that is out to overthrow them," he wrote.⁷

Goodwin himself was never charged with any offence though a Cumberland miner named Richard Goodwin was. The two men were not related. One of the Provincial Police constables stationed in Cumberland during the strike, Albert Thomas Stephenson, who later became chief constable for the Nanaimo district, said later that he had known Albert Goodwin and that his reputation was inoffensive.

The Socialist Party of Canada was a small Marxist party of probably never more than 2,000 disciplined, even dogmatic, members. But despite its small size, historian Desmond Morton writes, party members "would have a lasting influence on the tone and temper of the West Coast labour politics."⁸ The party emphasized education and political action as the methods to achieve a society where the means of wealth production such as natural resources, factories, mills and railways would become "the collective property of the working class." Industry would be organized and managed democratically by workers and production would be for use instead of profit.

The party's guiding rule for considering legislation was simple: "Will this legislation advance the interests of the working class and aid the workers in their class struggle against capitalism? If it will, the SPC is for it; if it will not, the SPC is absolutely opposed to it." The SPC was founded as the Socialist Party of BC in 1901. Socialist members of the legislature, James Hawthornthwaite of Nanaimo and Parker Williams of Ladysmith, with independent labour MLA William Davidson from Slocan in the Kootenays, soon held the balance of power, enabling passage of progressive legislation such as the eight-hour workday for miners, amendments to the Coal Mines Regulation Act, protection of unions from damage suits, and the first Workmen's Compensation Act. Miners in BC and Alberta turned to the SPC in the first two decades of the 20th century.

The SPC held an influence far beyond its size in the trade union leadership. Prophetically, the SPC foresaw from 1909 war between Germany and Britain and attributed it to business trying to revive trade. War, the SPC said, "will claim as its victims countless thousands of our class in a quarrel that is not their's (*sic*), it behooves the workers not to be carried away by the frenzied clamourings of the interested advocates of war, the vaporings of capitalist 'statesmen' or the blare of martial music. In no conceivable manner,

⁷*Western Clarion*, 16 August 1913.

⁸Morton, *Working People*.

shape or form could the interests of the workers in any of the nationalities involved be furthered or protected by their participation in the conflict.”⁹ Although SPC members of the legislature supported restrictions on Chinese immigration, one of the leading domestic political issues of the time, the *Western Clarion*, official organ of the party, said capitalists were inflaming working class minds “with the idea that the Japanese, Hindo or Chinese working man coming to Canada, comes as an enemy to the white workers.” The issue was cheap labour holding down wages, it said, not race.

The Cumberland local of the UMWA, in common with other unions, supported Asiatic exclusion but local president Joe Naylor distanced himself from the prevailing racism. He told the BC Federation of Labour he was under instructions from his local to vote for Asiatic exclusion. In January 1914, when the Chinese and Japanese were often made the scapegoats for the failing strike, Naylor said the Orientals “would not have gone to work until the white men had gone if they had been left to themselves.” It was not the Chinese or Japanese “that are the curse of BC, it is the white men, and especially the men who have come from the same country as myself, and that is England, that are the real curse in this province, it isn’t the Asiatics at all.”¹⁰

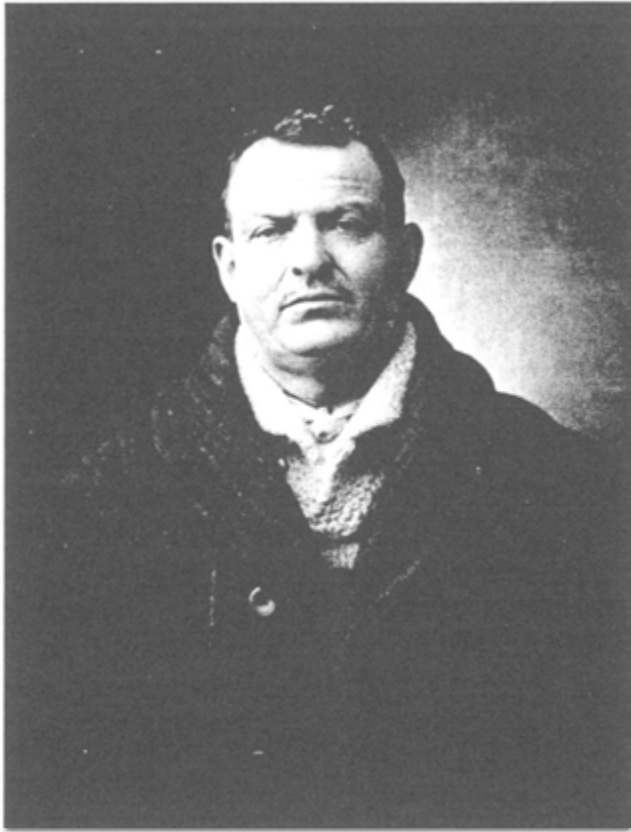
Within the SPC, there was a split between the Possibilists and the Impossibilists. The first favoured steps towards Socialism and some relief from present economic hardship while the latter were uncompromising Marxists who dismissed strikes as mere commodity struggles. Goodwin, a Possibilist, later found himself at odds with the Impossibilists.

In early 1914, Goodwin worked for four months as a party organizer. He got no pay but supporters provided room and board as he toured the southern Interior and Crowsnest Pass.

In one speech, he predicted a struggle in the very near future for supremacy between the governing and governed class. He was complimented for his knowledge and oratory. He was also, several months before the Island strike was called off, looking for work but there was none because of the economic depression. He was often asked about the strike. “This query gave me the chance to show that the forces of government had been used to beat the miners into subjection,” he said, five months before the strike ended.

⁹Ross Alfred Johnson, “No Compromise — No Political Trading: the Marxian Socialist Tradition in BC,” PhD dissertation, UBC 1975.

¹⁰*B.C. Federationist*, 5 April 1912; 6 February, 17 July 1914. For a more detailed look at the SPC, see Martin Robin, *Radical Politics and Canadian Labour 1880-1930* (Kingston, 1968); Paul Phillips, *No Power Greater: A Century of Labour in B.C.* (Vancouver, 1967); Peter Campbell, “Making Socialists: Bill Pritchard, the Socialist Party of Canada, and the Third International,” *Labour/Le Travail*, 30 (Fall 1992); Johnson, “No Compromise”; Allen Seager, “Socialists and Workers: The Western Canadian Coal Miners, 1900-21,” *Labour/Le Travail*, 16 (Fall 1985).



Joe Naylor, president of Cumberland Local 2299 of the United Mine Workers of America during the Big Strike 1912-14, and president of the BC Federation of Labour, 1917. He was one of the leaders of the One Big Union after World War I. *Cumberland Museum and Archives, C192-030.*

The courts had passed “inhuman sentences” on strikers but he said it would be “invaluable material as propaganda for the workers’ movement (Socialism).” When told that the Methodist Church was taking up the question of Socialism at a meeting, Goodwin, an atheist, retorted that it was “very strange how the church was turning from an institution of superstition to one of learning ... to try to reconcile science with superstition was out of the question altogether.” He also wrote, under “Christians and Socialists,” that it was “ridiculous” for a Socialist to be a Christian.¹¹

¹¹ Fernie *District Ledger*, 28 February, 7, 16, 21 March 11, 18 April 1914; *Western Clarion*, 11 April 1914; *Western Clarion*, 9 May 1914.

The strike on Vancouver Island ground on. But even its extension on 1 May 1913 to the mines in and around Nanaimo failed to dent the resolve of the companies, except at the Jingle Pot mine of Vancouver-Nanaimo Coal Mining Company where 350 UMWA members gained union recognition and a collective agreement in August 1913. In that month, serious rioting erupted at Ladysmith, Extension, South Wellington, and Nanaimo. Disputes quickly arose as to whether the incidents were provoked by strike-breakers or deliberately caused by strikers. The provincial government dispatched 1,000 militiamen into the coalfields. After several weeks, this number was scaled back to 265. But they remained until the end of the strike a year later. Canadian Collieries president Sir William Mackenzie and his partner, Sir Donald Mann, also benefitted by additional provincial government assistance for their Canadian Northern Railway and by a grant for \$10 million for terminal facilities.

In all, 213 men were arrested and 166 of them were committed for trial as a result of the riots. In the end, 50 men were convicted and sentenced to prison terms. While many charges such as attempted murder and rioting were reduced to unlawful assembly and some sentences were simply time served (though this often amounted to many months), some stiff sentences in the two-year range were handed out. One of the two-year sentences went to Sam Guthrie, president of the Ladysmith local of the UMWA. Later, he was for many years the local member in the BC legislature representing the Co-operative Commonwealth Federation, predecessor of the New Democratic Party. The most serious sentence for those charged immediately after the riots was four years given to Joe Angelo for six charges including rioting and riotously destroying property. He was the UMWA's Italian-speaking organizer from Bridgeport, Ohio, who came to Vancouver Island early in the strike.

Punishment would not come until after the strike for William (Tangle) Jackson, a bartender at the Grand Hotel in Ladysmith during the riots, and Mike Adams of Ladysmith, described in the press only as "an Austrian." For turning King's evidence against them, barber William Stackhouse — who had spent just over four months in prison for rioting — was not charged with dynamiting the home of Alexander Neil McKinnon, 34, of Ladysmith, a striker who had accepted UMWA benefits but returned to work while the strike continued. McKinnon retrieved the dynamite thrown through a bedroom window of his house on the late night-early morning of 12-13 August 1913 but it struck a blind. He picked it up again and it exploded, blowing off his right hand. Justice Denis Murphy, on 17 October 1914, sentenced Adams to seven years in the penitentiary and Jackson to six years. He said: "If I thought that you two men had concocted this crime without suggestion you would get a life sentence from me but I am convinced you were influenced

by other persons." He did not identify the "other persons" but Stackhouse soon left Ladysmith and did not return.¹²

One of the strikers sentenced to one year for throwing stones at the homes of strikebreakers in Ladysmith never left prison alive. Joe Mairs, 21, whose family hailed from Scotland and whose father was also a striker, held numerous trophies for bicycle racing. He died after serving five months of his sentence in Oakalla Prison on 20 January 1914 from tubercular peritonitis causing bowel obstruction. The coroner's jury, headed by James McVety, a leading trade unionist in Vancouver, was critical of the several days it took for prison authorities to respond to Mairs' illness. But McVety said Mairs had previously been operated on for the same problem "and nothing could be done for him." Dr. J.S. Conklin also said, "an operation would have been useless." The funeral for Mairs on 25 January 1914 was the biggest in Ladysmith and Thomas Doherty, acting president of Local 2338 of the United Mine Workers of America while Sam Guthrie served his prison sentence, led the graveside service. The union erected a monument above Mairs' grave that still dominates Ladysmith cemetery. The inscription reads:

*"Remember me as you pass by,
As you are now so once was I.
As I am now soon you will be
Prepare for death to follow me.*

A martyr to the noble cause — the emancipation of his fellow man.
Erected by his brothers of District 28, UMW of A.¹³

The riots produced opposite views perhaps best summed up by Judge Frederick Howay, who sentenced the strikers, including Mairs, who chose trial without jury, and John Wallace deBeque Farris, one of the lawyers for the miners and a leading Liberal, later the first minister of labour in BC, then attorney-general and a senator.

Said Howay: "This was not an ordinary riot. It was not a sudden ebullition of pent-up feeling but shows all down the line a deliberate scheme, a

¹²"Strike on the Island," *Victoria Times Colonist*, 23 March 1997; (BC), Royal Commission on Vancouver Island Riots: Claim for damages by Alexander Neil McKinnon, BC Archives, GR 518, Box 2, File 34; *Ladysmith Chronicle*, 11, 25 October 1913; 4 April, 25 August, 1, 9 September, 17 October, 17 November 1914; 14 July 1966; *Vancouver Province*, 2 September, 15 October 1914; *Nanaimo Free Press*, 9, 14, 17, 25 October 1913.

¹³"Prison Martyr: the death in Oakalla of Joe Mairs," *Victoria Times Colonist*, 30 March 1997; *Ladysmith Chronicle*, 27 January, 8 August 1914; "Mairs, Joseph." *Dictionary of Canadian Biography*, Volume XIV 1911-1920 (Toronto, 1998).

design from one end to the other. The riots at Nanaimo, South Wellington, Extension and Ladysmith were all for one purpose, were simultaneous and were carried out with one line of action. Bombs were thrown, property destroyed and peaceful citizens made to flee for their lives and a persistent state of terrorism."¹⁴

Farris, in his famous two-hour Address at the Labour Temple Forum in Vancouver in 1915, after the strike, indicted the Conservative provincial government. "I have a grave charge to make against the government ... I leave it to you to reach a verdict of guilty or not guilty: That the miners on Vancouver Island have been unfairly treated; that there has been a failure to enforce the proper precautions for the safety of human life in these mines; that the government of this province is responsible; that there has been, and there is, a bond of sympathy and understanding between the coal mine operators and the government of this province, which is a menace to the interests of labour, and a crime against the coal miners and their families." Disagreeing with Judge Howay, Farris said that in August 1913 "human endurance could stand it no longer and they got mad." The men "had become so desperate, from the conditions existing and the high-handed treatment they were receiving, that these well-known riots started." He blamed the coal companies and the government.¹⁵

Rev. John Hedley of the Haliburton Street Methodist Church in the south end of Nanaimo, where many miners lived, was similarly sympathetic to the miners. Men were arrested on doubtful and trivial charges, he said, and there was a breakdown of regard for law and justice. "As far as the miner can see the law and the administration of law exists solely for the protection and help of the mining companies. All loyalty to the state must vanish when it is recognized that the state does not stand for justice or fair play," he said.¹⁶

In many ways, as production picked up, the strike was lost before the riots in August 1913. The riots became the symbolic turning point. Manager Coulson, who led the opposition to unionization, left Canadian Collieries late in 1913 because of ill health.¹⁷ By the following June, the UMWA had spent well over \$1,000,000 without immediate practical result and needed to end the strike. The provincial government also wanted the strike over.

Premier Richard McBride communicated with Canadian Collieries of Cumberland and Extension, Pacific Coast Coal Mines of South Wellington

¹⁴Ladysmith *Chronicle*, 25 October 1913.

¹⁵*B.C. Federationist*, 21 January 1916.

¹⁶"The Labor Trouble in Nanaimo District: An Address Given Before the Brotherhood of Haliburton Street Methodist Church," (undated, but after the riots), by Rev. John Hedley, BC Archives, NWP 971.7, H455.

¹⁷*Cumberland Islander*, 6 December 1913.

and Western Fuel Company of Nanaimo suggesting it was in the interests of everyone that the strike be called off. After discussions, McBride communicated with strike director Frank Farrington the companies' proposal to re-employ strikers "without discrimination and as rapidly as physical conditions of the mines will permit." The companies also said they would "so long as the best interests of the properties under their control may be fully conserved" not employ new miners until strikers had been reinstated "provided, however, that in each and every case due regard be had for a proper standard of efficiency." The companies conceded that the miners had the right to join the UMWA "and the companies shall not discriminate against any of the men because of their affiliation therewith. This, however, is not to be understood as a recognition in any respect by the companies of the United Mine Workers of America." Farrington, with little bargaining power, could only accept. But he sought assurance that strikers would be rehired before new miners were hired. McBride told him that the companies replied that rehiring would be done in good faith.

By any measurement, the proposed settlement was a defeat for everything strived for over almost two years and on 20 June 1914 the miners voted 1,464 to 206 to reject it. Debate continued. A special convention of the BC Federation of Labour, at which Goodwin was one of four delegates from the Cumberland UMWA local, was held 13-15 July 1914. By a vote of 48 to 36, delegates agreed to a referendum vote by all affiliated unions on a call for a general strike to support the miners. But 21 of the 48 "yes" votes came from delegates of striking UMWA locals. It was the fourth general strike call during the miners' strike. The first, for a 24-hour general strike, came at the BC Federation of Labour convention in January 1913 from the Cumberland miners, but it was defeated. That was the first specific demand in BC for a general strike. The July 1914 convention decision provided for four organizers to fan out to get support for a general strike. But on 18 August 1914 the federation announced it was not going to give the result of the vote (which, it disclosed next year, had been defeated) and would not take any action.

The strike was now very clearly over: The miners voted next day 1,030 to 363 to accept the settlement they had rejected on 20 June and the strike was formally called off on 20 August 1914. Premier McBride had assured the union earlier: "From my conferences with the operators I feel personally convinced that they will spare no effort to carry out in full sincerity the spirit of these proposals, and that they have no intention of evading anything fair and reasonable in the undertaking they agree to give in the event of such proposals being accepted." Within months, UMWA leaders accused the com-

panies of reneging on the agreement by hiring new employees in preference to some strikers.¹⁸

Farrington, who started work in the coal mines of Illinois in 1882 at the age of nine, told international president John White that the outcome "will not be satisfactory in any respect, nor such as will reward those splendid men for the sacrifices they have made, nor compensate them for the fight they have fought so courageously and well." The union was "surrounded by a combination of insurmountable obstacles that leave us no choice but to accept terms that are far short of our expectations." However, "the educational effect of the strike and the experience gained by the men involved has been such as must eventually result in a betterment of their condition. While, on the other hand, the penalty paid by the companies and the government for our defeat has been so heavy as to make both hesitate and make a reasonable effort to avoid future trouble with the United Mine Workers of America."

He told White that he had made it clear to the miners that the agreement "meant absolutely nothing for them; that under the terms submitted by the mine owners it was entirely within the hands of the companies to sift out the men at will; I pointed out the financial position of the International Union and made it clear to the men that it would be practically impossible for us to continue financing the strike much longer." He listed these reasons for contributing most to "our failure" in the strike: Oriental labour; importing cheap coal from New Zealand, Australia, and Japan; industrial depression; the provincial government which assisted the companies to break the strike; and the use of armed forces. He opposed a general strike as impractical.¹⁹

Robert Foster, District 28 president and a former Cumberland miner, said later the strike was lost because the companies got enough replacements to operate the mines. He too opposed a general strike, saying it would not stop the strikebreakers. "It was impossible to reach the thing with a general strike or any other kind of strike," he said. Foster said the provincial government "established a ring of police around the Vancouver Island mines, and made it impossible for our men to visit the men shipped in there or to inform them of the conditions or what we were fighting for on Vancouver Island."²⁰

¹⁸Wargo, "The Great Coal Strike"; Margaret Ormsby, *British Columbia: A History* (Vancouver, 1958); *Ladysmith Chronicle*, 11, 25 October 1913; 25 August, 1 September, 17 October 1914; *Nanaimo Free Press*, 14, 17 October 1914; *B.C. Federationist*, 17, 24 July 1914; *Fernie District Ledger*, 22 August 1914.

¹⁹UMWA District 28 Papers, Farrington to White, 19 June 1914.

²⁰Glenbow Museum and Archives, Calgary, UMWA District 18 Papers, File 23, 12th annual convention of UMWA District 18, Lethbridge, Alta., 15-24 February 1915, transcript pages 246-7; *B.C. Federationist*, 21 January 1916.

The remaining imprisoned rioters were released very shortly after the strike was called off. Farrington had earlier received what he called Premier McBride's "solemn promise" that if there was a return to work, "he would set machinery at work to secure the immediate release of our men in prison, Angelo included."²¹ The last man to be released was Angelo, on 25 September 1914, and he was immediately deported to the United States. The amnesty did not include Adams and Jackson who were yet to face trial and go to prison for dynamiting McKinnon's house.

The strike was over. And World War I had just begun.

²¹Farrington to White, 19 June 1914.

CHAPTER FOUR

THE WAR BEGINS

"Your King and Country Need You. We Don't."

*Message from Canadian Pacific Railway Company,
put in the pay envelopes of single male employees
in Ottawa, 1915.¹*

WORLD WAR CAME TO CANADA on a soft summer day in August 1914. Amid euphoria, men rushed to enlist. Within two weeks, more than 100,000 Canadians volunteered to go to Europe and fight the Germans. With little training, armed with the infamous Ross rifle that repeatedly jammed in battle, and a first issue of boots that fell apart in the rain, they sailed off to Britain. Everyone thought it would all be over by Christmas. Or soon, anyway.²

Among the early Canadian volunteers was Robert Rushford of Cumberland, a coal miner and friend of Ginger Goodwin. Rushford was a reservist in the Black Watch of Scotland before he emigrated to Canada. He was given a hearty send-off on 21 August 1914, with the *Cumberland News* trusting that he would "return to Cumberland victorious." Back in Scotland he joined the 1st Battalion, The Black Watch (Royal Highlanders). He left behind his wife, Jessie, and two children, Nava and Jimmy. Not long after Rushford left, a daughter was born. Patriotically, she was named Ypres after the first battle in Belgium in the fall of 1914. The First Battle of Ypres had hardly begun when Rushford became a casualty, shot through the lung on 11 November 1914. Less fortunate were his two closest friends, Private Charles McIntosh and Corporal Ernest Salt. They were killed before the end of 1914.³

¹Cumberland *News*, 4 August 1915.

²For references to Canada and the World War I see, for example: G.W. Larkin and J.P. Matresky, *Canada in the Twentieth Century: World War I* (Markham, 1987); John Swettenham, *Canada and the First World War* (Toronto, 1969); Patricia Giesler, *Valour Remembered: Canada and the First World War* (Ottawa, 1982); Daphne Read ed., *The Great War and Canadian Society: An Oral History* (Toronto, 1978).

³Cumberland *News*, 12, 26 August, 9 December 1914; 24 February 1915.

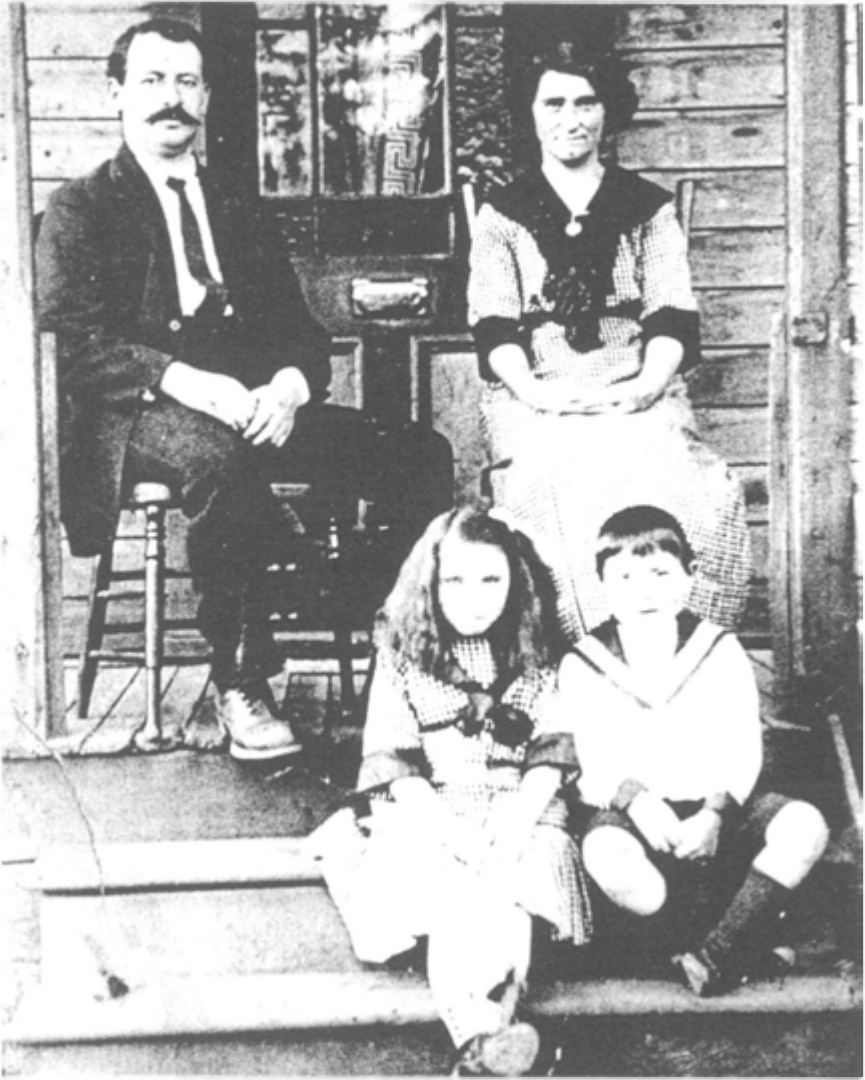
Lance Corporal Rushford recuperated in hospital in Aldershot, England, and was invalided home to Cumberland where he received a hero's welcome on 4 May 1915. Schoolchildren were given the day off. The arriving train was decked in the Union Jack. The West Cumberland Band played. There was a procession. Mayor Charles Parnham read an exuberant address of welcome: "Cumberland is proud of you; proud of your association with a gallant corps — the Black Watch; proud of your cheerful response to the call of duty; proud of your gallant conduct in the face of the enemy; proud of the blood you have shed in fighting your country's foes, and proud of the honourable scars you carry, and we feel it is a great honour to be permitted to welcome home one who has so valiantly upheld those principles for which the whole of the British Empire, and her gallant Allies, are now contending. While we deplore the desperate nature of your wounds and your incapacity for further active service, we trust that you have still many years of health, strength and usefulness before you. In a relentless struggle, such as is now raging in Europe, the 'Last Post' has sounded for many gallant men and you will no doubt render sincere thanks to The Almighty Father for your wonderful preservation and the joy of once again being reunited with your family. Your recollections of the enthusiastic loyalty of Canada, the throbbing patriotism of the British Isles, the stirring scenes of France, the Battle of the Aisne, the desolation and spoliation of Flanders, may, in years to come, grow dim and fade from your memory, but the screech of shells, the shock of arms and the smoke and din of battle-wrecked Ypres, will never be forgotten, and this Flemish town — of immortal fame — has fittingly given a name to the little girl who came into this world while her father was bravely striving for King and Country."⁴

The joyous hero's welcome for Rushford clashed with the grim news that Fletcher and George Elliott, sons of Rev. and Mrs. William Elliott, minister of Grace Methodist Church in Cumberland, had been killed in the second Battle of Ypres. Rushford was among those attending an overflow congregation of the Methodist and Presbyterian churches for a memorial to the two dead men. A few days later, the Elliotts received a cablegram: There had been a mistake. Fletcher was, after all, alive and well, though George was indeed dead.⁵

Sadly, little Ypres died a month after her father returned, after a two-day illness. Because of his war wounds, Rushford was unable to work for a year and the Comox District Patriotic War Fund helped the family out financially. Then he became the provincial government's game warden in Cum-

⁴Cumberland *News*, 5 May 1915.

⁵Cumberland *News*, 5, 12 May, 2, 9 June 1915.



Robert Rushford, volunteer soldier injured early in World War I and later a reluctant BC Provincial Police constable in the search for draft dodgers including Goodwin, poses in 1915 with his wife, and children, Nava and Jimmy, on the porch outside their Cumberland home. *Cumberland Museum and Archives, C192-048.*

berland.⁶ In 1918, he was appointed Cumberland's constable in the Provincial Police. Not surprisingly, he was less-than-enthusiastic when his duties required him to search for Goodwin and other draft dodgers. He knew first-hand what war was about.

In the coalfields of Vancouver Island, destitution in the wake of the Big Strike was severe and lasted well into 1915. There was not enough work for both former strikebreakers and former strikers because of the depression. Coal production from Canadian Collieries at its Cumberland and Extension mines dropped from the all-time high of 898,908 long tons in 1910, when Dunsmuir sold the mines, to 741,569 tons in 1912, when the strike started, and to 523,947 tons in 1914 when the strike ended. In 1915, production fell further to 427,812 tons. The work force of 1,516 men above and below ground was 1,003 less than in 1910. General manager Walter Coulson's pitch to investors of producing 2,000,000 tons a year was a disastrous pipe dream. But the company's expenditure of \$3,500,000 on modernization on top of the purchase price of \$11,000,000 produced a debt load that proved impossible to sustain. This resulted in 1920 in a massive corporate reorganization and write-down of assets that a later royal commission judged was insufficient even at the time. After 1915, the depth of the depression, production did pick up, reaching in 1919 the second-highest annual total of 863,418 long tons before falling again.

Strikers who were active in the union, especially, were not recalled to work. Joe Naylor, the leader of the Cumberland miners, did not get work again until the early 1920s. Many former strikers moved away. The British government paid the fare home for miners needed there and a large number took up the offer. The union claimed there was a blacklist and that companies were bringing in new miners in preference to hundreds of former strikers. There was no public social safety net, no unemployment insurance, and no welfare. The distress moved even the provincial government to action because people were left, literally, without resources. The government began supplying food to those who applied for it. The Provincial Police in Cumberland investigated 40 destitute families in October-November 1914 but there were many more. Work-for-welfare on roads was instigated.

When relief work for single men was withdrawn in the summer of 1915, Goodwin appeared before Cumberland council and asked it to use its influence with the provincial government to secure work for the men. He said he knew of men who had eaten only one meal in two days. He did not know what they might resort to, and he was one of them, working for relief on the roads. It was a disgrace to humanity to see strong healthy men go idle, he

⁶Cumberland *News*, 26 May, 2 June 1915; Cumberland *Islander* 15 June 1915; 20 May 1916.

said. "No one can predict what men will do in case they go hungry. No one would like to see anyone do anything that was against the law," he said.

Mayor Charles Parnham was not sympathetic although council voted to forward a letter from Goodwin and others to the provincial government. Parnham, who worked throughout the strike as a foreman, said council could do nothing. It was overdrawn at the bank, he said. He asked why rate-payers should support a lot of single men.

Even less sympathetic was the *Cumberland Islander* that had been antagonistic to the strikers from the start. It commented editorially that the miners had no one to blame but themselves for starting the strike in the first place, then being cast adrift by the UMWA. The *Islander* had its own solution, in the second year of World War I: "The call to 'Halt, Fall In!' has been sounded and recruits are wanted at the front. The men who have tried and failed in the medical examination have done their best. But what about those who have never tried at all — those white feather men conspicuous with the red flag when the district was prosperous."⁷

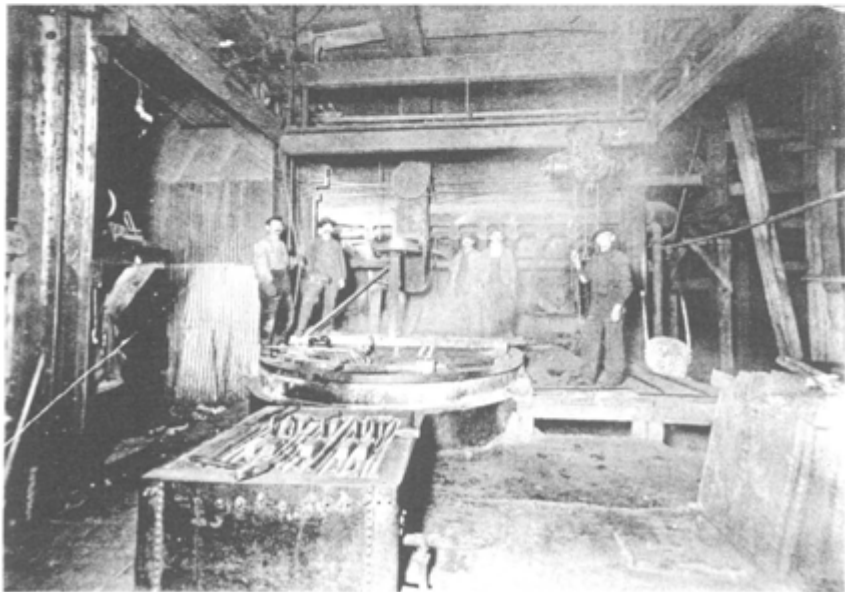
The white feather was, of course, the tag of cowardice. Women pinned white feathers on fit-looking men they thought should be fighting at the front. The object was to publicly humiliate men and to shame them into military action. A serious mistake occurred in Toronto after one such episode. The young victim rolled up his trousers to show an artificial leg. He had lost his real leg in battle. He was sixteen years old. Patriotism became jingoism, even vigilantism.⁸

Propaganda posters urged eligible young men who were slow to volunteer to step forward. "Daddy, what did YOU do in the Great War?" asked one. The quick reply: "JOIN NOW." Recruiters pressed men in the street to volunteer. Lists of volunteers were published in newspapers. Soon other lists appeared — of the dead and the wounded. Then the wounded began arriving home. The euphoria that marked the start of the war began evaporating. So did the optimism that the war would soon be over.⁹

⁷UMWA District 28 Papers, Washington, DC; BC Archives, Cumberland, Provincial Police Reports, GR 445, Box 15, File 4; *Cumberland Islander*, 17, 24 July 1915; W.L. Coulson report, 31 March 1910, Exhibit 817, (BC), Royal Commission on Coal and Petroleum Products, GR 686, Box 11, File 3; and Canadian Collieries Prospectus 5 May 1910, Buckham Collection, AddMss 436, Volume 32, File 8,; (BC), Royal Commission on Coal and Petroleum Products, Volume 2 (1937) and Volume 3 (1938); Annual Reports, Minister of Mines, 1910 onwards.

⁸*Cumberland News*, 30 September 1914; Read, *The Great War and Canadian Society*; Robin MacDonald, "White Feather Feminism: The Recalcitrant Progeny of Radical Suffragist and Conservative Pro-War Britain," *Ampersand* 1.1 (Fall 1997).

⁹Read, *The Great War and Canadian Society*.



The huge lead, zinc and copper smelter in Trail, BC, belches its sulphurous smoke that killed vegetation on surrounding hillsides and created a “leading” health problem for workers. The photographs are approximately contemporaneous with Goodwin’s time in Trail from early 1916 to early 1918. *Trail City Archives*.

Meanwhile, still unemployed one year after the Big Strike ended, and having depended on work for welfare, Goodwin left Cumberland for a coal-mining job in Merritt in the Nicola Valley on the BC mainland. After a short time, he moved again, signing on with his old employer, Crow's Nest Pass Coal Company, this time as a driver at No. 1 East mine in Coal Creek near Fernie. No. 1 was the biggest of the company's seven operating mines in Coal Creek with 1,051 workers, 740 of them underground. Goodwin agreed to go to work on 18 December 1915 for \$3.03 for an eight-hour day.¹⁰ But, early the next year, he ended sixteen years in the coal mines and moved to Trail in the West Kootenay where he began his meteoric trade union career — and his fatal collision with conscription.

Goodwin started in Trail as a smelterman for the Consolidated Mining and Smelting Company Limited (CM&S), then owned by Canadian Pacific Railway, and known since 1966 as Cominco Limited until 2001 when it merged with Teck Corporation to become TeckCominco Limited. Work in the smelter was grim and the environmental damage it caused in both the Trail area and southwards into the United States was serious. F. Augustus Heinz started the smelter in 1896 to process copper and gold from the booming mines at Red Mountain in nearby Rossland. The CPR bought the smelter in 1898 and soon lead and zinc were added to the ores being processed. Copper and zinc were essential ingredients for shell casings in World War 1. In 1916, the smelter was becoming the largest metallurgical works in the world. It belched an average of 4,700 tons of sulphides, mainly sulphur dioxide, into the air every month, killing trees and other vegetation on the surrounding hills. The landscape was scorched by acid rain.

Workers were critical of conditions inside the Trail smelter. Production workers put in an eight-hour day but mechanics and day labourers worked nine hours. The BC Labour Department reported a work week of 56 hours, meaning workers did not have regular days off. Lead is a powerful poison and there were 89 temporary total disability awards for this reason out of 208 for all reasons by the Workmen's Compensation Board in 1918. In earlier years, there was no compensation for an industrial disease like lead poisoning. Large doses of lead produce sickness and death and smaller doses affect various parts of the body including blood, the nervous system, kidneys, and the reproductive systems of men and women. Early symptoms may include a drop in physical fitness, fatigue, sleep disturbance, headache, aching bones and muscles, stomach pains, decreased appetite, and extreme and persistent constipation. The main hazards in lead smelting are dust produced during crushing and grinding operations and fumes and oxides

¹⁰Glenbow Museum and Archives, Calgary, Employment application form, The Crow's Nest Pass Coal Co. Limited, CNP Papers, File 502.

encountered in sintering, blast-furnace reduction, and refining. Dust control and hand washing are important deterrents to what was called "leading."

The Trail Mill and Smeltermen's Union, Local 105, told the Royal Commission on Labour in 1913 about lead poisoning problems. With a sense more of resignation rather than outrage, union president Fred Perrin said: "It's an industry a man can't expect to work at without getting sick." The union asked that the Compensation Act be amended to include smelters and refineries and that industrial diseases be put on the same footing as accidents. The union also sought the eight-hour day for all smelter workers.

"The average man goes to work at the lead furnace and three months is about the average of what he can stand," said union secretary Colin Campbell. "Three months is about the limit that most of them will stay there without getting leaded." This applied to 140 men out of the workforce of about 600. "When they get leaded they lay off all the way from three to six weeks and after they come back to work they last about another six weeks generally," he said. It was "very seldom" that a leaded worker could stand another three months employment.

Local doctor William Coghlin said he treated fifteen to twenty men a month for leading, "some just recovering and others just coming in."

Campbell appeared fatalistic when asked what could be done to prevent lead poisoning. "The management here does the best they can. Still it's very bad," he said. Management representatives said the company was installing new dust-collecting machinery to reduce leading and planned a wash-up facility in the middle of the day before eating.

Management was unenthusiastic about the union proposal to change the law to treat industrial diseases on the same basis as accidents. "It puts the man in a position to say he's leaded any old time he feels like it," said smelter superintendent James Buchanan. But Dr. Coghlin dismissed this concern, saying: "There isn't very much trouble in diagnosing lead poisoning."

Buchanan said he had known men to work for a year without being affected by lead but "other fellows can't go near it at all. They may be leaded in one day." But working for one year without being leaded, he conceded, would be an exception.

"As a general rule, when a man is badly leaded, we try to put him somewhere else until he gets over it," Buchanan said. But Campbell put it differently. He said, "It's a case of necessity for them to work on that job, or they have no job at all. You can't get another place for all of them."

General manager Robert Stewart said that while some smeltermen booked off on Sundays, they could work 30 days without a break. The company made no provision for "laying off" meaning no days off or vacations.

An incredulous member of the royal commission asked: "Don't you take into consideration the relieving of these men once in a while?" Replied Stewart: "No, we haven't any special arrangement for it."

The BC legislature did pass the Workmen's Compensation Act on 31 May 1916 that came into effect on 1 January 1917. Suits for damages in court, where the injured worker or his estate had to prove blame, were replaced by no-fault employer-funded compensation. It also included lead poisoning in a schedule of compensable industrial diseases. Parker Williams, the former Ladysmith coal miner, union organizer, and Socialist member of the legislature, was one of the three compensation board commissioners.¹¹

¹¹Jeremy Mouat, *Roaring Days: Rossland's Mines and the History of British Columbia* (Vancouver, 1995); Elsie Turnbull, revised by Jamie Forbes, *Trail . . . An Invitation to History* (Trail, 1987); Elsie Turnbull, *Trail Between Two Wars: The Story of a Smelter City* (Victoria, 1980); First Report of the BC Labour Department, 1918; Second Annual Report of the BC Workmen's Compensation Board, 1918; Royal Society of Canada Report to Environment Canada "Lead in the Canadian Environment: Science and Regulation, 1986"; *Encyclopaedia of Occupational Health and Safety*, Volume 2, International Labour Office, Geneva; BC Archives, (BC) Royal Commission on Labour, transcript of hearings, 20 May 1913, GR 684, Box 2, File 8, 317.

CHAPTER FIVE

GOODWIN IN ACTION

"It is the workers themselves that must work out their own emancipation."

Albert (Ginger) Goodwin, 1916¹

GOODWIN'S EARLIEST RECORDED political activity in Trail was attending the reorganizing meeting on 13 May 1916 of the Socialist Party of Canada, Local 37, and giving a short talk "emphasizing the necessity of education and clear propaganda."² He must have made a favourable impression because, two months later, the party picked him as its candidate for the provincial election on 14 September 1916. He was described as "a miner by trade but who has been an employee of the Trail smelter for the past seven months."³

Goodwin declared flatly that "the interests of the workers and that of the capitalists cannot be harmonized."⁴ Neither the Liberal nor Conservative parties would be of much benefit to the workers, he said. If the workers wanted a real change, they should vote the Socialist ticket in September.⁵ He drew mixed reviews from the press. The Rossland *Daily Miner* found Goodwin "exceptionally clever and speaking along the lines of the doctrines of the party he represented.... His address was well received."⁶ The *Trail News* referred to his "clear-cut manner" and reported that he spoke "forcefully and did not mince his words."⁷ Yet the *Miner* reprinted an opinion from the far-away *Victoria Daily Times*: "Albert Goodwin is a young man, full of the vague and irrational thinking which passes muster for reason."⁸

When the votes were counted, including the armed forces overseas, the sitting member of the legislature, Conservative James Schofield, was

¹ *Western Clarion*, July 1916.

² *Western Clarion*, June 1916.

³ *Rossland Daily Miner*, 18 July 1916.

⁴ *Trail News*, 21 July 1916, SPC advertisement declaring Goodwin's candidacy.

⁵ *Trail News*, 18, 25 August 1916.

⁶ *Rossland Daily Miner*, 25 July 1916.

⁷ *Trail News*, 28 July and 18 August 1916.

⁸ *Rossland Daily Miner*, 1 September 1916.



Goodwin speaks. The photograph appears to be from 1916 or 1917. The location is not known but the time suggests it was in Trail. *Cumberland Museum and Archives, C110-004.*

re-elected with 626 votes followed by the Liberals' Michael Sullivan with 484 and Goodwin with 262.⁹ Within Trail itself the result was much closer: Sullivan 319, Schofield 239, Goodwin 214.¹⁰ The SPC seemed satisfied, declaring that Goodwin put up "a clean and vigorous campaign" as the first Socialist candidate in the constituency "and much credit is due to Com(rade) Goodwin for the manner in which he conducted the fight." Credit was also extended to a Cumberland friend of Goodwin's, Peter Zanoni, for his "great assistance" among the significant Italian community in Trail.¹¹

Goodwin continued to articulate his Socialist views in the *Western Clarion*. In straightforward language, he could engage in Marxist flights of rhetoric but he also sounded at times dreamily utopian. Perhaps viewing the exclusive residential area where managers and their families lived upwind from the sulphurous smoke that belched from the Trail smelter chimneys, Goodwin wrote about the economic law of class: "This gorgeous display of wealth by those that do not produce, before a half-starved community of workers must arouse a consciousness, more or less of the huge amount of wealth that has been exploited from the workers in the past." He also wrote: "Instead of waiting till we are dead, we are beginning to realize that happiness can be gained here; instead of accepting that everything that falls to our lot was ordained, it has been discovered that intelligent action by the workers can affect the conditions of their lives." Workers must work out their own emancipation and the Socialist Party of Canada was the organization to carry on a program of education, he wrote "As the condition of the workers becomes more unbearable, the call for education and knowledge must of necessity increase, that the galling chains of wage slavery, with their accompanying evil effects of misery and want, insanity and crime, may give place to a society where slavery is no more, and happiness and joy, peace and plenty, be at the disposal of all. This will mean 'Social Salvation'," he wrote.¹²

In "Civilization," he wrote of the toll of life exacted by industry "for the satisfaction of its insatiate appetite. It has made the life of the worker a veritable hell, destroyed every charm of his being, and dragged the women and children of his class into the vortex of production."¹³

In "Nationalism and Internationalism," he wrote of the "conflicting interests of the masters of the different nations that are competitors for the markets of the world in which they hope to get rid of the wealth extracted

⁹*Parliamentary Guide*, 1917.

¹⁰*Trail News*, 15 September 1916.

¹¹*Western Clarion*, October 1916. For Zanoni, see also Chapter 5 note #24.

¹²*Western Clarion*, July 1916.

¹³*Western Clarion*, January 1917.



Goodwin lived at the Meakin Hotel at the corner of Cedar Avenue and Spokane Street in Trail. The hotel, shown here in the early 1900s, opened in 1896 with 24 bedrooms, offices, and a dining room. It was demolished in 1957. *Trail City Archives.*

from the wage slaves." Soldiers returning incapacitated from the field of battle "are left to rustle for themselves" and "were it not for the kindness of friends they would be left to starve. The only liberty you have under Capitalism is to work for wages when you are wanted (that is when you can be profitably employed) and when the markets have been glutted with the surplus wealth stolen from you, to be thrown out of work to want for the bare things of life, or take up arms and fight for the opportunity to dispose of his commodities you so generously produce and turn over to him."

Goodwin was quite clear in his anti-militarism: "Our efforts must be bent to the cause of our enslavement, capitalism; and in that case it precludes the workers from taking action in national wars, that does of necessity undermine the international character of the proletariat." Socialism was the antithesis of nationalism, he wrote. The workers did not start World War I. "The real trouble was that the masters interests were endangered through competition with each other, and they called upon their slaves to fight it out. And that the manufacturers of armaments wax fat at the large profits

derived from the sale of the engines of destruction, explains their attitude on war very ably," he said.¹⁴

Goodwin said the Morgans, Rockefellers, and Rothschilds "will reap the victory, no matter how the war ends. It will be the law of concentration of capital into fewer hands strangling the life out of the smaller capitalists in the process of creating a smaller number, but more powerful master class, than was before."¹⁵

Goodwin told an audience at the Rex Theatre in Vancouver that as long as the working class kept itself in ignorance of the facts, it would be subservient to the master class. The World War was caused by competition for markets. He appealed to his listeners to study the situation and tell fellow workers of their condition. Only in this way could the cause of Socialism triumph. The Vancouver daily newspaper *World* was moved to comment about Goodwin: "The speaker showed that he had acquired a fund of knowledge on the subject and, contrary to the tactics of many Socialists, spoke with calmness and refrained from abusing those classes and institutions which so often are the target of the illiterate Socialist."¹⁶

Goodwin's trade union activity grew and on 18 December 1916 he was elected secretary of the Trail Mill and Smeltermen's Union, Local 105, and functioned as its business agent. The local was chartered in 1905 by the Western Federation of Miners to represent smelter workers. In 1916, the WFM changed its name to the International Union of Mine, Mill and Smelter Workers to reflect its geographical significance beyond the west in Canada and the United States as well as its industrial jurisdiction representing mill and smeltermen as well as hardrock miners. Organizing efforts by Goodwin and others brought the membership of the Trail local to about 1,000 of the 1,500 employees at the smelter. Many of the remaining employees were mechanics who belonged to individual craft unions.

Goodwin worked in the union hall on Cedar Avenue and lived nearby at the Meakin Hotel, a three-storey hotel built in 1896 for Mary Jane Meakin, who died in 1901. The hotel's name survived until it was demolished in 1957. James Hurley and his wife Frances operated the hotel from 1911 to 1925. Frances ran the dining room, with four big tables, where Goodwin ate his meals. It was known as a workingman's hotel and almost everyone who stayed there worked at the smelter.¹⁷

¹⁴*Western Clarion*, June 1917.

¹⁵*B.C. Federationist*, 2 November 1917.

¹⁶*Vancouver World*, 20 August 1917.

¹⁷Mayse, Ginger; Mike Solski and John Smaller, *Mine Mill: The History of the International Union of Mine, Mill and Smelter Workers in Canada Since 1895* (Ottawa, 1985); United Steelworkers of America, Local 480, *A Time to Remember* (Trail, 1976); Trail News, 16 November 1917; Jamie Forbes, *Historical Portraits of Trail* (Trail, 1980); Pa-

Just over a month after assuming full-time union leadership, Goodwin increased his union stature when he was elected vice-president (West Kootenay) of the BC Federation of Labour as part of a slate of left-wingers that included his old friend, Joe Naylor of Cumberland, who was elected president. Naylor was still unable to get work in the coal mines after the 1912-14 Big Strike and all that kept him on Vancouver Island was the United Mine Workers of America taking him on as a part-time organizer. Goodwin's trade union career rose further still when he was elected president of the Trail Trades and Labour Council and, from April until September, he was also president of Mine Mill's District 6, covering its locals in the Kootenays.

Soon Goodwin was engaged in a lively exchange of correspondence with the smelter company's assistant manager, Selwyn Blaylock, who handled labour relations. Letters show Goodwin was clear and firm with smelter management, not deferential. Blaylock was also firm and could be paternalistic, even petulant. Goodwin rapped the company for violations of the eight-hour workday in February 1917: "There is a penalty imposed upon those that do not comply with the law, but we feel that you should have the opportunity to remedy the grievance before taking the case any further." Blaylock replied that the matter was corrected in one work area before Goodwin's letter arrived and he promised to look into hours at the copper refinery "and we will see that the spirit as well as the letter of the law is lived up to." Clearly annoyed by Goodwin's bluntness, Blaylock added: "If any of our workmen notice any such irregularity in the future, I hope that it will be brought to our attention in a courteous way, and not be accompanied by a threat of prosecution in the Courts, before it is found out whether or not we are unwilling to observe the law."

But the company quickly sent a letter to its lawyers in Nelson, Charles Robert Hamilton and Edmund Carlyon Wragge, asking for an opinion on its obligation to observe the eight-hour workday law. Hamilton replied that the law did not apply to the handling of blister copper, fine copper, lead bullion, and pig lead. When Goodwin complained again in June that copper refinery men were working beyond eight hours — by half an hour — Blaylock pointed to a notice posted a few days before the letter saying no man was required to work beyond eight hours. This notice was despite Hamilton's written opinion about copper.

In early April, Mine Mill's District 6 proposed to CM&S that workers at all its smelters and mines get a 50-cent daily pay raise and voluntary checkoff of union dues. The company responded that it had "contracts with both the

tricia Wejr and Howie Smith, *Fighting for Labour: Four Decades of Work in British Columbia 1910-1950* (Victoria, 1978); *Trail Daily Times*, 7 August 1957; Charles Goad fire insurance plan for the city of Trail, 1918.



The company store in Trail, owned by Consolidated Mining and Smelting Company, was opened in 1917 with support from the Trail Mill and Smeltermen's Union, Local 105, during a period of rapid inflation. Known as the Retail Department of CM&S, it is shown here in 1920. It operated until 1951. *Trail City Archives.*

Trail and Rossland local unions" and told federal labour department mediator, John McNiven, that it feared a strike. "Labour seems to have completely lost its head," wrote managing director James J. Warren. Despite his pessimism, a wage increase was negotiated without a strike but the company successfully resisted the union's request for dues checkoff.

The correspondence shows the foundation for the disagreement that led to the strike later in the year over the eight-hour workday: the two sides differed sharply on whether there was a contract at Trail. The company said an agreement reached on 27 June 1916 at Trail was "for the duration of the war." Goodwin said "there is no agreement between this union and the Consolidated Co." Unfortunately, the 1916 letters that would clarify this issue do not survive verbatim, although parts of them were quoted in extant letters from 1917. The negotiations carried out through these 1916 letters were not drawn up as a contract between union and company. The only known remaining record of the 1916 sliding-scale wage agreement accepted by the employees appears in the *Trail News* of 30 June 1916 but it does not mention the duration of the agreement. This was an improved of-

fer over a company wage scale effective 1 May 1916, which also made no reference to the length of contract.

The confusion appears to have occurred this way: On 5 May 1916 CM&S sent a letter to employees with a new wage scale retroactive to 1 May "for the duration of the War" but this was rejected 500-to-17 by the employees. After mediation under McNiven, the company wrote to him agreeing to the increased offer and concluded, "Except as modified by this letter, the scale made effective on May 1st, 1916, shall prevail." The union took the position that there was no specified length of contract in the second offer; the company pointed back to its 5 May 1916 letter, dealing with the first offer, and said the agreement was in effect for the war.

Warren, meanwhile, wrote in confidence to federal Labour Minister T.W. Crothers saying that the company could not deal with the union on a district-wide basis. The district officials were being "unfriendly and unfair," he said, and the union was "trying to take advantage of the necessity for metals for munitions purposes to get a complete hold on the labor situation in the southern interior of British Columbia." He also wrote: "Personally, I believe in Unions and that we should have one both here and in Rossland, but when the Union attempts to control the whole situation, it must be checked, or the country will go to the dogs."

The wage increase of 15 cents above the 25 cents a day earlier offered by the company, and a sliding scale based on the price of lead that could take this to 50 cents, was spurred by the rapidly increasing cost of living. While prices remained almost unchanged until the end of 1915, they jumped eight per cent in 1916, more than 18 per cent in 1917 and 13½ per cent in 1918. This spurred labour unrest generally in Canada as workers tried to keep up with inflation. In Trail, there was the unusual instance of the union supporting a company store. Although the union expressed reservations as early as March 1917, both sides reached an agreement for a company store by July over protests from local storekeepers who denied they were profiteering. Goodwin wrote that a company store "has been accepted by the Union men through a referendum vote. The ballot was strongly in favor of the proposal and the men are anxious that the store be started as soon as possible. They don't want to be held up any longer is the cry of the men and all concerned." Thus began The Company Store, also called the Retail Department of CM&S, that was to last until 1951.

While prices soared, so did profits. In the years leading up to World War I, CM&S net annual profits were about \$300,000 but this soon jumped to close to \$1,000,000 and for the year ended 30 September 1917, net profit was \$1,076,828. Total dividends paid out were handsome, rising from \$464,376 at the beginning of the war to \$1,047,745 at the end. Wartime expansion of the smelter, especially the processing of lead and zinc, boosted

assets to \$17,099,923.04 from \$9,355,302.02 in 1914. During the war, the company supplied the Imperial Munitions Board with 22,356 tons of zinc, 39,606 tons of lead and 6,831 tons of copper. Even after the war, for the 15 months ended 31 December 1919, net profit was \$976,065.13, assets were \$19,866,738.64 and dividends were \$1,315,462.50. Then metal prices dropped to pre-war levels and wages were cut in 1920 by 12½ per cent.

In August 1917, the eight-hour workday and the disputed existence of a labour contract at the smelter surfaced again as issues when carpenters stopped work in protest at working Sundays. The carpenters were among several hundred mechanics and day labourers who worked a nine-hour day. They belonged to different unions than Mine Mill. Blaylock told James Graham, local secretary of the United Brotherhood of Carpenters and Joiners, that: "All agreements, wage scales, etc. between this Company and its Union employees are made between the Mill and Smeltermen's Union and the Company. These agreements also cover all non-Union men, or men not belonging to the Mill and Smeltermen's Union. The scale of wages and hours of work for all classes of labor employed in and about the smelter has been agreed upon between the Mill and Smeltermen's Union, by whom the carpenters were represented, for the duration of the War."

While in this instance Blaylock said the company had an agreement with a union, he tended to recognize unions (or not) as it suited company purposes. In May 1916, for example, he told The Daly Reduction Company Limited in Hedley, BC, that: "We have, however, flatly refused to recognize the Western Federation of Miners or their officials, as such." At the same time, he told his superintendent of the Kimberley mine, J.K. Cram, that he did not "care to change the system of dealing with committees of our own employees."

Blaylock, however, frequently did business with union officials and considered that the company had a binding agreement at the Trail smelter with the union for the duration of the war. In the case of the smelter carpenters, discussions were held with Mine Mill that resulted in a compromise. Blaylock agreed to cut out all work possible on Sundays. If Sundays were worked, the carpenters could get another day off during the week. Perhaps most significantly, the eight-hour workday was implemented — on Sundays.¹⁸

¹⁸UMWA District 28 Papers, Washington, DC; BC Archives, Cominco Papers, AddMss 15, also AddMss 2500 Volume 40 Box 8 (profits); Mary McRoberts, "The Routing of Radicalism — The 1917 Cominco Strike," *The Ascendant Historian*, 3 (1985); Stanley Scott, "A Profusion of Issues: Immigrant Labour, the World War, and the Cominco Strike of 1917," *Labour/Le Travailleur*, 2 (1977); Stuart Jamieson, *Times of Trouble: Labour Unrest and Industrial Conflict in Canada, 1900-66* (Ottawa, 1968); Forbes, *Historical Portraits of Trail*; Annual Reports, BC Minister of Mines.

Meanwhile, as the wheels ground on for an inevitable clash in late 1917 between union and company over the eight-hour workday at the Trail smelter, the European war clouds settled over the Canadian political landscape and dropped the most divisive domestic issue of World War I — conscription.

A staggering 94 per cent of young Canadian men who registered for conscription, as required under the Military Service Act, sought to avoid army service. There were 401,882 registered conscripts and 379,629 of them sought exemption. Nor was the desire to avoid conscription limited to Quebec, as might be (and popularly still is) supposed to be the case. In Quebec, 115,000 of the 117,000 conscripts did seek exemption. But in Ontario, so did 118,000 of 125,000; in BC, 12,824 of 15,821 conscripts did not want to fight.¹⁹ Ginger Goodwin was in plenty of company. But he was different in one important respect: He *publicly* opposed war on *political* grounds.

At the front, the opposing armies had dug themselves in and for three years had fired bullets and bombs at each other without much ground changing hands. Fresh supplies of manpower were needed because voluntary recruitment was not enough. The federal government led by the Conservative Prime Minister, Sir Robert Borden, decided that conscripts would augment volunteers. It was a decision that provoked widespread political dissent, especially in Quebec where there were anti-conscription riots, and it led to a bitter federal election in the last month of 1917. Opposition leader Sir Wilfrid Laurier opposed conscription but his Liberal party was split. Canada was a country divided.

The BC Federation of Labour convened a special convention in September 1917 to protest conscription. Delegates called for a general strike that was approved by locals but there were so many abstentions as to question its general acceptance. It was never implemented. Labour decided to run anti-conscription candidates at the general election. Goodwin told the convention that conscription meant life or death to the workers who should not conclude that because the conscription law had been passed, that it would become effective. He promised to do all in his power to prove to workers that war was none of their business.²⁰

In the trenches, the tide finally began to turn in favour of the Allies. Canadians were victorious at Vimy Ridge in April 1917 where British and French armies had failed. But the cost in human terms was steep. By the war's end, Canada had sent 418,052 troops overseas of whom 56,638 were killed. The number of combatant deaths from all countries has been put at

¹⁹H.A.C. Machin, Director of the Military Service Branch, final report 1 March 1919, in J.L. Granatstein and J.M. Hitsman, *Broken Promises: A History of Conscription in Canada* (Toronto, 1977); *Canadian Annual Review*, 1917.

²⁰*B.C. Federationist*, 7 September 1917.



Selwyn Blaylock (left), assistant general manager of the Trail smelter until 1919, then general manager, always head of labour relations, sits next to the visiting Prince of Wales, later (briefly) King Edward VIII, during royal visit in 1926. Others (to the prince's left) are James Buchanan, T.W. Bingay, the Duke of Kent and George Murray. *Trail City Archives*.

9,700,000. But even that death toll from four years of war paled before the influenza pandemic that lasted less than one year in 1918 and 1919. It killed 21,640,000 people. The Canadian influenza death toll has been put as high as 50,000.

Also overseas, in what was arguably the most important single event of the 20th century, the Bolsheviks (later called Communists) snatched power in Russia from the provisional government of Alexander Kerensky on 7 November 1917. Czar Nicholas II had abdicated earlier in 1917 in favour of the provisional government. The Communists withdrew Russia from World War I and the country split in a civil war between the Reds and the Whites. Western countries, including Canada, sent troops to side with the Whites. In Trail, Selwyn Blaylock, the assistant general manager of the smelter, was

²¹ *Guinness Book of World Records*, 1993 (New York, 1992); *Encyclopedia of British Columbia* (Madeira Park, 2000); *The Canadian Encyclopaedia*, Second Edition, Volume II, 1988 (Edmonton, 1988). The figure for the number of Canadian war dead is from Sir Andrew Macphail, *Official History of the Canadian Forces in the Great War 1914-19: The Medical Services* (Ottawa, 1925). Other references give varying and slightly higher figures.

elected president of the local branch of the Win the War League, a national pro-conscription group. He was also a captain in the reserve militia, the Trail Company.

Businessmen Noble Binns of Trail and William R. Braden of Rossland were chosen to be the members of Local Tribunal No. 30 (Rossland and Trail), one of the local tribunals across Canada that decided on applications for exemption from conscription. Binns joined Blaylock on the executive committee of the Win the War League. They both belonged to the Trail Board of Trade, of which Binns was president. Still, Binns could show an independent streak. CM&S managing director James Warren declared in early October 1917 that the company would apply for exemption from conscription for all its workers. He said they were serving their country in what was really a munitions plant "and aiding in the prosecution of the war just as much as if they were armed and in the trenches." Binns publicly disagreed. He did not consider Warren's circular worth the paper it was written on. The Military Service Act would be fully carried out with fairness to the company and the men, he said. There was no blanket exemption for smelter workers. E.L. Newcombe, deputy minister of justice in Ottawa, agreed with Binns.²²

The Military Service Act provided eight grounds for exemption. Ill health or infirmity was the most frequently cited ground by potential conscripts. It was a measure of the poor state of people's health in Canada that, according to one report, medical boards examined 361,605 men and found 181,229 of them physically unfit for service in the field.²³ Other grounds for exemption included importance of continuing employment for which the exemption applicant was specially qualified. Conscientious objection required a religious prohibition — no help for atheists like Goodwin. Clergymen could claim an exemption.

Goodwin attended his last convention of Mine Mill District 6 in September 1917 when he declined nomination for president and was succeeded by Marcus Martin of Nelson. The convention again called on the provincial government to require an eight-hour workday for everyone employed in and around smelters. With an eye elsewhere, the union proposed Goodwin for deputy minister in the new labour department being created by the BC government. Labour councils in Vancouver and Victoria supported him. The post, however, went to federal government mediator, John McNiven, in December 1917.

Goodwin's personal ambition resulted in the Dominion Executive Committee of the Socialist Party of Canada, including prominent labour leader

²²Trail News, 14 September, 5, 12 October, 2 November 1917; Rossland Daily Miner, 10 October 1917; Nelson Daily News, 15 October, 2 November 1917.

²³Macphail, *Official History of the Canadian Forces in the Great War*.



Goodwin rides a horse with Kootenay officers of the International Union of Mine, Mill and Smelter Workers, formerly Western Federation of Miners, before May Day Parade in Trail in 1917. *Pacific Tribune*.

Jack Kavanagh, refusing to renew his membership. The executive stated "that any individual attempting to enter political life as a lackey of the present political parties is unfit to hold membership in the SP of C. That the action of A. Goodwin in allowing his name to be used as a candidate for Deputy Minister of Labor in BC, and his acceptance of the candidature by the absence of any public repudiation placed him in the position above stated." By the following spring, Goodwin's \$3 dues were accepted and he was back in the party, with Kavanagh making the motion to re-admit him. No explanation was published for the change of mind. This was the second time Goodwin had run afoul of the often doctrinaire SPC. In early 1915, the party's BC Executive Committee demanded the reinstatement (presumably after expulsion) of Goodwin, as well as Joe Naylor and Peter Zanoni,²⁴ because they "have not, in our opinion, violated any clause of the party platform in stating 'that the commodity struggle was part of the class struggle'." The commodity struggle meant strikes and so this indicates that Goodwin had been opposed by the Impossibleist faction of the SPC that dismissed

²⁴Peter Zanoni was a Cumberland miner at No. 7 Mine, where Naylor had also worked. Zanoni was evicted by Canadian Collieries from his company house early in the Big Strike: BC Archives, GR 1946, File 6.

strikes as commodity struggles. Clearly, Goodwin saw strikes as part of the class struggle.²⁵

The issue of the eight-hour workday for all CM&S smelter workers was presented squarely for negotiation in mid-October 1917. But behind Goodwin's back, local union president Jack McKinnon engaged in unofficial communications with Blaylock, as one surviving letter shows. In a hand-written letter to Blaylock dated 5 July 1917, McKinnon had this to say to his boss: "Re our conversation yesterday dealing with the wages of concrete men and straw bosses I have nothing more that I can say that would further explain to you the action of the union in dealing with the matter as communicated to you by Secretary Goodwin and anything that I could say would be as I have already explained to you in our conversation would only be as an individual. As the union have [*sic*] taken on this matter and as their present officer I have to abide by their instructions. If however their [*sic*] is some point in connection with this matter that you wish to go further into with the executive officers of the union before you reply to the communication received from the union I will notify the other officers of the union or you can notify Secretary Goodwin and which ever one you notify we will arrange to meet you if you so desire. I am writing you this note as an explanation [*sic*] as to why I did not go up to your office a[s] suggested in our conversation. As you know that me going to your office to talk over matters whether they happen to be union affairs or not m[a]y be looked upon with suspicion by my own fellow men and as one officer I am going to try and avoid such if I can.

"Thanking you for past favors and consideration in my efforts on behalf of the union." Interestingly, less than three months later, McKinnon resigned as union president after the company promoted him to shift boss at the smelter.²⁶

The union became emboldened by bargaining successes during 1917, not the least of which was winning the eight-hour workday on Sundays for carpenters at the Trail smelter. In September, hours were similarly reduced for all smelter workers at the Granby Consolidated Mining and Smelting Company in nearby Grand Forks — the biggest copper producer in BC — where the workday had been nine hours.

All unions with members at the Trail smelter decided that everyone should be treated equally. The approximately 1,150 production workers had the eight-hour workday but about 450 tradesmen such as carpenters and bricklayers, their helpers, and day labourers, put in nine-hour days. Because the tradesmen belonged to their own craft unions, all unions decided

²⁵Nelson *Daily News*, 10 September 1917; *Western Clarion*, 1 March 1915; November 1917; April 1918.

²⁶Cominco Papers; Trail *News*, 5 October 1917.

that there should be a common approach through the Trail Trades and Labour Council, and Goodwin was elected council president. The council communicated its proposal to Blaylock on 19 October and asked that it be implemented on 1 November.

"On behalf of the local unions affiliated with the Trades & Labor Council of Trail, we are presenting to you a request for the granting of the 8 hour day for all employees in and around the Smelter. This question has been recognized by the employers of labor and it seems that it is only a matter of a short time until it becomes law in the province of British Columbia," labour council secretary Morton Brown wrote to Selwyn Blaylock on 19 October. His last statement was to prove prophetic, but the legislated eight-hour day would not be put into effect for smelter workers until 1 April 1919.

The company's reply was clear and the die was cast: It would not recognize the labour council as representing the unions to which the smelter workers belonged. "As all our agreements re wages, hours, etc. have been made with the Trail Mill and Smeltermen's Union representing all classes of labour in the plant, all questions relating to any changes desired in these matters should be brought up through that organization," Blaylock replied on 23 October.

Brown restated the position of the labour council on 25 October: "I have been requested to state that the question of the 8 hour day be dealt with through the Trades and Labor Council. The Unions have all expressed their willingness for to [*sic*] follow this course. The Mill and Smeltermen's Union have [*sic*] also decided that as they do not represent all the members of the other Unions, that the only way was for the question to be taken up through the committee of the Trades and Labor Council which are delegates from each union that is effected [*sic*] with the grievance."

Blaylock answered on 27 October: "I noticed that you say that the Unions have all expressed their willingness to have the Trades and Labour Council deal with this matter. However, as all our wages and agreements are made with the Mill and Smeltermen's Union, I do not feel that we are in a position to deal with your Labour council on these matters." That was the last written exchange between the two sides regarding the eight-hour workday issue that was quickly to lead to the first strike at the smelter.

Suddenly, a new issue arose: Goodwin protested the company's compulsory checkoff of a day's pay once a month for the Smeltermen's War Fund. "I am instructed to inform you that if the patriotic money is taken out of the men's envelopes on next pay day, the men will refuse to work the following day," he wrote to Blaylock on 30 October. "If you can assure the union that it will not be deducted any more it will avoid any stoppage in the operation of the Smelter," he added. Blaylock, who had earlier refused the union proposal for voluntary checkoff of union dues, reacted by letter on the same day

to Goodwin. Workers who did not wish to contribute could opt out, or any ten employees could call a meeting and have subscriptions channeled through the bank. "I am instructing all foremen that men may not be fired because they will not subscribe to the Patriotic Fund," he told Goodwin. This, clearly, implied that there had been a threat of dismissal for not contributing to the patriotic fund. Blaylock also wrote: "While the Company has no right to force men to subscribe to the Patriotic Fund, I feel that this is a matter for each individual for himself, which he may do without fear of molestation." Smeltermen decided on 3 November to make their War Fund contributions at the bank.

Meanwhile, the momentum for the eight-hour workday continued. The company sought help from the Mine Mill union head office in Denver to avoid a strike but the union local did not acknowledge that there was an agreement in effect. A strike, however, was not going to occur at a good time for the smeltermen. The company had recently cut back shipments of lead from mines because of a reduction in orders from the Imperial Munitions Board. In the bigger picture, there was a major wave of strikes from 1917 to 1920 throughout Canada that in turn was part of an international insurgency affecting all industrialized nations, fuelled by the rapidly rising cost of living. In Trail, the strike vote was held on 12 November and approved by 352 votes to 42. Why approximately 1,200 workers did not vote has not been explained. Further talks proved futile. Both sides drew their lines in the proverbial sand.

The strike by 1,600 workers, which also idled several thousand miners, began on 15 November 1917 — the first strike to close the smelter and, as it turned out, the last strike for 47 years. The day before the strike began, Mine Mill president Charles Moyer issued an open letter from Denver appealing to the loyalty of all men in the United States and Canada who worked in and around copper mines, mills and smelters to assure maximum production. He said "only in cases where an employer may be so unfair, unjust and unpatriotic as to deny the appeals of our government in this hour of its great need, that the question of a strike be considered at all." Moyer asked union members "to comply with the requirement of this proclamation so as to avoid doing anything at this time that may injure the case for humanity for which our country is now waging battle for the common people of all nations of the earth." The appeal had no effect in Trail where copper was processed but, more significantly, lead and zinc.

Both Goodwin and Blaylock addressed the workers on the first day of the strike. Blaylock asked them to return to work, offered arbitration, and said if the arbitration result was in their favour the company would pay overtime for the extra hour from then until the date of the award. The men refused saying the union had already given the company 24 hours notice of the



Smelter workers in Trail on strike in November 1917 head to the baseball park for a mass meeting. *Trail City Archives*.

strike and a further extension of 15 hours. Almost immediately, the issue of conscription was injected into the strike by a false news report originating in the *Victoria Daily Colonist* which said the strike was in protest against the Military Service Act that ordered conscription. The newspaper report was roundly dismissed by all concerned, including Blaylock, who said there was not the slightest truth to it. It may have been the only point on which there was unanimity in the strike. The strike itself remained solid and peaceful throughout.

For Goodwin, there was sad news from Yorkshire about his father. Walter Goodwin was admitted to West Riding Lunatic Asylum in Wakefield on 17 November 1917 suffering from senile dementia. On admission to the mental hospital he was described as “restless and excited in his manner, unable to keep still.” He never left the hospital.

In Canada, the stage was being set for conscripts — and for Ginger Goodwin personally. The Military Service Act made all men aged 20 to 45 liable for conscription and Goodwin, now 30 years old, was in the first group to be called up. The act required potential soldiers to present themselves for medical examination. Goodwin went to Nelson, probably in October, where the Medical Board was comprised of three local doctors serving in the Canadian Army medical corps: Maj. Lorris E. Borden, chairman, and Lieuts. William H. Wilson and M.J. Vigneux. They placed him in Category D — temporarily unfit but subject to re-examination later. The other categories were A — combatant service, overseas; B — non-combatant service, overseas; C — non-combatant service, home; and E, rejected.

But on 26 November 1917 (according to the *B.C. Federationist* of 14 December 1917) — just 11 days after the start of the first-ever smelter strike that Goodwin was leading — he received a telegram ordering his medical re-examination in Nelson “from one of the members of the tribunal,” the identity of whom has never been made known.

The telegram came six days after Prime Minister Sir Robert Borden issued a national statement saying that men in Goodwin’s category — D — would not be called up at this time. Borden said in Ottawa on 20 November: “It is only men who have been included within Category A who can be called out for active service in the trenches. The need at present is for infantry to serve at the front. As men coming in the categories B, C, D, E are not considered suitable for this service, there is no likelihood of their being drafted. The best service which they can give to the state is in Canada rather than at the front.” It was no wonder that Goodwin’s friends saw the demand for his medical re-examination as more than a little suspicious.

The Trail Mill and Smeltermen’s Union, Local 105, protested the medical recall at a mass meeting on 29 November and passed a resolution saying Goodwin’s services “are most essential to the well being of our organiza-

tion” and asked that he be granted exemption to look after union business. A public statement was issued by the union saying: “As a result of the strike here, certain influences are at work to force Mr. Goodwin into military service, without any attempt to consider the circumstances. Mr. Goodwin, on his own behalf, filed a claim for exemption, on the ground of being physically unfit, a condition in which he has been for several years.” The telegram ordering his medical re-examination indicated an intention “under any circumstances, to put Goodwin in Class A,” said the union.

The *B.C. Federationist* said bluntly that “the whole thing opens out and displays the hands of those desirous of disposing of Goodwin by fair means or foul.” West coast labour leader and prominent Socialist, William Arthur Pritchard, who knew Goodwin, declared flatly later: “The management contacted the draft board and had Goodwin called back for further examination where he was classed as A.” Dick Marshall, one of the strike leaders and a key organizer of the Italian workers at the smelter, said the same. Marshall, assistant secretary of the union, related events this way in 1919: “Now the first time he went to Nelson, BC, for his examination he went through and finally the board put him in Class ‘D’ and after he come from the Tribunal Office the president of the local and the general manager there and he says, ‘Well Goodwin what class did they put you in?’ ‘Class D,’ he said and the general manager he said I am going to repeal [*sic* – appeal?] that case, ‘You are going to the front, Goodwin and I will help make you go.’ So finally a week or two afterwards two weeks afterwards the case came up and meantime we called a general strike for eight-hour day. Now when the strike had been called three days, Albert Goodwin got a telegram from Nelson; the company lawyer was on his tribunal, so he got a telegram to go to Nelson and be examined again, so he went to Nelson and instead of Class ‘D’ as before they put him ‘A-2’.” Marshall then went on to say that Goodwin decided to appeal and the union held a big meeting where the strikers passed a resolution claiming an exemption from conscription for him. Marshall did not identify the “president of the local” but it was Jack McKinnon at that time. He did not identify the “general manager” of the smelter: James Warren was the managing director, or general manager, but Selwyn Blaylock was the assistant general manager in charge of labour relations and in 1919 he became general manager. Also unidentified by Marshall was the “company lawyer on his tribunal.” It was Edmund Carlyon Wragge who had joined Newton Wolverton of Nelson, a businessman, as the two-member conscription exemption tribunal in Nelson. Wragge was a decorated veteran of the South African (or Boer) War and a publicized donor to the Nelson branch of the Canadian Patriotic Fund. He was also the law partner of Charles Robert Hamilton who had provided the legal opinion to

CM&S on the applicability of the eight-hour workday law in BC to the Trail smelter.

Goodwin presented himself for re-examination and the Nelson medical board bumped him up to Category A — fit for fighting in the trenches. The Military Service Act put the onus on those claiming ill health to prove their case on the evidence of a family doctor or a doctor who knew the applicant for at least a year. The medical report had to be exhaustive and go into details of defective organs. According to one newspaper account, this was not done in Goodwin's case. Because all the conscription records have been destroyed (as we shall see), the actual state of Goodwin's health can only be glimpsed via anecdotal evidence from lay persons and by inference. Several contemporaries (and at least one newspaper report) were clear that he suffered from stomach ulcers. Speculation that he also suffered from tuberculosis would appear unfounded. Surely doctors would not categorize as fit for fighting in a war a man who had TB? Andrew Waldie, an accounting clerk at CM&S who boarded at the Meakin Hotel, said Goodwin was "a very, very sick man" with rotten teeth who hardly ever ate a decent meal. Jean Letcher was a 15-year-old girl when Goodwin stayed with her family in Cumberland in early 1918 while battling conscription. She recalled he had "beautiful red hair" and was "very slim." As for Goodwin's health, she said: "Oh, he was a sick man. It was something to do with his stomach. He couldn't keep anything on it. He had an ulcerated stomach but he also had something else. Mother was fussy about the dishes. My mother catered to his stomach with an all-milk diet." Union leader W.A. Pritchard said Goodwin was classified D — temporarily unfit — because of stomach trouble.

Whatever ailed Goodwin, however, was not sufficient to stop him playing soccer. In July 1917, he played centre forward in a pickup game in Trail for the Thistles against the All Whites and set up a goal "after a brilliant piece of play," reported the Rossland *Daily Miner*. The game was described as "fast and some good play was witnessed." He was also fit enough to referee a soccer game in Trail "and he handled the game well." An undated team photo indicates that Goodwin was playing regularly in Trail in either 1916 or 1917.

While Goodwin battled conscription, mediation attempts in the smelter strike by McNiven, by William Armstrong, who was briefly a one-man royal commission of inquiry, and by the Associated Boards of Trade (ABT) were not successful. Armstrong, as well as McNiven, concluded in early December that there was an agreement in effect for the duration of the war at the smelter. Armstrong advised the men to return to work and use their influence to get the provincial eight-hour workday law amended to cover all workers around smelters. (Armstrong could not have known how correct his advice would turn out to be: The Labour Regulation Act was amended by



Front row: Jack Strick, Ginger Goodwin, Jim Leckie, Bob Watson, Les. Minto. Mid row: Robertson, Sinclair, Abe Edwards, McIlroy, Bill Bolton. Back row: Jim Schofield, Fred Bill McMillan, Ross Bell, Henry Hanson (left). Tom Routledge, Bill Kennedy, John Fooks, Alfes, Herbert, Percy Fooks, Alfred and Fooks in Trail.

Goodwin played soccer in Trail. He is in the front row, second from left, in this Trail team that competed in the West Kootenay Football League. Interestingly, back row left is Trail MLA James Schofield, the club president. The two men contested the 1916 provincial election in Trail constituency with Schofield winning re-election. The photo is likely from 1916 when Goodwin first moved to Trail. Tom Routledge identified Goodwin and the other team members in an interview with the now-defunct Beaver Creek and Salmo *Bulletin* in 1970 and provided this photograph. Routledge is the goalkeeper (dark shirt, back row). He starred for Nanaimo Football Club that won the Canadian soccer championship in 1923 and 1927. *Trail City Archives*.

the legislature the following spring and the eight-hour workday for all workers in and around smelters was made effective on 31 March 1919. CM&S introduced it the next day). But a motion to take a referendum vote on a return to work was defeated at a mass meeting of the strikers. A compromise suggested by the ABT — that the men return to work with the company conceding the eight-hour day pending a decision by a conciliation board — was accepted at a mass meeting on 24 November, but the company rejected it.

Fred Starkey, a Nelson mining broker and real estate man who was president of the ABT, gave this view of the thorny issue of the alleged continuing labour agreement: "One thing I am certain of is that the men as a whole are sincere in their belief that there is no such agreement. It is a surprise to me that an agreement in proper form was not framed and submitted to the in-

ternational union. Fair Wage Officer McNiven and Alfred Bordsen, representing the international union, take the view that the series of letters constitute the disputed agreement." An ABT committee said in a report that the smeltermen "were not well advised when they failed to accept the offer of Mr. Blaylock, assistant general manager of the smelter, to pay them the same wage for eight hours as for nine hours work if the conciliation board decided that they were entitled to the eight-hour day. This offer had to be accepted before the furnace fires were drawn, and the men having refused to depart from their attitude appear to have allowed the psychological moment for obtaining their demands to pass. It is believed that any conciliation board would have conceded the eight-hour day to the 450 or 500 men who claimed to be entitled to it."

Moyer, the international union's president, appointed William Davidson of New Denver, BC, and Bordsen, from Great Falls, Mont., both members of the International Executive Board, to investigate the strike. On 16 December they sent a letter (publicized the next day) to the Trail Mill and Smeltermen's Union saying the Trail Trades and Labour Council had no authority under several sections of the constitutions of both the Mine Mill union and the American Federation of Labor to negotiate with the company or to call a strike. Union members at nearby mines had been put out of work, "causing undue hardship." They concluded that the council's strike call was unlawful and could not be endorsed or recognized by the international union. They declared the company "fair" and advised members to go back to work. On 19 December, the Rossland Miners Union appealed to smeltermen to obey the recommendation. With every hand turned against them, the strike committee told a mass meeting on 20 December that it would be folly to continue, and the smeltermen decided to call off the strike. Hundreds of men lost their jobs, blame being apportioned between declining demands for war materiel and a blacklist. The action by Davidson and Bordsen was endorsed in January 1918 by Mine Mill's Executive Board in Denver which labeled the strike "illegal and unwise" and referred to the "asininity [*sic*] of the Trail local." Moyer said later that, "The action taken by the Trail local was not only a violation of the laws of the International, but practically a conspiracy, hatched and put into execution before the officials of the International were informed that a strike was contemplated, in fact, the union acted first, then notified the International officers and asked for their endorsement of an illegal act." Goodwin said the men were driven back to work by hunger (there was no strike pay) and by the company claim

that there was an agreement for the duration of the war that had never been recognized by the union.²⁷

The strike over, Goodwin continued his battle against conscription. After his treatment at Nelson, he took his case to the Rossland-Trail Exemption Tribunal No. 30 claiming that he was physically unfit and that his union needed his services, either of which, if accepted by the tribunal, were grounds for exemption under the Military Service Act. Goodwin's judges at the board were his political, economic, and social opposites and adversaries: Noble Binns and William Braden were both in favour of conscription. Binns was a pillar of the Trail community. He was a founding alderman (councillor) of the city and was mayor in 1902. A furniture storeowner and undertaker, he was the police magistrate, president of the Board of Trade and president of the West Kootenay Liberal Association. Braden owned a grocery store in Rossland and was president for several years of the Rossland Conservative Association. Both men buried their past political differences and joined together to support the pro-conscription Unionists. Goodwin, of course, had run as a Socialist in the 1916 BC election in Trail, opposed the war, and frequently derided both the Conservatives and Liberals. Outside Quebec, Liberals joined Prime Minister Borden's Conservatives in the pro-conscription coalition under the Unionist label.

In the federal election of 17 December 1917, the Unionists rolled to a massive 153-to-82 victory by constituencies. But the popular vote was close and showed how divided the country really was — 841,944 votes for the Unionists and 744,849 for the Liberals who remained with Sir Wilfrid Laurier, who supported Canada's war effort but did not believe conscription was necessary for victory. In BC, Labour candidates fared poorly on a platform of abolition of profit making, no conscription, decent payments to

²⁷ Doris Goodwin research; Stanley Royd Hospital; Nelson *Daily News*, 16, 22, 26 November, 17 December 1917; Trail *News*, 16, 23 November, 16, 21 December 1917; Rossland *Daily Miner*, 8, 10, 17, 20 December 1917; Vancouver *Sun*, 31 July 1918; Glen Marshall, "Review of the Walkout at Trail, British Columbia," *Miners Magazine*, January 1918, (Marshall, a resident of Rossland, BC, was Secretary of Mine Mill District 6); Moyer's speech to the IUMMSW convention was reprinted in *Miners Magazine*, August 1918; *B.C. Federationist*, 28 December 1917; Douglas Cruikshank and Gregory S. Kealey, "Strikes in Canada, 1891-1950," *Labour/Le Travail*, 20 (Fall 1987); McRoberts, "The Routing of Radicalism"; Scott, "A Profusion of Issues"; Cominco Papers; Norlin Library, University of Colorado, Boulder, Western Historical Collections, "Minutes," Executive Board, Western Federation of Miners/International Union of Mine, Mill and Smelter Workers; George Meany Archives, Silver Spring, Md., AFL and IUMMSW constitutions; Dick Marshall is quoted in District 18 UMWA Papers, M2239, File 153, Glenbow Museum and Archives, Calgary; Jean Letcher's comments were made in an interview with the author, 16 March 1988.

soldiers and dependents, and no profiteering in war supplies. In Goodwin's constituency of Kootenay West, Nelson Ald. Irvin Austin polled 1,399 votes for Labour compared with 5,377 votes for incumbent Conservative (now Unionist) MP, Robert Green. The Liberal candidate received 1,735 votes.

Binns and Braden rejected Goodwin's appeal against conscription. Goodwin challenged their decision but on 20 January 1918 the local Appeal Tribunal judge, Yale County Court Judge John Brown of Grand Forks, who handled all the appeals from Local Tribunal No. 30 (Trail), turned him down. Even if Goodwin had kept his initial category D status, the future would have been bleak for him because he was subject to re-examination. By the spring of 1918, nearly all temporarily-exempted men were being called up. Binns and Braden, at the beginning of May 1918, recalled 37 men given D category status the previous fall and immediately revoked 23 exemptions. The other 14 only got temporary extensions "to arrange matters so that they can join the colours." Still, Goodwin's change from D to A and losing his exemption appeal in January effectively removed him from union activity in Trail.

Goodwin attended his last union function at the end of January 1918 as a delegate to the BC Federation of Labour convention. He was a member of a federation committee that considered the problems of the returned soldiers and discussed them with representatives of the servicemen including Sgt. A.E. Lees, secretary of the Great War Veterans Association in BC. Soon enough Sgt. Lees would have harsh comments to make about Goodwin. The committee recommended and the federation agreed to find ways and means of ensuring that disabled or pensioned soldiers would not be preyed upon by employers discriminating against them because of disability. Goodwin favoured the committee meeting returned soldiers themselves. He declined a nomination for president of the federation and took a leave of absence from the Trail Mill and Smeltermen's Union. Peter Bolam took his place.

Goodwin took his conscription appeal all the way to the top, getting fresh medical reports from doctors in Vancouver. The final arbiter was Lyman Poore Duff, a justice of the Supreme Court of Canada who was appointed under the Military Service Act as the Central Appeal Judge in Ottawa. Duff was a former Victoria lawyer and BC Supreme Court judge. In a few months, he dismissed Goodwin's appeal against conscription. After his stint as the Central Appeal Judge, Duff returned to the Supreme Court of Canada and destroyed the conscription records. He said he was glad he burned the records because of the divisions that conscription had caused to national unity. E.L. Newcombe, then deputy minister of justice and later a Supreme Court of Canada colleague of Duff's, burned all the records he kept as chairman of the Military Service Council which supervised the Military Service

Act. Duff's biographer, David Ricardo Williams, writes: "Both men, both honourable men, believed they had acted in the national interest by denying future researchers the opportunity of ascertaining the truth." It may, however, be argued that the deliberate destruction without any political or legal approval of such historical records was a dishonourable act, even if made by honourable men. The absence of documentation has left fertile ground for suspicion and speculation. Obvious questions remain unanswerable. Nationally, final conscription figures showed 401,882 men registered of whom 379,629 sought exemption and 222,364 got it with 112,625 ruled unfit. At the local Appeal Tribunal level, 120,448 cases were heard and exemptions were granted to 65,224. Duff himself dealt with 42,300 cases and he declared 17,140 men exempt. In the end, only 24,132 conscripts actually fought in France.²⁸ In contrast, in BC, with a population of less than 450,000, the response for volunteers in the early years of the war was phenomenal — 55,570 men joined voluntarily, with 43,202 serving overseas, 6,225 of them being killed and 13,607 injured.²⁹ Goodwin never returned to Trail. He went back to Cumberland where he prepared his final appeal against conscription. He turned to his old comrades at the Vancouver Trades and Labour Council appealing for support on the ground of his union activity. "My claim is that of being an official of the labour movement and doing some useful function to the interests of the wage earners," he wrote. He addressed his letter "to those that feel interested in the position of a slave fighting for what liberty the system will permit him to get out of it and I can assure you that any assistance that can be rendered will be appreciated by this humble slave."³⁰

But while the Trail union backed him, Vancouver unionists did not at a meeting on 21 March 1918. Socialists Jack Kavanagh and George Thomas rebuked Goodwin. Kavanagh said Goodwin was supposed to be a revolutionary and should take his medicine. Had Goodwin appealed that he had been double-crossed as a member of organized labour, there might have been some grounds for the council's support, said Kavanagh. Thomas said Goodwin's letter was more like a "squeal" than an appeal. Duff considered Goodwin's written appeal on 27 March. A medical board of review in Vancouver sent its findings to Duff. But he returned the findings for further consideration before he denied the appeal on 15 April. Private Goodwin, 270432, ordered to report to No. 2 Depot Battalion in Victoria on 2 May, went into hiding in the mountains west of Cumberland. In early May, the

²⁸ Granatstein and Hitsman, *Broken Promises*.

²⁹ Margaret Ormsby, *British Columbia: A History* (Vancouver, 1958).

³⁰ Goodwin's letter was dated 14 March 1918 and reproduced in the *Trail News* of 2 August 1918.

Military Police component of the federal Dominion Police began looking for him and other deserters. Inspector William John Devitt of Vancouver, formerly of Trail, Nelson, and Rossland, was in charge of the searches. He was the source of the information that Goodwin was to report for duty on 2 May 1918 and that the letter ordering this was returned unopened from Cumberland. The penalty for desertion was up to five years in prison, with hard labour. Goodwin had three months to live.³¹

³¹David Ricardo Williams, *Duff: A Life in the Law* (Vancouver, 1984); Wejr and Smith, *Fighting for Labour*. The destruction of the conscription records and the disappearance of the records of the Trail Mill and Smeltermen's Union, Local 105, leave us dependent largely on newspaper accounts. Particular reference is made to: *Trail News*, 4, 18 January, 17 May, 2, 9 August 1918; *Nelson Daily News*, 1 December 1917; 21 January 1918; *B.C. Federationist*, 14 December 1917. Some conscription details and the Nelson Medical Board are from the *Nelson Daily News*, 25 September, 5 October 1917, Prime Minister Borden's statement was reported on 21 November 1917; Goodwin's soccer playing and refereeing are from the *Rossland Daily Miner*, 6, 9 July 1917; Walter Goodwin's admission to hospital is from hospital correspondence with Doris Goodwin, Conisbrough; the call up of temporarily-exempted men is from the *Trail News*, 26 April, 3 May 1918; Pritchard's quote is from Gloria Montero, *We Stood Together: First-Hand Accounts of Dramatic Events in Canada's Labour Past* (Toronto, 1979); Goodwin's rejection by the Vancouver Trades and Labour Council is from the *B.C. Federationist*, 22 March 1918; Goodwin's BC Federation of Labour attendance and meeting with Sgt. Lees is reported in the *B.C. Federationist*, 1 February 1918; Sgt. Lees harsh words about Ginger are reproduced in the Introduction of this volume. Also consulted were Mayse, *Ginger*; McRoberts, "The Routing of Radicalism"; Scott, "A Profusion of Issues"; Forbes, *Historical Portraits of Trail*; and Turnbull, *Trail: An Invitation to History*. Some details of Braden and Binns are from various contemporary newspaper accounts; BC Archives, GR419, Volume 217, File 1918/79, Preliminary Investigation, *Rex v. Daniel Campbell*.

CHAPTER SIX

THE KILLING

“Mac, we are here to get these men, dead or alive.”

*Special Constable Daniel Campbell of the Dominion Police,
two days before he shot and killed Ginger Goodwin on 27 July 1918
as quoted in court by Peter McNiven, coal miner.¹*

UNDER INCREASING PRESSURE to report for duty in the army, Goodwin took to the rugged Beaufort Mountains west of Cumberland, above Comox Lake, sometime in April or May 1918. He was not alone. Those who wanted to avoid conscription met in Joe Potter's poolroom in Cumberland to exchange information. An elaborate system saw sympathetic townsfolk supply foodstuffs to fugitives from the Military Service Act. Only two people were accused of aiding deserters that year, Joe Naylor and David Aitken. They were arrested several weeks after Goodwin was killed.² When Goodwin went into hiding he joined his old friend from their days in Nova Scotia, fellow Yorkshireman and soccer star Arthur Boothman, who was four years his senior. Frederick Taylor and James Randall were also there. The police posse looking for draft dodgers headed out from Comox Lake west of Cumberland early on Saturday, 27 July 1918, on a bright, sunny day. Career policeman William John Devitt, 49, was in charge. He was the Inspector, based in Vancouver and second in command to Capt. Frederick R. Glover, the Chief Inspector in BC of the 45-man Military Police component of the Dominion Police force. The Dominion Police was a small federal police force established in 1868 to guard government buildings, run the country's secret service and enforce federal statutes. It was merged in 1920 with the Royal North West Mounted Police to become the Royal Canadian Mounted Police. The job of the Military Police component was to round up men who were dodging the draft. With Devitt was Daniel Campbell, a disgraced former constable in the BC Provincial Police. He ran the Colwood Hotel near

¹BC Archives, GR419, Volume 217, File 1918/79, *Rex v. Daniel Campbell*, Preliminary Investigation (hearing).

²Aitken and Naylor in court: See this chapter, note 5.



William John Devitt was the first police chief in Trail where he married Sophia Hanna, a daughter of Frank and Mary Jane Hanna, leading Trail pioneers, in 1903, about the time that this photo was taken. *Trail City Archives*.

Victoria where business turned bad the previous October when liquor prohibition was introduced by the BC government. He was a special or temporary constable, not a career policeman. Lance Corporal George Henry Roe, 48, was the third policeman. He was a former customs officer in Cumberland, Courtenay, and Union Bay where Cumberland's coal was loaded into ships for export. He had moved to Victoria a few years earlier and joined the Dominion Police.³ With the search party were trapper Thomas Downie (Scabby) Anderson, 58, of Bevan, a small coal-mining village near Cumberland. His traplines ran towards Port Alberni and he had an intimate knowledge of the area. The final member of the search party was George Alfred (Dad) Janes, 44, of Victoria, another trapper. He was well known as a cougar hunter on Vancouver Island.⁴ The prey this time, however, was human.

As early as 1 May, Devitt was in charge of a party searching for conscription evaders. Accompanied by Constable Alfred Stafford of the Military Police, Devitt went on 10 May to the home of Elizabeth Court of Royston Road, near Cumberland, looking for information to use against those who supplied food to the fugitives. She candidly admitted later she had given miner David Aitken, 32, of Bevan a sack of potatoes, bacon, eggs and other items for her son, Frederick Thomas Court, also known as Arthur Reid. She knew it was illegal, "but I did not want to see my boy starve." Arthur spent three weeks in hiding in February and March before coming out and his mother said he joined the forces on 4 April. He had hidden out with Taylor and Andrew Aitken whose brother David made regular trips with food. Sometimes David Aitken was accompanied by Goodwin, before he went into hiding himself. Mrs. Court was never charged with aiding deserters but Devitt called her, after Goodwin's death, as a witness against David Aitken.⁵

William John Devitt's career reached back 31 years when he signed on with the North West Mounted Police, in 1887, for a five-year term which was followed by a second, three-year term. In his first term he became involved with unspecified breaches of discipline which resulted in his conduct being

³Information regarding George Henry Roe: *Cumberland Islander*, 3 August 1918; City directories (various); Voters lists (various); Janette Glover-Geidt, *The Friendly Port: A History of Union Bay 1880-1960* (Union Bay, 1990).

⁴"Dad" Janes is featured in Del Hall, *Island Gold: A History of Cougar Hunting on Vancouver Island* (Victoria, 1990).

⁵Nanaimo *Free Press*, 8 October 1918; 20, 21 May 1919; *B.C. Federationist*, 11 October 1918; Lionel Frederick Westfield letter, 22 July 1990; *Rex v. David Aitken*, Preliminary Inquiry and Committal, BC Archives, GR419, Box 217, File 1918/89; *Rex v. David Aitken*, Preliminary Inquiry and Committal, judge's notes, Crown Brief, Statement of Fred Court, Statement of P.O'Hara, BC Archives, GR419, Box 229, File 1919/121; *Rex v. Joe Naylor*, Preliminary Inquiry and "No Bill" before grand jury, BC Archives, GR419, Box 229, File 1919/122.

officially described as “indifferent,” a matter Devitt contested and finally overcame in his second stint when he was discharged with the comment “conduct during service: very good.” He joined the Provincial Police in BC and served in Rossland, Trail, Nelson, and Nakusp between 1896 and 1910.

In Trail, Devitt was the police chief and also the city clerk, assessor, and collector. In 1903 he married Sophia Hanna, a daughter of pioneer businessman Frank Hanna and his wife Mary Jane. As the frontier city grew, Devitt and three other men were cornerstones of the community. The others were Noble Binns (who sat on the Local Tribunal that rejected Goodwin’s conscription exemption application in 1917), James Schofield, MLA, and James Byers, all active businessmen and members of the city council. The quartet was nicknamed the “Big Four” of Trail. Devitt moved on to Nelson where he was chief constable for the Kootenay Police District of the BC Provincial Police from July 1907 until he was appointed constable in the village of Nakusp on 1 May 1909. What caused the change from area chief constable, in charge of 23 policemen, to village constable is not clear but his pay fell from \$105 a month to \$75. At least one city directory listed Devitt as also being mining recorder in Nakusp. The Rossland *Daily Miner* of 28 November 1914 also said Devitt was mining recorder in Nakusp while with the Provincial Police. Mining recorders were provincial government employees, typically paid in the area of \$100 a month, although the Public Accounts do not list Devitt.

He resigned from the Provincial Police in Nakusp effective on 31 July 1910 and asked for a reference that his services were satisfactory. What followed, however, was a dispute with his superiors over expenses. The police force refused to pay certain expense claims, among them some for board in Nakusp “while engaged in his ordinary duties at that station [which] is a ridiculous claim and, of course, cannot be entertained by the Department,” Superintendent F.S. Hussey in Victoria wrote to Deputy Attorney General, Hugh Maclean. Eventually a compromise was reached in which Devitt was paid \$506.71, about one-third of his claims. After a time in the real estate and land development business in Nelson, Devitt joined the Nelson municipal police and was its chief in 1914 when he was hired to be chief of the Rossland municipal force.⁶

“All have a wholesome regard for him and he begins his duties here with that to his credit,” declared the Rossland *Daily Miner*. “What acquaintance has not done for him, fame has, for he is known as one of the most efficient of police officers in the province.” In April 1917, Devitt, Binns, and Selwyn Blaylock, assistant general manager at the Trail smelter, were present and

⁶RCMP Papers, RG18, Series G, Vol. 3371, File 1918, National Archives of Canada; Forbes, *Historical Portraits of Trail*; BC Archives, GR56, Volume 13, BC Provincial Police Papers; BC Archives, GR91, Vols. 16-20, BC Provincial Police Force.



Known as the “Big Four” in the Trail establishment were (standing left to right) alderman James Byers, alderman Noble Binns and police chief William Devitt. Seated is alderman James Schofield. Binns became mayor in 1902 and Schofield was mayor from 1903 to 1907, then was elected the area’s MLA in 1908 and served in the BC legislature for the next 25 years. The photo was taken in the early 1900s before Devitt moved to Nelson, Nakusp, Rossland, Vancouver and Burnaby. *Trail City Archives*.

signed the scroll at the big farewell for R.H. Stewart, general manager of CM&S, who was leaving the company and moving to the coast.

Little did Devitt know that soon he would have to leave Rossland. He was shocked to receive a telephone call from the Rossland *Daily Miner* on the evening of Sunday, 1 July 1917 asking him about the new police chief, James McLean. Devitt did not know he had been fired and replaced. The letter dismissing him had been placed on his desk in his office but did not come to his attention until the newspaper asked him if it was true he had been dismissed. The new chief had been sworn in on the evening of Saturday, 30 June and began his duties the next day. "Shakeup Comes in Police Department," headlined the newspaper. But what friction existed between Devitt and the police commissioners "cannot be learned. Mr. Devitt was a pains-taking official, using good judgment in the administration of the duties of the office and carefully guarding the welfare of all citizens at all times. It has been known for some time, however, that matters have not been moving smoothly." The newspaper added that Devitt was "a stickler for discipline and regular methods of transacting the business of the department" but changes in the police commission were not to his liking. McLean had no comment except to speak in the highest terms of Devitt.

Another day passed and the Rossland *Daily Miner* had a new headline: "Gambling and Pimps No Longer Wanted." The police commissioners decided at a special meeting that gambling in the "restricted district" (i.e., the red light district) would no longer be tolerated. McLean was instructed to run the gamblers and pimps out of town. Revising Devitt's dismissal, the newspaper reported that the commissioners voted to accept Devitt's resignation and confirmed the appointment of McLean by Mayor Alex Page. Devitt, conscious as before about an employment reference, got one. J.A. McLeod, secretary of the Board of Police Commissioners, wrote on 4 July that Devitt was police chief from 1 December 1914 to 30 June 1917 "and during that time he proved himself to be efficient, tactful and well qualified to fill the position of Chief Constable. He conducted all Police Court cases and is thoroughly conversant with the Criminal Code."⁷

Moving to the coast, Devitt did detective work and in March 1918 joined the Military Police section of the Dominion Police. BC conscription registrar, Robert Lennie, a lawyer who had practised in Nelson but moved in 1910 to Vancouver, organized it. The Military Police, whose job was to

⁷Rossland *Daily Miner*, 14, 28 November, 2 December 1914; 12 April, 3, 4 July 1917; Public Accounts of BC, 1909-10; McLeod Letter of Reference, University of BC Library, Special Collections and University Archives Division, Susan Mayse Research Collection, Box 1, Folder 2.

round up deserters and those who had not presented themselves for conscription, was comprised mostly of returned soldiers chosen by Lennie.⁸

The Military Police, together with Robert Rushford, the Provincial Police constable based in Cumberland, and others, made regular sweeps looking for deserters. Rushford, 38, was a miner before his distinguished service in World War I. He was hired as the Provincial Police constable in Cumberland on 9 April 1918 but found that a lot of his time was spent searching for draft dodgers. His heart was never in it. He knew first-hand what lay ahead in the trenches in France and Belgium. He also knew the local deserters from his own days as a coal miner. He was a friend of Goodwin's and for many years kept a photograph of him in the family album.⁹

Rushford's first recorded activity was answering a complaint from trapper Thomas Downie (Scabby) Anderson on 26 April 1918. Before taking up trapping, Anderson was a miner and was reputed to have worked during the Big Strike of 1912-14 as a pumpsman at No. 7 Mine in Bevan near Cumberland — hence the nickname Scabby. Anderson (after whom Anderson Lake in the area was named) was 58 years old but had no trouble moving through the Forbidden Plateau country along his traplines where he built several cabins. Anderson complained to Rushford that his cabin had been broken into and clothes and money stolen. "On making inquiries I came to the conclusion that the cabin had been broken into by some military evaders who I know are around Cumberland," Rushford wrote in his monthly report.

Rushford assisted Constable Alfred Stafford of the Dominion Police on 27 April in arresting Earon James for failing to register under the Military Service Act. Goodwin marked his 31st birthday in the bush on 10 May. On 14 and 15 May, Rushford assisted Stafford in an all-night search for military deserters. On 25 May, Rushford saw one deserter with a black mask. "I recognized him by his voice. He made off into the bush and warned his companions," Rushford wrote in his report, without providing a name. Later, Rushford said the masked man was Frederick Taylor, one of the men holed up with Goodwin, Boothman, and Randall, all of whom were being sought by police. Rushford said he heard Taylor say, "Who are you?" to him and Anderson, who had been felling a tree. Anderson had been assisting (as he would again) the joint Dominion Police-Provincial Police search for deserters. After Taylor ran into the bush, he made off across the lake by boat. Rushford wrote that police confiscated foodstuffs found in a cabin. Later, he said that a shotgun and ammunition were also seized.

⁸Vancouver *Province*, 13 March 1918.

⁹Author's interview with Rushford's daughter, Louvain Brownlow, 28 February 1995.

Rushford spent another day, 27 May, fruitlessly searching for deserters. Back in Cumberland, he had better success: He arrested Mrs. Johnston for keeping a common bawdyhouse. She was found guilty and fined \$15. The chief constable in the area for the Provincial Police, Albert Stephenson of Nanaimo, came to Cumberland and joined Rushford searching for deserters on 30 May, but they came away empty-handed. In early June, Rushford was again helping the Dominion Police at Comox Lake, again without success.¹⁰

One press report, later, said the deserters, hunted by police day and night, led a precarious existence, although supplied with food from friends. They suffered from mosquito bites and were half-poisoned by deer flies. Goodwin had pneumonia but received medicine and recovered. One deserter became demented and wandered back to Cumberland, a story supported by a much-later interview with a Cumberland couple, Ed and Doll Williams, who identified the man as Andrew Aitken, brother of David Aitken. "He went out of his head up there, I think," said Ed in 1981.¹¹

By early July, Daniel Campbell joined the search for deserters. He was a man with a chequered past and a need for money who was hired as a special constable by the Military Police. Campbell was well known as an outdoorsman, a crack shot who could "shoot the eye of a needle," friendly but strict, particular, sociable, straightforward — and very stubborn. His Scottish-born stepfather, John Donald Campbell, was the Provincial Police constable in Esquimalt, responsible for the area stretching from the western edge of Victoria to Port Renfrew, from 1877 to 1897. He retired because of ill health and Dan, a carpenter by trade, succeeded him as constable. "Jock" Campbell died on 20 October 1899 in his 69th year. Dan earned \$65 a month in 1901, and he was supporting his English-born wife, Florence, and the first three of their four children. His salary rose to \$70 a month in 1905.

Even then he had trouble with money. In 1903, the BC Electric Railway Company offered a reward of \$100 for apprehension of the person or persons who threw a piece of iron across the transmission lines near the Craigflower Bridge in Victoria. Campbell, in his capacity as a policeman, secured a conviction against a man in court through the testimony of two youths. The streetcar company offered to divide the \$100 reward: Half for Campbell and the other half equally between the two witnesses. But Camp-

¹⁰Rushford Reports: BC Archives, GR445, Volume 69, BC Provincial Police; Rushford testimony about Fred Taylor ("masked man"): BC Archives, GR419, Box 229, File 1919/122, *Rex v. Naylor*; Thomas Downie (Scabby) Anderson: Comox *Argus*, 12 June 1930; Comox voters lists, 1913, 1916, 1920, 1924; Jimmy Ellis interview, Ed and Doll Williams interview, Ruth Masters, "The Shooting of Ginger Goodwin," Cumberland Museum and Archives, 1982.

¹¹Vancouver *Province*, 1 August 1918; Masters, "The Shooting of Ginger Goodwin."



This cabin in the mountains west of Cumberland was one that reputedly Goodwin and friends hid out in while dodging the draft in World War I. The cabin is on a creek flowing into Willmar Lake from the south, on the side of Mount Hennessy, about 15 kilometres from where Goodwin was shot and killed in 1918. *Harold Banks, courtesy Ruth Masters.*

bell said he was entitled to the full reward and went on to threaten a civil suit for the full amount. The company complained to the Provincial Police and Supt. F.S. Hussey said, "I consider that Const. Campbell has acted in a very arbitrary manner and that he had no right whatever to behave as he has done." Hussey said the reward was not intended for police at all but to encourage witnesses to come forward, although there would be no objection to the company dividing the reward as it proposed. In the end, Campbell settled for the company's offer. Money (or the lack of it) continued to be a problem for Campbell.

In a letter on 16 September 1905, Campbell told the Provincial Police to give over his paycheque for that month directly to John Collister, owner of Barnsley's Gun Store on Government Street in Victoria. Earlier that month, Campbell had gone to Collister and got a \$70 loan on his forthcoming pay cheque.

It was about to get a lot worse. On 29 August 1905, Campbell shook down two women for \$30 after stopping them in a horse and buggy that appeared out of control. The women gave an address in the red light district of Victoria and perhaps Campbell thought because of that, he'd heard the last of it. But the women complained to the Provincial Police saying Campbell took them to a hotel and demanded \$30 for their release, which the women had

to borrow from the hotelier. Campbell claimed he was just helping the women with their runaway buggy and they gave him the \$30 as a present, a gift that was the equivalent of almost half his monthly salary.

After an inquiry by Supt. Hussey and Sgt. Francis Murray, which was in turn referred to Premier Richard McBride, Campbell was dismissed on 28 September 1905 for conduct unbecoming a policeman, conduct injurious to the public service or public welfare, and accepting money without approval. Ninety-nine people signed a petition seeking his reinstatement, "founded upon our confidence in him as a deserving officer and one who has uniformly discharged his duties with great acceptance [*sic*] to the community." It was to no avail. He was finished as a policeman. For now.¹²

From carpenter to policeman, Campbell now turned to a new line of work: Hotelier. He became manager of the Colwood Hotel, west of Victoria, where he spent the next 12 years with his wife, Florence, and their four children, John, Alexander, Minnie, and Emmie. The hotel was a popular country resort near a racecourse and Hatley Castle, the country-castle mansion completed in 1909 for coal baron James Dunsmuir. The Colwood Hotel was owned by brothers Andrew Albert Einar Bechtel (later managing director of Victoria Machinery Depot) and Daniel Arthur Bechtel, a doctor. It was a gift in 1903 from their parents, Andrew and Rachel Bechtel. The Bechtel brothers continued to own the hotel until 1908 when they sold it for \$3,500 to Campbell's mother, Margaret Jane Campbell, by now 62 years old. She retained ownership, not relinquishing it to her son and daughter-in-law, Florence, until 1913.¹³

The two-storey frame hotel, which Campbell doubled in size by adding an identical building, was built in 1895 after the first Colwood Hotel burned down. The second hotel was demolished in 1936 in favour of the Colwood Inn, now revamped as Colwood Corners Pub. Campbell had at least one brush with the law while managing the Colwood Hotel. In 1912, he was convicted in magistrate's court of selling liquor in quantities of more than one imperial quart. He had sold a construction carpenter more than a dozen bottles of liquor. The Liquor Act required one bottle to be purchased at a time. Campbell appealed the case to BC Supreme Court, and lost. He appealed again to the BC Court of Appeal, and lost again. "This was a clumsy and unsuccessful attempt to evade the statute," said Justice Archer Martin,

¹² Author's interview with Eva Harris, Billy Conway, niece and nephew of Dan Campbell, 7 April 1990; John Campbell obituary, *Victoria Daily Times*, 21 October 1899, *Victoria Daily Colonist*, 21 October 1899; census, 1901; Daniel Campbell in Provincial Police, BC Archives, GR 91 Volumes 16-20; Reward Money, GR 429, Box 10; Barnsley's Gun Store, GR 55, Box 44; Shakedown and Dismissal, GR 429, Box 12, and AddMss 4, Volume 63, also *Victoria Daily Colonist*, 14 October 1905.

¹³ Land Title Office; *Victoria Times Colonist*, 10 March 1990.

giving the last word. In October 1917, liquor prohibition, ordered by the BC government, slashed business at the hotel.¹⁴

Comox Lake, just west of Cumberland, was popular for summer outings and fishing, then as now. It was to the lake that Camille Decoeur took his wife, Priscilla, and their baby early in July 1918. As he recounted later, they crossed Comox Lake by boat. On the other side, he met Campbell who asked if he had had any luck fishing. "No, they were not biting very good," replied Decoeur. He was preparing to pick berries when Campbell asked him about the men hiding in the bush. Decoeur said he had heard 'talk' that they were now in Mexico. But Campbell replied, "No, they have been seen around the lake." Decoeur said Campbell told him "the first bunch of policemen that went around the little lakes saw them there and he said they were about 30 feet from one of them, he didn't mention any name and he said, 'If ever I get that close they will never get away'." Decoeur also said Campbell told him, "They will never get away, I will get them."

Four Cumberland miners were together when they met Campbell at Comox Lake on 7 July. Campbell asked them if they had seen deserters. They said they hadn't. Rasie Giovanni recalled Campbell continuing: "And he talk of something else, and after he tell me that Bob Rushford see one of the boys up the lake on one of the boats, and he did not want to shoot him, but if he had been in his place he would have shot." This, apparently, was a reference to the man-in-the-black-mask incident. Did Campbell say anything else? "We stayed there for eight or 10 minutes and he said, 'This time we are going to get them, dead or alive'." Alexandros Merillo quoted Campbell, again about an earlier incident: "He say there was one boat across the lake and John [*sic*: Robert] Rushford would not shoot because he was one of his friends. Campbell said if he was in his place he would get him." And, said Merillo, Campbell added, "dead or alive." Merillo said he did not hear the word "fire." Carlos Cavallero said Anderson was nearby when the conversation occurred between Campbell and the four miners. What did Campbell say? "That Rushford saw one of these boys in a boat on the lake and he would not shoot him because he was his friend, and he (Campbell) said, 'If it was me I would get him'." Anything more? "He said, 'We are going to get him, dead or alive'." Peter Ioris gave a similar account of Campbell's words: "He said that Rushford saw a man there at the top of the lake and he did not want to shoot him on account of his family and if he had been in his place he would have got him for sure." Ioris continued: "Yes, he (Campbell) said that he would get him dead or alive." Did not Campbell say that he would "fire"

¹⁴Victoria *Daily Times*, 14 November 1912; *Rex v. Campbell*, B.C. *Law Reports*, Volume 18, 1911-13; Dorothy Stranix, *Notes and Quotes* (Colwood-Langford-Metchosin-Happy Valley-Glen Lake, 1967).



Dan and Florence Campbell ran the Colwood Hotel from 1906 to 1919 after his career in the BC Provincial Police ended in disgrace in late 1905. The Campbells doubled the size of the hotel, shown here in the 1920s with two unidentified men. The hotel was demolished in 1936. *Colwood City Archives*.

for sure? “He never say ‘shoot him,’ he said he was going to get him,” replied Ioris.

Peter McNiven, 43, was a miner who knew Goodwin for six or seven years. He was the checkweighman at No. 4 mine when the Big Strike began. He was secretary for a time of the Cumberland local of the United Mine Workers of America and had belonged to the Socialist Party of Canada. He said Campbell talked to him on 25 July at the lower end of Comox Lake, where he lived. McNiven said: “We were talking about military evaders in general and he made the statement to me that if he saw any of these men he would get them and he said, ‘Mac, we are here to get these men dead or alive.’ That was the end of the conversation.” McNiven said Inspector Francis Murray and Const. Rushford of the Provincial Police and Inspector Devitt of the Dominion Police were nearby but not close enough to hear his conversation with Campbell.¹³

¹³None of these conversations found their way into the inquest on 31 July 1918. But the miners testified at the Preliminary Investigation (hearing) in Victoria, BC, on 7-8 August after Dan Campbell was charged with manslaughter: *Rex v. Daniel Campbell*.

Two days later, on 27 July, the Dominion Police set out again to find the deserters. This was to be the fateful day for Goodwin. Devitt, in charge of the posse, said he had received information (the source of which was never disclosed) about the location of the deserters. Campbell and Lance Corporal Roe accompanied him. The three Dominion policemen, together with trappers Anderson and Janes, took a boat to the end of Comox Lake and trekked to Alone Mountain. The group made good progress guided by Anderson and Janes with their intimate knowledge of the area. The policemen and the trappers separated at Alone Mountain. Roe found a gunnysack containing clothing and a rifle in good order. Then they cooked lunch.

The police had descriptions of the four men they were seeking. Devitt said he had been given this description of Goodwin: "Single man, was clean shaven on the 2nd May, 1918;¹⁶ hair reddish brown, face wedge shaped rather than round, furtive glance, some gold filled teeth in upper row showing, thin build, walks with slight stoop, complexion fair with freckles, weight about 145 pounds. Accent English, Cockney, speech voluble and assertive, partial to wearing skull caps, socialistic." One wonders where police obtained their information: Goodwin was not a Cockney (from east-end London), but was in fact born and grew up in Yorkshire in northern England. Nor was he Jewish, as implied by "partial to wearing skull caps." Devitt also had other details about Goodwin: He was five feet six inches tall, his chest measured 33 to 36 inches, he had three vaccination marks on his right arm, he had a small scar on the first finger of his left hand.

By 4:30 p.m., Devitt and Roe were following one trail and Campbell another in the area near the confluence of Cruikshank River and Rees Creek. One shot rang out. Devitt and Roe hurried through the dense bush separating the trails. Goodwin was dead. Campbell had shot him with his personal rifle, a .30-30-calibre 1893 Marlin, a popular lever-action hunting rifle, often used for shooting deer. The bullet pierced Goodwin's neck severing the spinal cord. Death was immediate. What precisely happened between Campbell and Goodwin, and whether there should be criminal blame, became a continuing controversy.

Immediately, Devitt ordered Campbell (an outdoorsman, and the only one of the three who could likely find his way back) to return to Cumberland, surrender to the Provincial Police, and notify the coroner. There were initial preparations to bury Goodwin on the spot. This became public knowledge and union and Socialist Party leader W.A. Pritchard declared in Vancouver, "We intend to get the body out" if the authorities did not. The

¹⁶The reference to Goodwin being clean-shaven on 2 May 1918 is interesting: that was the date (see Chapter Five) on which Devitt testified that Goodwin was ordered to present himself to the army as a conscript. But Devitt testified that the letter to Goodwin in Cumberland ordering him to report on 2 May was returned unopened.

chief constable of the Provincial Police for the area, Albert Stephenson of Nanaimo, was asked later about this. He replied, "We thought that we would not be able to take him out." Two undertakers, Thomas Banks of Cumberland and John Sutton of Courtenay, were asked to bury Goodwin where he fell. Both undertakers refused what must have seemed a very unusual request.

Neither of the two Cumberland doctors, George MacNaughton and E.R. Hicks, was asked to do the post mortem. Instead, Dr. Harrison Millard of Courtenay, then a small village five miles past Cumberland, was called. He accompanied coroner Joseph Shaw, Chief Stephenson from Nanaimo, and Inspector Murray from Provincial Police headquarters in Victoria towards the scene on 30 July. They met Campbell, Anderson and Janes at the head of Comox Lake. Devitt and Roe had remained with the body, twelve miles and many hours away by boat and trail. When Shaw saw the rough trail and terrain ahead, he decided to turn back, and Inspector Murray and Dr. Millard went with him.

Harold Banks, then sixteen years old, the son of the Cumberland undertaker, said later his father offered to bring the body out after refusing to bury Goodwin where he lay, and organized a team of four men. With Campbell showing the way and Stephenson in charge, the party, including Banks and his rescue team of miners, recovered Goodwin's body in what Stephenson called "very rough country."

The body was packed in canvas, slung from a pole, and carried to Cumberland in the early morning of 31 July. Coroner Shaw convened the inquest that evening in a packed Cumberland Courthouse. The atmosphere was tense. It was reported that the Provincial Police had ordered the Dominion Police away from the area to prevent trouble. Campbell was under Provincial Police detention. There were confusing and contradictory press accounts. Alarmed union leaders in Vancouver and Socialist friends of Goodwin detailed Joe Naylor to attend the inquest to represent their concerns. Was it murder or self-defence, was their question. Lawyer P.P. Harrison of Cumberland kept a watching brief for friends of Goodwin. Lawyer William Moresby came up from Victoria to represent Campbell. Inspector Murray appeared for the Provincial Police.

Dr. Millard was the first witness. His post mortem that morning at Thomas Banks' Undertaking Parlours showed Goodwin had a lacerated flesh wound half an inch wide and 1 1/2 inches long across the left wrist "extending nearly to the bone." On the left side of the neck, large enough to admit two fingers, there was a lacerated gunshot wound running nearly horizontally backwards and to the right. The spinal cord was completely severed. In the right shoulder he found four-fifths of a bullet. There was also a "small punctured flesh wound" on the left neck and at the right shoulder he

found and presented to court another part, one-fifth, of a bullet. The two portions of what Dr. Millard said were the same bullet (they fitted together, he testified) were entered as exhibits. The existence of two wounds in the left neck, including the fatal wound that severed the spinal cord and the punctured flesh wound, was not pursued. Clearly, however, the bullet that struck Goodwin's left wrist broke into two parts, causing the two entry wounds in the left neck, and there were two fragments in the right shoulder area that were recovered.

Moresby quickly got to the heart of Campbell's defence: What position would Goodwin probably have been in when he was shot? Millard said he found no positive indication the wrist wound was a gunshot wound. "I did not see any powder marks on it," he said. Pressed further about the probable direction of the bullet, Millard said the left arm "would have to be in line" with the neck wound. There were gunpowder marks at the entry point of the fatal neck wound which, with the condition of the wound, indicated the gun would not be farther away than 10 feet and not closer than two feet. There was also a small puncture wound half an inch deep and one-twelfth of an inch in diameter, on Goodwin's upper lip, and a small skin abrasion on his left face near the ear. The condition of the lip wound indicated that it was inflicted at the same time as the main wound. He could not say what caused it, possibly a little flying particle.

At this point, Goodwin's friend Joe Naylor asked a question that buttressed Moresby's point that the same bullet caused the wrist and neck wounds. "Does the size of the hole in the neck indicate the first connection with the bullet?" asked Naylor. "No, oh no. The bullet struck something before it entered the neck," replied Millard.

The doctor also testified that Goodwin's body was "well nourished." A leather money belt on the body contained \$334.60.

Devitt, the next witness, said he and Roe had taken a separate trail from Campbell in rough terrain for about ten minutes when they heard one rifle shot. "It was loud and sharp and immediately afterwards a voice shouted, 'Come,' so we ran as well as we could through the thick timber — very rough ground — and reached Constable Campbell who was standing near some heavy fallen trees with his gun in his hand. Campbell said, 'I have had to do it to save my life.'" Devitt said it might have taken three or five minutes to scramble through 50 yards of very rough terrain, "it seemed an eternity, you know, to get to the place." Goodwin was dead, thirteen feet from Campbell, with a neck wound. Goodwin had fallen forward on his face clutching a .22-calibre automatic rifle in both hands.

Devitt ordered Roe to remove the rifle and make it safe. Devitt examined the body which "rolled over on his back, lay in that position." He said Campbell was "perfectly sober but he was visibly affected." He ordered

Campbell to go to Cumberland and tell the authorities. Devitt and Roe remained at the scene. Devitt said there was a "large gaping wound" which went into the left side of Goodwin's neck towards the spine and a "nasty" left wrist wound which had torn the shirt sleeve away.

The shirt which Devitt said Goodwin was wearing, with a torn sleeve, was entered as an exhibit along with the .22-calibre rifle, both of which Devitt said were stained with blood. Campbell's .30-30-calibre rifle was produced as an exhibit along with a .30-calibre Winchester centre fire shell that Devitt took from the gun.

Devitt said Campbell had his jacket off that day and was wearing his Dominion Police badge on his shirt. Devitt said he had no special instructions about catching Goodwin. "My instructions were the same regarding the unfortunate deceased man as they were regarding any of the men who were there," he said. The instructions were to arrest the men under the Military Service Act.

The questioning turned to the position of Campbell and Goodwin when the shot was fired: Assuming a man is about to discharge a rifle, and having regard to the wrist and neck wounds, could Devitt form an opinion as to what position Goodwin was in when he received his wounds? "I would form the opinion that the deceased was standing with his left side of his body facing from the direction from which he received his wound," he answered — meaning, Goodwin was shot side-ways on. And bearing in mind the position he found Goodwin in? "Yes. And of course my opinion would be, at the same time I would say that the same wound — if it was a gunshot wound that caused his death — that the same wound was inflicted, that the same missile inflicted both wounds."

The shooting scenario and the opinion that Goodwin had his rifle raised in a firing position would remain one of the central issues in the case. There were only minor problems with Devitt's testimony: He said he met Campbell for the first time on "Friday," which was the day before the shooting, yet his personal notes say this occurred on Thursday 25 July. A minor mistake which, by itself, should not affect credibility. He claimed the .22-calibre rifle was "high-power automatic" but retracted this when pressed by Harrison, who called it "this little rifle."

Naylor had one question for Devitt: Was it a steel or dum-dum (expanding) bullet that killed Goodwin? Devitt did not know.

George Henry Roe also testified that he and Devitt were on a separate trail from Campbell. They heard a single rifle shot and when they got to Campbell's trail Roe heard a call, "Come." They found Campbell, standing, and saying: "Inspector, I am very sorry I had to do this, but I have done it to save my own life. I surrender myself." Campbell "appeared to be very much affected, very much affected, so much so that I felt sorry for him, very sorry

for him." Then Roe saw Goodwin face down, dead, and he said that there was a .22-calibre rifle grasped firmly in the right hand. Roe emptied the rifle of 10 shells. At the same time, Goodwin's body turned over and rolled a few feet to a log.

"With reference to the cartridges I want to explain clearly about those, and as far as my evidence is concerned it will be very clear: I am not afraid to hide anything," said Roe. "There were ten shells in that rifle but on trying to recover those shells we could only get two of them. The others apparently have got lost in the moss and dirt that was there." Roe said he put the two shells back in the rifle and gave it to Devitt who later turned over rifle with two shells to Chief Stephenson. The two shells became the next inquest exhibits. Why Roe reloaded Goodwin's rifle with the two bullets when Devitt ordered him to make the gun safe is unclear. Campbell was sent back to Cumberland, Devitt and Roe stayed behind.

The next day, continued Roe, Anderson and Janes visited the scene of the shooting. The day after that, Monday 29 July, Campbell returned but without the coroner. "Inspector Devitt would not allow anything to be done without further instructions and so nothing was done until yesterday (30 July) when there was official documents, as I understand, came out that allowed the body to be taken away, which was done yesterday, arrived into camp, we got into McDougall's camp about 10 o'clock last night," said Roe.

Roe also said Campbell had his jacket off all day on 27 July and was wearing his badge outside his vest in the shining sun. "It was the most conspicuous thing he had."

Naylor asked why Campbell returned to the death scene after being sent to Cumberland and whether the fatal bullet was steel or soft-nosed. Roe could not answer either question.

Chief Stephenson testified he went to the scene on 30 July to bring the body out. It was very rough country and the hillside was at an angle of 45 degrees. Stephenson said Campbell had to be taken back to the scene because he was the only man who could show the way. Goodwin was on the trail lying close to one of three fallen trees. There were bloodstains on the trail six feet three inches from the body. He searched Goodwin and found a box with eight .22-calibre automatic shells in his shirt pocket, some papers and matchbox, knife and handkerchief. (Curiously, eight shells were the same number of shells that Roe had just testified he could not find after unloading Goodwin's rifle, then reloading it with two shells). Stephenson took the .22-calibre rifle in which there were two shells. When he got back to Cumberland, he was given Campbell's rifle, which became Exhibit F at the inquest.

He also said that Janes (whom he called a special constable) gave him a packet of 25 .30-calibre shells supposed to have come from Campbell. Were

they soft-nosed dum-dum bullets, Harrison asked, picking up on Naylor's earlier question. Stephenson said they were "metal patched" bullets, "semi-patched," with a soft nose. Shown the two pieces of bullet that Dr. Millard took from Goodwin's body, Stephenson said it was "a soft-nosed bullet."

Then it was Moresby's turn: He showed Stephenson the .22-calibre rifle which Devitt and Roe said they found in Goodwin's hands and asked if a bullet fired from it "at any reasonable distance, what the effect would be on a human body, if it hit a vital spot?" Replied Stephenson: "It would mean death." And at close range, 13 to 20 feet? "Would be greater certainly." He described the rifle as "a better grade than the ordinary .22. But it is not a high-power by any means."

The jury of six men deliberated half an hour before returning with a factual and neutral verdict. "We, the undersigned jury, empanelled to hear the evidence pertaining to the death of the late Albert Goodwin, after viewing the body and hearing the evidence produced, come to the conclusion that the said Albert Goodwin evidently met his death by a bullet from a rifle in the hands of Const. Campbell who was trying to effect the arrest of the deceased Albert Goodwin, who was evading the Military Service Act." The six men who signed the verdict were: Frank Dalby, jury foreman, who was a storekeeper at Canadian Collieries (Dunsmuir) Ltd.; Charles Parnham, a city alderman, overman (underground supervisor) at No. 4 mine; R.R. Ridout, payroll clerk at Canadian Collieries; Neil McFadyen, a school trustee, stable boss at Canadian Collieries; John Fraser, proprietor of a cigar and barber shop; and J.W. Cooke, postmaster. In a community devoted to coal mining, the jury contained not a single working miner.¹⁷

At some point during the day of the inquest, Provincial Police arrested Campbell and charged him with manslaughter. He was whisked off to Victoria immediately after the inquest where he was formally arraigned next day in court. He was released from custody on bail of \$10,000 by Justice of the Peace, William Northcott. The case was remanded for a week.¹⁸

¹⁷BC Archives, GR 1327, Reel B2401, Coroner's Inquest at Cumberland, BC, 31 July 1918, transcript, 151/18; Cumberland city directories; Harold Banks interview; Masters, "The Shooting of Ginger Goodwin,"; *Vancouver Sun*, 31 July 1918.

¹⁸*Victoria Daily Times*, 1 August 1918; *Vancouver Sun*, 2 August 1918; *Victoria Daily Colonist*, 2 August 1918.

CHAPTER SEVEN

FROM GENERAL STRIKE TO COURTROOM

MURDEROUS DISLOYALTY

*Headline in the B.C. Veterans Weekly
8 August 1918
after the 'Goodwin' general strike*

TEMPERS WERE RISING, in Cumberland and elsewhere, over the killing of Goodwin. "It's a wonder they didn't take that Campbell out and tar and feather him," Jean Letcher, then 15 years old, said years later.

Friends of Goodwin began to challenge the self-defence version of the shooting, saying that the path of the bullet showed that his head must have been turned away and thus he could not have been sighting his rifle at Campbell as was claimed. A mass meeting of coal miners decided not to work on Friday 2 August and to attend Goodwin's funeral at Cumberland Cemetery. It was the first work stoppage since the early weeks of the Big Strike in 1912.

In Vancouver, union leader Jack Kavanagh said: "What we want to know is whether it was self-defence or murder." At a special meeting of the Vancouver Trades and Labour Council, secretary Victor Midgely read from a telegraphic despatch that said Goodwin threw up his hands when ordered and advanced in that manner towards Dan Campbell until he was five yards away when the despatch said, he dropped his hands and pointed his rifle at the special constable who shot and killed him. Midgely asked where Goodwin was carrying his rifle all the time he held his hands in the air. A call for a 24-hour general strike in Vancouver was sent out by the Metal Trades Council and the Vancouver Trades and Labour Council, the first general strike in Canada. The day before the funeral, the federal government issued a proclamation (advertised several days later) offering a conditional amnesty from punishment for deserters provided they reported for duty by



Huge funeral procession for Ginger Goodwin lines up on Dunsmuir Avenue in Cumberland on 2 August 1918. The coffin was borne from the home of John and Margaret Clark on nearby Penrith Avenue where Goodwin often boarded. He was buried in Cumberland Cemetery several kilometres away. *Cumberland Museum and Archives, C110-001.*

24 August. Had he been alive, however, Goodwin would not have taken advantage of the amnesty because of the condition to report for duty.¹

Work ceased in the Cumberland coal mines and everyone poured out for the funeral, a personal tribute not only to Goodwin and the respect in which he was held but also an expression of outrage at what his friends considered to have been his murder. His body had been placed in a coffin and taken the day before the funeral from Thomas Banks' Undertaking Parlours to the home of John and Margaret Clark at 2725 Penrith Avenue where Goodwin had spent so much of his life in Cumberland. This was the home, too, of Mary Clark, then 22 years old. She and Ginger were friends, not more than that, and they went out together. "They were real good pals," Mary's younger sister, Jean, then 15 years old, recalled years later. "We always thought

¹ Author's interview with Jean (Clark) Letcher, 16 March 1988; *Victoria Daily Times*, 1, 2 August 1918; *Victoria Daily Colonist*, 2 August 1918; *Vancouver Province*, 1 August 1918; *Vancouver Sun*, 31 July, 2 August 1918; *B.C. Federationist*, 2 August 1918; *Nanaimo Free Press*, 5 August 1918.

there would be love between them but there was not, they were all just friendly, they were great friends.”

The traditional open coffin drew many friends to the house for the visitation. Next day, the funeral itself was massive: The procession to the cemetery, several kilometres from Cumberland, stretched for more than a kilometre. Friends also came from beyond Cumberland. The coffin was hoisted by half a dozen pallbearers to their shoulders and carried slowly up Penrith Avenue and over to Dunsmuir Avenue. The gathering crowd paused at the intersection of Third Street to form up the procession, a brass band in the lead, followed by pallbearers with the coffin. At the edge of town, the coffin was placed in a hearse.

The service was conducted on the upper slope of the cemetery by the Socialist Party of Canada, Cumberland Local 70. The speakers were Joe Naylor, old friend, union and Socialist comrade, who was still unable to get work in the mines since the Big Strike; Wallis Lefeaux, Vancouver lawyer active in the defence of trade unionists and Socialists, and later CCF member of the BC legislature for Vancouver Centre from 1941 to 1945; and William A. Pritchard, Socialist, orator and executive member of the Vancouver Trades and Labour Council. Pritchard, whose father was fired from the Dunsmuir coal mines in 1903 for organizing a union in Ladysmith, was the final speaker. He read from a poem, which began:

Not that we fear to die,
For why should we
Who face a living death
From day to day
Fear what we know eternal rest to be,
A sudden end, rather than a slow decay.²

In Vancouver, the notice for the 24-hour general strike was brief:

**In Memoriam
Special Notice by
Trades and Labor and Metal
Trades Councils
All members of Unions affiliated
with the above councils will cease work
for twenty-four hours commencing 12 o'clock,
Friday, August 2nd, 1918, as a protest
against the shooting of Brother A. Goodwin.**

²Jean Letcher interview; William A. Pritchard manuscript, University of BC Library, Special Collections and University Archives Division; Author's interview with Karl Coe, 1987; Masters, "The Shooting of Ginger Goodwin"; *B.C. Federationist*, 9 August 1918.

Promptly at noon, conductors and motormen took the city streetcars back to the barns. Shipyard workers, longshoremen, garment workers and electrical workers stopped work. Others stayed at work: Printers, postmen, teamsters, telephone workers. At least 5,600 workers went out but almost 10,000 union members did not. The strike, called amid a turbulent time for labour relations, in BC and elsewhere, aroused the daily press to indignation and drove some returned soldiers into a riotous frenzy.

Sgt. A.E. Lees, secretary of the Great War Veterans Association in BC, with whom Goodwin had spoken only six months earlier seeking to help returned soldiers, was practically beside himself. "Whether he was shot in the front or the back, he got his just and due deserts. He was an outcast, an outlaw, and not deserving of sympathy," he declared. As to the attacks on labour leaders, Sgt. Lees continued: "The treatment given these labour men this afternoon (Aug. 2) will be nothing compared to what we will do if they try to turn this country into a second Russia."

The *B.C. Veterans Weekly* commented: "There are no two ways about this strike. It is murderous disloyalty." Its editorial concluded: "There are many followers of the Goodwin type in Vancouver, but they are either going to stop this sort of thing hereafter or Vancouver is going to be too hot a place for them to live in."

The daily newspapers howled. The *Vancouver Sun* headlined its editorial "German or British — Which?" and commented: "Every man who lays off, in obedience to the infamous recommendation of extremists without honor or conscience, will stain himself with something that can hardly be distinguished from deliberate treason." Added the *Vancouver Province*: "Hundreds of union labor men from British Columbia have died bravely fighting for the Empire and the cause of right in France and Flanders. For none of them have the organized workers been asked to pay such honor as they have been called upon to offer to the man who was killed with a rifle in his hand resisting the law of this country."

In the evening of 2 August, returned soldiers stormed the Vancouver Labour Temple, assaulted labour council secretary Victor Midgely, and forced him to kiss the Union Jack. Pioneer fighter for women's rights, Helena Gutteridge, later elected the first woman member of Vancouver city council, was there. She said 300 veterans broke down the labour temple door, shattered windows and threw papers and records everywhere. The veterans forced Midgely out of a second-floor window onto a coping. He managed to climb back inside and would have been pushed out again but for the intervention of stenographer Frances Foxcroft.

The next day, veterans attacked the Longshoremen's Hall. They demanded that union leaders Ernie Winch (later CCF member of the BC legislature for Burnaby for more than 30 years whose son, Harold, led the party

in the house), Jack Kavanagh, George Thomas, William Pritchard, W.H. Cottrell, Joe Naylor, and Midgely all leave BC for the rest of World War I. The union leaders, however, said they had the support of their members and they promptly put it to the test. Delegates to the labour council (who had earlier voted 117 to one in favour of the 24-hour general strike) resigned *en masse*. The major unions then re-elected the same delegates and, with two or three exceptions, so did the smaller unions. It was a clear vote of confidence.³

There were contrasting obituaries for Goodwin. In Trail, the *News* commented: "Goodwin deserves no sympathy nor do those who think as he does. Canada is at war and has called its young men to the colors. He was one of them, and his persistent evasion of his duty brought the natural consequence. Thousands have gone willingly and gladly and many have paid the price. Albert Goodwin paid it, not in the line of duty, but because he would not conform to what we are all subject to and threatened an officer. He was a bright man and could have made a name for himself." The Vancouver *Sun* said: "He is very poor material for martyrdom. His name does not belong in the calendar of saints. His conduct was an evil example, which brave men or patriotic men cannot condone. Let his friends grieve, if they will, but let all other good citizens cease to mention him henceforth."

Goodwin's friends saw matters differently. Pritchard said Goodwin's death was a loss to the labour movement. Pritchard cited a compliment paid to Goodwin by the mainstream daily Vancouver *World* on his inoffensive language as proof of Goodwin's fine character. "He was well posted on the working class movement, an orator of no mean ability, and a gentleman in the best sense of the word; kindly-hearted, earnest and sincere in his efforts to bring about a change in the system which he knew so well was the cause of wars, and all the ills from which society suffers," said Pritchard.⁴

Back on Vancouver Island, the police search for draft dodgers did not let up. The press reported that the young men for whom previous searches yielded no result gave themselves up. But according to later accounts, Boothman, Taylor, and Randall were spirited away from their mountain hideout by friends. Dominion Police Inspector William John Devitt came back and arrested Joe Naylor and David Aitken in mid-August and charged them with aiding and abetting deserters (including Goodwin) by earlier tak-

³*Labour/Le Travail*, 23 (Spring 1989); *B.C. Veterans Weekly*, Vancouver, 8 August 1918; *Vancouver Province*, 2 August 1918, 2 August 1978; *Vancouver Sun*, 2, 3, 30 August 1918; *Victoria Daily Times*, 2 August 1918; Irene Howard, *The Struggle for Social Justice in British Columbia: Helena Gutteridge, the Unknown Reformer* (Vancouver, 1992); Phillips, *No Power Greater*.

⁴*Vancouver World*, 20 August 1917; *Trail News*, 9 August 1918; *Vancouver Sun* 2 August 1918; *B.C. Federationist*, 2 August 1918.

ing groceries to them. Dominion Police Constable Alfred Stafford and Provincial Police Constable Robert Rushford arrested two military evaders, identified only as J. Ford and an Italian, on 23 August and took them to the Courtenay lock-up. Rushford was again assisting Devitt on 29 August looking for military deserters.⁵

Meanwhile, the manslaughter case against Daniel Campbell was being prepared by the Provincial Police for the Preliminary Investigation or hearing, comparable to today's Preliminary Inquiry in Provincial Court. The hearing convened on 7 August at the Victoria Courthouse before two Justices of the Peace, William Northcott and Dr. Lewis Hall. It was notable in three ways:

1. Several witnesses enhanced their evidence from the inquest, the effect being to buttress the self-defence argument.
2. Defence counsel William Moresby was shocked when six witnesses for the prosecution arrived unexpectedly from Cumberland (in the days before the Crown had to make full disclosure of its case in advance). These witnesses testified that on three occasions, Campbell said he would "get" the deserters "dead or alive." One of the witnesses quoted Campbell as using the word "shot."
3. The Crown conducted its case on two premises: That Campbell was operating on a "dead or alive" basis (supported by the testimony of the six surprise witnesses); and that no words were exchanged before Campbell shot Goodwin, the suggestion being that Campbell did not offer Goodwin the opportunity to surrender. Yet, curiously, both Inspector Devitt and Lance Corporal George Henry Roe of the Dominion Police *knew* differently, did not say so in court, and allowed the prosecutor to proceed on an erroneous premise. There may be a legal explanation for this, however. In Chapter 9, criminal lawyer Adrian Brooks explains that the rules of court should prevent Devitt and Roe from repeating, as hearsay evidence, exculpatory statements by an accused.

The purpose of the Preliminary Investigation was to decide if there was enough evidence to warrant a trial. This was unlike the inquest which had a limited fact-finding focus under the BC Coroners Act. The duty of the inquest jury was to view the body, hear the evidence and give a verdict, deciding who the dead person was and how, when, and where he or she came to die. Finding fault was up to the criminal courts which must enquire not only into the facts of an event but also whether any criminal intent can be found. Even allowing for the difference in functions, however, the accretion in testimony between the two hearings was considerable.

⁵BC Archives, GR445 Volume 69, BC Provincial Police Force, Rushford Reports; Vancouver *Sun*, 2 August 1918; Interviews with Winnie Williamson, Jimmy Ellis, Elsie Marocchi, in Masters, "The Shooting of Ginger Goodwin"; *B.C. Federationist*, 16, 23 August 1918.

The case against Daniel Campbell was called at the Victoria Courthouse in Bastion Square (now home to the Maritime Museum of BC) before the two Justices of the Peace, Northcott and Hall. They were lay persons who regularly decided whether there was sufficient evidence to commit accused persons to stand trial. Northcott was the purchasing agent, assessor, and building inspector for the city of Victoria. Hall was a dentist and an active Liberal who was mayor of Victoria in 1908 and 1909. The prosecutor was William Carter. Moresby continued to represent Campbell.

Dr. Millard repeated his post mortem evidence from the inquest. Again, he said there were two wounds on the left neck, one big enough to admit two fingers, and a small punctured flesh wound. Two portions of one bullet that practically fitted together were found in the right shoulder. Again, the existence of two wounds to the left neck when only one bullet was fired was not pursued in questioning. The only explanation, if his evidence is accepted, is that the bullet broke into two pieces after hitting the wrist and before reaching the neck. Millard had said he had no positive indication that the left wrist wound was caused by a gunshot. Now, when asked, "And would you say the wound on the arm and neck were caused by the same bullet?" Millard replied: "In my opinion yes." But how did he account for powder marks, which he found on the neck, not being on the wrist? "I cannot say, the clothing was removed before I saw it, and it might be on account of the clothing being removed, the clothing might have rubbed it off." (Years later, the undertaker's son, Harold Banks, who viewed Goodwin's body, said there were powder marks on the wrist). At the inquest, Millard said the wrist wound extended "nearly to the bone." Now, he said the wound extended "to the bone." Millard repeated earlier testimony that in his opinion Goodwin's left arm would have had to be on a level with the wound on his neck and the location of the bullet. Millard said he handled two or three gunshot cases a year and, asked if the bullet which killed Goodwin was soft-nosed or dum-dum, replied that it was "a soft-nosed bullet, not an explosive bullet," an ordinary hunting bullet. Again, Moresby zeroed in on one bullet causing the wrist and neck wounds: "There is not the slightest doubt in your mind that the wound on the arm, the radius, and the neck were both caused at the same time?" Millard replied: "The same time."

Inspector Devitt repeated his testimony about how the police reached Alone Mountain, with a minor date confusion. After hearing a gunshot and rushing with Lance Corporal Roe to the scene, he found Campbell standing thirteen feet from Goodwin who was facedown, dead, and clutching a .22-calibre automatic rifle. Devitt quoted Campbell as saying: "I surrender to you Inspector, I had to do it to save my life." Now Devitt added to his earlier testimony: He said that Goodwin's right index finger was extended. "And that would be for the purpose of pulling the trigger?" asked defence

counsel William Moresby. "I should think so, the muscles were all flexed," replied Devitt. (Earlier, Millard said the hands of a dead person who was killed instantly would be flexed, without relaxation, and would keep the same position after death). Justice of the Peace Northcott asked: "According to the way you found the deceased he was in a position to shoot the way he had his hands out?" Replied Devitt: "That is certainly my opinion."

Devitt also said Goodwin's neck wound was caused by "a ricocheting, it was not a straight wound," adding to his inquest testimony.

Devitt was asked: "Would a bullet fired at that distance at a man's wrist ricochet like that?"

"Oh yes."

"And the striking of the bone at that distance from that rifle would deflect the bullet?"

"I think so."

Devitt's ricochet theory was consistent with his inquest testimony that one bullet caused the wrist and neck wounds.

At the inquest, Devitt was asked about Goodwin: "You did not know the man at that time?" He replied: "No, I did not know the man." Now he was asked: "Did you know the deceased before that?" Devitt answered: "No, I had never met him." (It may have been true that Devitt had never *met* Goodwin, or even had *known* him in a formal sense, but he could hardly have failed to have known *of* him. When Devitt was police chief of Rossland, Goodwin was a regular visitor from nearby Trail, his arrivals at the Allan Hotel were routinely reported in the social column of the *Daily Miner*. Any police chief of Rossland, which supplied nearby Trail's smelter with its raw materials, would surely have known, at least by name and reputation, one of the leading trade unionists of the area).

Carter, for the prosecution, emphasized to Northcott and Hall that, evidently, no words had passed between Campbell and Goodwin before the fatal shot. He asked Devitt: "Did Campbell at any time speak to you or anyone else in your hearing about how the shooting occurred or in what position his rifle was in?"

"Not at the time."

"At any time?"

"Yes, since."

Devitt said that later, in Victoria, Campbell "just demonstrated that the man came close to him and covered him with a rifle and he pulled his."

"Tell us what he told you there?"

"That was all he told us, it was more of a jest [*sic*: gesture?] than anything."

"What did he say?"

"He said he pulled his rifle, he said the deceased raised his arm to his shoulder, not the accused."

And yet, both Devitt and Roe, if their own notes are to be believed, *knew* that more than this was said. Their notes quoted Campbell as calling on Goodwin to surrender. Yet they allowed Carter to conduct the prosecution on the premise that nothing was said before the fatal shooting. Devitt's notes say this, immediately after the shooting: "Constable Campbell said I had to do this to save my life, *I asked this man to surrender and give me his rifle* and he covered me with his rifle as though to shoot. In self defence I had to shoot first." Roe said in his notes: "He (Campbell) said take me in charge Inspector Devitt — but I could not help it. *I told him to surrender* but he covered me and to save my own life I had to pull, ..." (Emphasis added). Neither Devitt nor Roe testified at the inquest that Campbell told Goodwin to surrender before shooting him.

But the 'I surrender' words attributed to Campbell were hardly the notebook secret of Devitt and Roe. The statement had been made publicly before the Preliminary Investigation, raising a question of how well informed the prosecution was about the case. The *Victoria Daily Colonist* reported on 31 July — the morning of the inquest — that Constable Rushford quoted Campbell as telling Goodwin before the shot was fired: "Stick up your hands and come forward." The newspaper repeated this on 9 August when it reported that Northcott and Hall had committed Campbell to stand trial. "According to the original story, although this was not submitted as evidence at the investigation, *Campbell ordered Goodwin to surrender*. Goodwin held up his hands and advanced towards Campbell, then suddenly clutched his rifle and raised it to his shoulder. Campbell shot first." (Emphasis added).

The *Comox Argus* reported on 1 August that Goodwin "*was ordered to throw up his hands, Campbell at the same time telling (him) he was under arrest.*" (Emphasis added). While Devitt and Roe could not themselves testify as to what Campbell told them that he said to Goodwin, because that would be inadmissible hearsay evidence from a third party — it could only come from Campbell in court — that does not explain why the prosecution founded an important part of its case against Campbell on the premise that no words were exchanged before the shooting. This remains an unanswered and, now, unanswerable question.

Although Devitt identified Campbell's rifle in court, when he was asked how Campbell was armed he said: "I cannot say what he was armed with, the regulation arm for Dominion Police is generally a .45 or .55 pistol." At the inquest, asked what Campbell was armed with, he said "I would not swear to it but I believe he carried a .32 Smith and Wesson special, something like that." He was then presented with and identified Campbell's rifle.

Devitt also added this testimony, over the inquest: He had on file "certain telegrams" (which were never produced in court or elsewhere) "which stated that the unfortunate man, the deceased, had stated that he would shoot any man that would attempt to draft him into the army." Immediately before saying that, however, he testified: "I had no information that we should be more careful about Goodwin than any other one, a good deal of talk had been going around." (Years later, Cumberland miner Ben Horbury said he was present when Goodwin and Boothman told his father that, if cornered by police, they would *not* shoot.) But was Campbell aware of Goodwin's alleged dangerousness, Devitt was asked. "I don't know," he replied.

Devitt testified he received information when he arrived in Cumberland where the deserters might be located. He was then asked, for the first time: Did the information disclose that these men were armed? "Yes." Devitt said an earlier raid on a cabin "that was supposed to be occupied by Taylor and men of his party" resulted in "a large number of rifles and ammunition" being taken and he said Campbell knew this. Devitt also said "heavy shotguns" were found in the cabin raid. (But in what sounded like the same raid, Constable Rushford testified later in August at the Preliminary Investigation of Joe Naylor, on the charge of aiding and abetting deserters, that a Dominion Police-Provincial Police search in which Taylor, the man in the black mask, got away, the police only found "A shotgun and some ammunition" in a shack). Devitt also said, for the first time, that a red handkerchief with holes in it, suggestive of a mask, was found in a lean-to only 200 yards from where the shooting took place where there was evidence of recent cooking. Devitt said he had information about the incident involving Rushford and a man with a mask named Taylor, that Rushford had fired at him, and he believed Campbell knew this.

The picture now being presented became clear: The police were searching for deserters who were armed and dangerous, willing to shoot, in an area where a number of rifles, shotguns and ammunition had been found, that Goodwin had said he would not be taken alive and had his trigger finger ready to fire his rifle. All this bolstered Campbell's claim of self-defence, of course.

George Henry Roe had the same lapse of memory as Devitt: Roe's notes, in Devitt's notebook, quoted Campbell as saying, immediately after the shooting, "I told him to surrender but he covered me and to save my own life I had to pull" But Roe testified that Campbell only said: "I am very sorry, Inspector, but I had to do this in self defence, it was my life against his life." There was no mention of Campbell telling Goodwin to surrender. Roe, who had listened to Devitt's testimony (something that would not be allowed today in a criminal trial), said again that Goodwin's rifle was loaded.

His attention was directed to Goodwin's hands and the right index finger that Devitt thought was in a shooting position. Roe said Goodwin's hands "had about closed but had not stiffened." He was asked, "Where was the index finger of his right hand?" Now Roe, who said he took the rifle out of Goodwin's hands, became uncertain: "I could not say, I won't say because I cannot."

Devitt testified (and Roe confirmed) that he ordered Roe to make Goodwin's rifle secure. Devitt said he issued this order this because of information that there were other deserters in the area and "one less rifle in the neighbourhood I thought would be better." Yet Roe testified at the inquest that he reloaded the rifle with the only two bullets (of 10) that he could find on the moss-laden ground after emptying the rifle. Roe said he turned the rifle over to Devitt.

Neither Devitt nor Roe testified at the inquest about finding a rifle under a big rock about two hours before Goodwin was shot which not only did they fail to secure but did not confiscate either although both men recorded the event in their notebooks. Devitt wrote that it was a "take down" rifle, which is often a .22 rifle that separates into two parts. But Devitt did tell the Preliminary Investigation about finding this rifle. The policemen decided to cache the weapon "in another place," which does not indicate any concern at that moment about a rifle being in the area.

Albert Stephenson, the Nanaimo-based area chief of the Provincial Police, said when he reached the scene three days after the shooting he found Goodwin's right index finger extended. He searched the corpse and found a box of eight .22-calibre shells — the same number of shells that Roe could not account for in his testimony, saying that they were ejected "quite a distance" while he unloaded Goodwin's rifle. Roe, however, did not tell the Preliminary Investigation that he reloaded the .22-calibre rifle with the two bullets he found, as he did at the inquest.

Stephenson said the bullets from Campbell's rifle "are the bullets used by sportsmen."

He testified that he knew Goodwin (presumably from 1913 when Stephenson was a constable and stationed in Cumberland during the Big Strike). Was Goodwin's reputation offensive? "No, he is inclined to be socialistic." He was asked again, "Offensive or otherwise?" Stephenson replied, "No."

Questioned by Moresby, Stephenson said he was told that Campbell was standing seven feet from bloodstains on the trail at the time of the shooting. He also said Goodwin was not authorized to carry a gun.

The case then took a sharp turn for the worse, for Campbell. To the obvious shock of his lawyer, six witnesses — who had not been called at the inquest — testified that on three occasions in the weeks before Goodwin was

killed Campbell said he would “get” the deserters, “dead or alive,” that they would never get away, and one witness quoted Campbell as using the word “shot” rather than “get.”

Moresby, spluttering, demanded to know how the witnesses came to be at the Preliminary Investigation, how did the police know about their stories? Camille Decoeur said he told Joe Naylor what Campbell had said, and Constable Rushford told him to go to the Preliminary Investigation. Decoeur was followed on the witness stand by miners Peter McNiven, Rasie Giovanni, Alexandros Merillo, Carlos Cavallero and Peter Ioris.

Cavallero quoted Campbell as saying that Rushford saw one of the deserters in a boat and would not shoot because he was his friend. Campbell said, “If it was me I would get him.” Campbell also said: “We are going to get him, dead or alive.” Cavallero was the fifth of the six witnesses giving the similar stories, by which time Moresby was moved to comment: “That makes the case very strong, does it not?” Cavallero replied: “I don’t know if it makes it strong.” A few questions later, Moresby sounded frantic: “How did you come to be here? You would not be here unless someone knew what you were going to say? Someone must have sent for you? Who is the somebody that got you here today?” Answered Cavallero: “I know they got me here all right.”

Although not called as a witness, Rushford said in his monthly report that on 5 August he received a telegram from Inspector Francis Murray at Provincial Police headquarters in Victoria to notify six witnesses to go to the Preliminary Investigation in Victoria. Inspector Murray, interestingly, was the Sergeant Murray of the Provincial Police whose investigation in 1905 led to the dismissal of Campbell from the force for shaking down two women. Rushford accompanied three of the six witnesses to Victoria from Cumberland.

Summing up for the prosecution, Carter emphasized that, evidently, no words had passed between Campbell and Goodwin before the fatal shot was fired. He attempted to show that Campbell was working on a “dead or alive” policy and had not made a reasonable effort to disarm and capture Goodwin.

“I don’t deny that Goodwin was an evader of the law,” said Carter. “But not every man who evades the law gets killed. Not every man is entitled to be killed. In cases where death is involved it is imperative that there should be a thorough investigation. You would imagine when Campbell encountered Goodwin there would have been some conversation. That is just what I cannot explain. It would be fairer to the accused and fairer to the country to have this matter settled by trial before a jury.”

Moresby said the legality or justice of conscription was not the issue. Desertion or evasion of the Military Service Act was a serious offence. It was a

fair inference from police testimony about finding masks and heavy fire-arms that Goodwin and the others were prepared to resist arrest.

"Suppose Goodwin fired the first shot and Campbell were killed," said Moresby. "What would the world say? That Campbell was a fool not to shoot sooner. There was no time for speculation. It was a time for quick action. Why put this man to the expense of a trial when it is a foregone conclusion that no reasonable, fair-minded jury would convict him? As to the use of a soft-nosed bullet, Campbell would have been justified in using a bomb in self-defence."

While Moresby inferred that friends of Goodwin caused the appearance of some Crown witnesses, Carter said they were summoned in the regular manner through the Attorney General's department.

Throughout the hearing, Campbell retained his composure, showing no signs of emotion. The courtroom was filled with spectators. There was a sprinkling of Victoria labour men and Socialists, several people from Cumberland, and soldiers and returned veterans. Vancouver lawyers Edward Bird and Wallis Lefeaux kept a watching brief for the Socialist Party of Canada.

After Carter closed the case for the prosecution, Moresby immediately asked that the charge be dismissed because there was no case for the defence to meet. Northcott and Hall decided to adjourn the hearing to the next day, 8 August, to give their decision.

When court reconvened, Northcott gave the decision: "We have given the matter our serious consideration and as there is some doubt arising in the matter we will commit the accused for trial by the higher court. I am sorry for Mr. Campbell, we will commit him to the higher court."

Said Moresby: "I take it that you think there is a case to meet having heard the evidence for the prosecution and, on my motion to dismiss the case, you refuse my motion?"

"Yes," replied Northcott and Hall.

Northcott asked Campbell if he wished to say anything or call any witnesses.

"At the higher court, yes," replied Campbell.

Without attribution, the Victoria *Daily Colonist* reported next day that "several witnesses will be produced to show Campbell shot in self-defence and that, therefore, there is no substantiation of the manslaughter charge."⁶

⁶Notebooks, William John Devitt and George Henry Roe, personal collection, T. Dennis Devitt, Vancouver; Mayse, *Ginger*; Harold Banks interview in Masters, "The Shooting of Ginger Goodwin"; Ben Horbury interview, quoted in Wejr and Smith, *Fighting for Labour*; BC Archives, GR419, Volume 217, File 1918/79, *Rex v. Daniel Campbell*, Preliminary Investigation; BC Archives, GR419, Box 229, File 1919/122,

Campbell was to be tried at the fall Assize in Nanaimo, the city closest to the alleged crime where BC Supreme Court held regular sittings. Nanaimo was also a coal-mining city. Goodwin and many of his friends were coal miners, and his death caused considerable controversy and hostility. That may be why the trial was shifted to Victoria five days before the Assize in Victoria began its fall sitting. The affidavits in support of the defence request for a change of venue to Victoria cannot be found but such changes are usually given where the court accepts that there would be prejudice against the accused person. Justice Aulay Morrison of BC Supreme Court changed the venue on the application of Moresby and after reading affidavits from: John S. Bannerman, customs collector in Cumberland; Thomas Graham, general superintendent of Canadian Collieries (Dunsmuir) Ltd. in Cumberland; Charles Graham, district superintendent in Cumberland for Canadian Collieries; Donald Robert MacDonald, traffic manager in Cumberland for Canadian Collieries, and mayor of Cumberland; Anson Jones Burnside, about whom nothing can be learned; Frank J. Dalby, storekeeper in Cumberland for Canadian Collieries, who was foreman of the Goodwin inquest jury; Thomas Duer McLean, a Cumberland jeweller; Neil McFadyen, stable foreman in Cumberland for Canadian Collieries, a school trustee, and a juror at Goodwin's inquest; and Charles Edward Hildreth, manager of the *B.C. Veterans Weekly*, official organ of the Great War Veterans Association of BC. Morrison also heard from A.M. Johnson, deputy Attorney-General, who did not appear to oppose the change of venue.⁷

Although the Provincial Police and two Justices of the Peace believed there was a *prima-facie* case of manslaughter against Campbell, before he could stand trial the indictment had to be presented to and witnesses heard, in private, by a grand jury. The duty of the grand jury was not to determine guilt or innocence but solely whether or not there was sufficient *prima-facie* evidence to warrant a trial. (Grand juries also inspected and reported on conditions in government institutions, such as hospitals and jails).

The grand jury, comprised of thirteen jurors, was part of the English judicial system brought to Canada and the United States. It was intended to protect citizens from the power of the authorities by having a review by citizens before someone could be tried in court. Grand jurors were addressed in open court on the law that applied to the case by the presiding judge of the assize. Then they retired to hear, in private, the witnesses called by the

Rex v. Joe Naylor; *Victoria Daily Colonist*, 8, 9 August 1918; Mark Leier, "Plots, Shots and Liberal Thoughts: Conspiracy Theory and the Death of Ginger Goodwin," *Labour/Le Travail*, 39 (Spring 1997).

⁷BC Archives, GR 1566, Reel B-7066, *Rex v. Daniel Campbell*, Change of venue; City directory, Cumberland; Voters Lists, Comox constituency; *Nanaimo Free Press*, 27 September 1918.

prosecutor. No record was made of the testimony given. The accused was not present. A Bill of Indictment listed the name of every witness intended to be examined and the grand jury foreman endorsed each witness heard by initialling his name. After hearing the prosecution's witnesses, the grand jury returned either a "True Bill," meaning there was sufficient evidence to warrant the trial in public by a twelve-member petit or trial jury, or "No Bill," meaning the case was dismissed for lack of evidence. Majority ruled (in contrast with criminal trial juries, which require unanimity), meaning as few as seven of the thirteen grand jurors could find a True Bill — or, No Bill.⁸

The background of the grand jurors who considered Campbell's case in Victoria was different than that of the ones he would have faced in Nanaimo, but not as significantly different as might be assumed. In Victoria, the grand jury comprised six merchants, three accountants, a shipping agent, a real estate agent, a financial agent, and a retired man. In Nanaimo, there was a similar slant in favour of merchants — six of them, plus a real estate agent, a broker, and a stable owner. But there was also an underground miner, two mine surface workers (machinist and carpenter), and a mine stable boss.⁹

Meanwhile, World War I continued. Allied armies in France were finally making advances against the Germans. At home, the federal government had made it illegal in April 1918 to publish or to publicly express adverse or unfavourable statements or opinions on the motives or purposes of the war effort "which may tend to arouse hostile feeling, create unrest or unsettle or inflame public opinion."¹⁰

Wartime hysteria mounted in Victoria as Campbell was about to face his manslaughter charge of killing a well-known draft dodger who had publicly opposed the war. At a meeting in Victoria of the League of Patriots (soon to be renamed the Anti-Hun League) on 25 September, "forceful methods" were demanded against "Germans and Austrians who can endanger the winter coal supply of Canada by striking at the beginning of winter" in Fernie, BC. Rev. Arthur deB. Owen, rector of the Church of Our Lord (Reformed Episcopal) in downtown Victoria, said "enemy aliens" in the coal

⁸*Criminal Code of Canada*, procedure regarding grand jury; *Upper Canada Law Journal*, Volume 2 (1856), Volume 5 (1859), Volume 6 (1860); *Canada Law Journal*, Volume 27 (1891), Volume 28 (1892); Supreme Court of Canada, *Re Criminal Code* (1910), 16 C.C.C., 459; Jury Act of BC, 1913.

⁹BC Archives, GR 1864, Grand Jury Roll, *Rex v. Daniel Campbell*, also microfilm reel B-9807 (1) and GR1904, Volume 3, Criminal Record Book, May 1917-May 1948, BC Supreme Court (Victoria); Nanaimo *Free Press*, 8 October 1918; Voters lists, Victoria and Nanaimo constituencies; City directories, Victoria and Nanaimo.

¹⁰*Victoria Daily Times*, 18 April 1918; Phillips, *No Power Greater*.

mines should be made to work at the point of a bayonet under guard of returned soldiers, and for 25 cents a day. "If these men won't work let us get some returned men with bayonets behind them," said the rector. "They will work then. There will be no need to use the bayonet."¹¹

The *Victoria Daily Colonist* published an article on 26 September under this headline:

**Soldier Since Killed in Action Says
Slackers Will Wish They Had
Faced Huns.**

In the article, a Private Watterhouse was quoted as writing in a letter to an unidentified Victoria friend that "... I often wish these fellows who are staying behind could hear the verdict against them by the boys over here. We are kept fairly well posted. These non-soldiers are not only slackers but are keeping some returned soldiers out of a job who have certainly earned it over here. But don't worry. God help them when the boys get back. They will wish they instead of their former comrades faced the Hun."

At the same time, the federal government banned newspapers, tracts, pamphlets, and books in "enemy languages" until the end of the war. These languages included German, Magyar, Hungarian, Bulgarian, Turkish, Russian, Romanian, Ukrainian, Finnish, Estonian, Syrian, Croatian, or Livonian, except for works of a religious or scientific nature not containing any belligerent objectionable matter. No meetings were to be held, except those of a religious character, in "enemy languages" or in the Russian, Finnish, or Ukrainian languages.

Thirteen organizations were declared unlawful including the Industrial Workers of the World and various ethnic, social democratic, and Socialist parties (but not the Socialist Party of Canada) on the grounds that their literature was "all of a revolutionary and Bolsheviki character."¹² The Communists had seized power in Russia the previous November and soon withdrew the country from the war against Germany. These two events added Russia, which before the Bolshevik revolution was an ally against Germany and Austria-Hungary but was now neutral, to the list of "enemies." Western countries (among them, Britain, France, Czechoslovakia, United States, and Canada) dispatched troops to Russia to assist the anti-Communist 'Whites' in the raging civil war with the Communist 'Reds.' In Canada, 4,000 troops were readied and would arrive in Vladivostok, in

¹¹*Victoria Daily Times*, 26 September 1918.

¹²*Victoria Daily Times*, 26 September 1918.

eastern Siberia, in October. Most of them would not return to Canada until June 1919.¹³

The Spanish flu epidemic was spreading throughout the world, including Canada. It would claim 21,640,000 lives — more than twice the 9,700,000 combatant deaths in World War I, and more than the 15,600,000 combatant deaths in World War II. Estimates of the number of Canadian victims range between 30,000 to 50,000.¹⁴

Such were the times in Victoria and the world beyond it when Justice Denis Murphy of BC Supreme Court addressed the thirteen grand jurors in *Rex v. Daniel Campbell* at the fall Assize in the Victoria Courthouse on 1 October. He emphasized the care needed in such a case “in wartime when the passions of men are inflamed.” He spent a considerable time reviewing the Preliminary Investigation evidence, the circumstances and the manslaughter charge as a matter of law, emphasizing the serious nature of the case.

“This case has caused a good deal of excitement in this country and there is, therefore, all the more reason that it should be dealt with carefully,” he said. “Ordinarily, shooting a man constitutes murder, but there are some cases where this act does not constitute a crime. It is alleged in this case that the action by Campbell was taken in self-defence and that had he not killed Goodwin, Goodwin would have killed him.” Murphy explained self-defence, assault and the threat of assault. “It was alleged that such an assault had been made by Goodwin. Thus, in some cases, even where a man has been killed, there has been no crime committed. If it was proved that Campbell was an authorized police officer on his duty, Goodwin had no right but to surrender. If he did anything, such as pointing a loaded gun in such a way that Campbell thought he intended to use it, then he committed an unlawful assault. Now if a man is assaulted, he is justified in using force for self-defence. However, policemen are not supposed to use firearms except in the last extremity.”

Murphy said the *prima-facie* evidence seemed to disclose manslaughter but he did not want the grand jury to form any conclusions as to the guilt of Campbell on the remarks made during his address. Murphy repeated several times that even when a man is killed, no crime may have been committed. He pointed to the “dead or alive” testimony from the Preliminary Investigation. “This evidence must be considered by you because it will tend to throw some light upon Campbell’s attitude of mind. Living as we do in a democratic country, the courts have to see that full justice is meted out. It would be a deplorable thing if a case like this were not investigated before a petty [*sic*: petit or trial] jury, unless a reasonable man could say that such a case needed no explanation. The facts must be so plain as to leave no ques-

¹³Elizabeth Abbott ed., *Chronicle of Canada* (Montreal, 1990).

¹⁴Abbott, *Chronicle of Canada*; *Guinness Book of Records*, 1993 (New York, 1992).

tion in the mind of a reasonable man that it was absolutely necessary for Campbell to kill Goodwin. It is a matter of serious import to the community at large because under the present form of government of this country the integrity and fairness of the courts is, in the final analysis, a citizen's final appeal for his rights. It is more so in wartime when the passions of men are inflamed. This is all the more reason why we should act with calmness and allow no right-thinking man to think that any fear or favour was shown."¹⁵

The grand jury retired in the late morning to begin hearing witnesses. The Bill of Indictment can no longer be found so it is not certain what witnesses were heard. But Murphy's review of the Preliminary Investigation, Constable Rushford's monthly report showing that on 25 September he served subpoenas on Dr. Millard, Decoeur, McNiven, Giovanni, Merillo, Cavallero, and Ioris, and a report in the *Victoria Daily Times* saying that numerous witnesses came to Victoria from Cumberland as well as Campbell's companions in the search for deserters — all this, taken together, indicates clearly that the grand jury heard the witnesses who were called at the Preliminary Investigation.

The grand jurors continued their deliberations until mid-morning on 2 October when they returned to the courtroom with their decision: No Bill. That was all the grand jury said or had to say. No reasons were given or required. Campbell received the decision with the indifference he had shown throughout the proceedings, it was said. Numerous friends and fellow policemen pressed forward to shake his hand. Justice Murphy issued a discharge. Campbell walked from the courthouse into Bastion Square a free man, leaving history to ponder whether justice was done, and whether it was seen to be done.¹⁶

¹⁵*Victoria Daily Times*, 1 October 1918.

¹⁶*Victoria Daily Times*, 2 October 1918; *Victoria Daily Colonist*, 2 October 1918.

CHAPTER EIGHT

MURDER, CONSPIRACY, MANSLAUGHTER, SELF DEFENCE, OR, PANIC REACTION?

"A hundred rabbits don't make a horse, and a hundred suspicions don't make one single proof, I believe the English say, and that's just common sense."

*Examining Magistrate Porfiry Petrovich,
Crime and Punishment, by Fyodor Dostoyevsky¹*

HEAVY CLOUDS OF SUSPICION still hang over the Ginger Goodwin case. But this much is clear: Justice was neither done nor was it seen to be done. This was because a legal anachronism, the grand jury process, imported from England, short-circuited what should have been due process — a public trial of the manslaughter charge. But the grand jury process, conducted in private, with no record of proceedings, avoided a trial and has left history to judge: Was Dan Campbell guilty as charged, or not?

At the time, the law required that indictments be presented to a grand jury, which then decided if there would be a trial. The Provincial Police and the two Justices of the Peace at the Preliminary Investigation decided there was a *prima facie* case of manslaughter against Campbell — enough evidence to charge him and to warrant a trial. But thirteen grand jurors — or as few as a majority (seven) of them — who would have had little (if any) experience in criminal law, decided there was no case for a trial. It was a perverse decision. Dan Campbell walked away a free man. There was no accounting for what happened when he and Goodwin met on a steep, heavily forested hillside in the Beaufort Mountains west of Cumberland on 27 July 1918. Assume for a moment that the situations were reversed: Can anyone imagine the grand jury returning the same decision for Goodwin, if he had shot and killed Campbell, and was charged with manslaughter? There would have been a trial for Goodwin. There should have been a trial for Campbell.

The grand jury, as an institution, had been criticized in legal circles for decades and there was a campaign under way in 1918 for its abolition. This

¹*Crime and Punishment*, (London, 1951).

finally occurred in 1932 in BC and the following year in England. Canadian critics of grand juries had significant grounds for their objections. First, there was the issue of secrecy: the grand jury conducted its business behind closed doors with no record made or kept of the proceedings. Thus, perjury before a grand jury was effectively protected because, from a practical point of view, a conviction was impossible to obtain without a transcript. Second, the grand jury was superfluous because magistrates, especially in urban areas, knew enough to decide whether an accused person should be committed for trial or not. Compared to these magistrates, grand jurors would often have little or no experience with the legal system and could potentially make errors because of their ignorance.

"The Grand Inquest ... occupies the high position of being answerable to no power, no court and no Parliament of the state," said an editorial in the *Canada Law Journal* of 1891, advocating its abolition. "Its mistakes cannot be rectified." The editorial said that the finding of a magistrate "is really a far greater protection to the public and the accused than are the proceedings before a grand jury. The magistrate is generally a man having more or less experience in dealing with criminal cases, and in this respect he has a great advantage over the jurors. His committals often end in acquittals, but at least there is something apparent on which they are based." A letter in the same journal made the same point: Magistrates are better qualified to sift and weigh the evidence than grand jurors. Acquittal in open court "is a more satisfactory expurgation than the return by a grand jury of a Scotch version of 'not proven'." Should it happen that grand jurors become influenced by public or class prejudices, the letter continued, and should such prejudices favour the accused person, "the power is in the hands of the grand jurors, or a majority of them, to prevent a trial."

In 1892, the *Canada Law Journal* reported that 48 judges favoured abolition of grand juries, 41 were opposed, and twelve doubtful. Three months before Campbell killed Goodwin, at the 1918 session of the BC legislature, Attorney-General J.W. deB. Farris (who, it will be remembered, in his practising days as a lawyer, defended coal miners after the 1913 riots during the Big Strike on Vancouver Island) moved that a recommendation be sent to the federal government asking it to amend the Criminal Code to dispense with the grand jury. The recommendation passed by a vote of 25-to-9 with no serious objection raised but there was no immediate reaction from the federal government. The BC recommendation said there would be "a substantial saving without impairment of public service."

Some years were to go by before the federal government passed the requested legislation, making permissible the abolition of the grand jury. In 1932, the BC legislature amended the Jury Act and abolished grand juries. Attorney-General Robert Pooley said the grand jury had outlived its useful-

ness. He read comments from articles on the subject where exception was taken to persons who, with no legal knowledge, and behind closed doors, sat as a tribunal to override decisions of magistrates. Fourteen years after the grand jury short-circuited justice in *Rex. v. Daniel Campbell*, it could never happen again.²

The grand jury in 1918 saved Campbell from a trial, one in which he would almost certainly have had to testify. A defence of self-defence practically demands that the accused testify, even though he has no legal obligation to step into the witness box. And, at the Preliminary Investigation, Campbell openly voiced his intention to speak in his own defence. But without his first-hand account, tested by a vigorous cross-examination, what we know about what happened between Campbell and Goodwin is either second-hand or inferential. The problem with both is obvious: Campbell may not have been telling the truth to others; others may not have told the truth; and wrong inferences can be drawn even from the truth.

Today, the question is further complicated by a massive number of missing records, some of them deliberately destroyed: from Goodwin's first medical examination and classification as temporarily unfit for war duty in the fall of 1917 right up to his death, and beyond. Justice Lyman Duff of the Supreme Court of Canada (who was to become chief justice) took it upon himself (as we have seen) to destroy all the conscription records because, he said, of the divisions caused to national unity. Goodwin's final appeal against conscription was among those rejected by Duff, who was the final arbiter of appeals under the Military Service Act.

E.L. Newcombe, later a Supreme Court of Canada judge, who was at the time deputy minister of justice and chairman of the Military Service Council which supervised the Military Service Act, like Duff, destroyed all his conscription records. This wanton destruction of the historical record (including Goodwin's file among many others) prevents us from knowing the nature and extent of Goodwin's illness. We will also never know just who sent the telegram ordering his re-examination (and the subsequent reclassification to A, fit to fight at the front) during the strike which he was leading at CM&S in Trail, a major supplier of war *matériel*. But the circumstantial evidence and the direct evidence of Dick Marshall (see Chapter Five) point to CM&S being involved in running Goodwin out of Trail during the strike — and having a reason to do so. Gone, too, are any relevant records from the Dominion Police and its Military Police component that was assigned the

²*Upper Canada Law Journal*, Volume 2 (1856), Volume 5 (1859), Volume 6 (1860); *Canada Law Journal*, Volume 27 (1891), Volume 28 (1892); Supreme Court of Canada, *Re Criminal Code* (1910), 16 C.C.C., 459; *Journals of the Legislative Assembly of B.C.*, 1918, 1919, 1932; *Victoria Daily Times*, 5 April 1932; *Victoria Daily Colonist*, 5 April 1932.

job of rounding up draft dodgers under the Military Service Act. Although it was reported that Campbell was to have been taken before a military tribunal for an inquiry into all the circumstances of the shooting, no record can be found of any such internal inquiry.³ The Bill of Indictment, which would have provided the list of witnesses called before Campbell's grand jury, cannot be found. Because no record was made of what was said by witnesses to this (or, indeed, any) grand jury, we cannot know how similar, or dissimilar, the testimony was compared with the Preliminary Investigation hearing in open court.

Missing, too, are the records of the Trail Mill and Smeltermen's Union, Local 105. The CM&S records do not contain the 1916 letters that allegedly constituted the labour agreement which CM&S claimed was violated by the 1917 strike. The records that Cominco (formerly CM&S) turned over to BC Archives and Records Service in Victoria contain nothing for the 1917 strike period.

Lists of employees as far back as Goodwin's time do exist but Cominco refused to allow public inspection, on the grounds of confidentiality (and this nearly a century after the fact).

The records of the Cumberland local of the Socialist Party of Canada are lost and the records of the United Mine Workers of America are sparse for the Big Strike. Official records for the period immediately following World War I when there was considerable government spying on unions and left-wing groups have been pared. For example: an application under the Freedom of Information Act for 20 files (taken from lengthy indexes in *RCMP Security Bulletins: The Early Years, 1919-1929*, by Gregory S. Kealey and Reg Whitaker) resulted in a reply from National Archives Canada that all but one of the files were either: destroyed (two files), "cannot identify" (two files) or "no record" (15 files). Interestingly, the one remaining file of the twenty requested consists of 1,500 pages about Communist Party activity in Trail. Documents do survive to show the remarkably deep penetration by police of unions and political groups.

The 'smoking gun' theory is popular especially among those with the 'golden key syndrome' — the belief that, out there somewhere, there is a piece of evidence which will prove the case, if only it can be found. If the smoking gun is (or was) there in the Goodwin case, no one has found it, despite many efforts by professional and amateur researchers and Access to Information applications. It is either well hidden or destroyed. Perhaps it never existed.

Missing records prompted author Susan Mayse to wonder, "Ginger Goodwin might as well not have existed. It began to seem as though some-

³Victoria *Daily Times*, 1 August 1918.

body planned it that way.”⁴ But the Goodwin story is not alone in prompting this kind of thought over missing records. Author Terry Recksten, while researching the Dunsmuirs, wrote: “Perhaps it was only researcher paranoia, but at times it seemed as if the Dunsmuirs had carefully covered their tracks.”⁵

Suspicion, deeply rooted in the difficulty and sometimes impossibility of obtaining information, leads to speculation. Second-hand stories, often repeated come to be accepted as truth, or a version of the truth called folklore. “Tradition and truth often have different stories to tell,” writes author and broadcaster Laurier LaPierre. He points out, for example, that most of the Battle of the Plains of Abraham actually took place to the west of the plains, and that the plains never belonged to Abraham Martin.⁶

The Goodwin story has been the victim of too much advocacy writing with too few facts. Several books state that what happened was murder, even that Campbell was charged with murder. It has been said that Goodwin was shot in the back, which he wasn’t; that there was a conspiracy to murder him because he was a threat to the business and political establishment.

It was speculated that Goodwin was killed by a dum-dum bullet, a British army bullet made at an arsenal in India called Dum-Dum, and designed to expand on impact. Similar speculation was raised in the ambush slaying in 1922 of Michael Collins, the Irish nationalist, and dismissed as a myth by author James MacKay.⁷ A dum-dum bullet (.303-calibre) would not have fitted Campbell’s .30-30-calibre rifle anyway. In fact, the fatal bullet was an ordinary soft-nosed hunting bullet fired from a fairly common lever-action rifle used mainly for hunting deer. Such a rifle has been described as a favourite with farmers “who liked to have a rifle of some consequence handy beside the door.”⁸ Given the very close range (approximately ten feet) at which Goodwin was shot, it would probably not have made any difference if Campbell had been carrying a .22-calibre automatic rifle.

But was Goodwin carrying a gun? Testimony and personal notes from two policemen who arrived at the scene within a few minutes of the shooting place Goodwin, dead, pitched forward on his face, with a rifle in his hands.

Second-hand accounts claim he was unarmed. Louvain Brownlow, a daughter of the Provincial Police Constable in Cumberland, Robert Rushford, gave a credible interview years later in which she said her father always told the family that Goodwin, who was a friend, was unarmed. “He said, ‘The poor little bastard. He wasn’t armed.’ I heard the story often

⁴Mayse, *Ginger*.

⁵Recksten, *The Dunsmuir Saga*.

⁶Laurier LaPierre, *1759: The Battle for Canada* (Toronto, 1990).

⁷James MacKay, *Michael Collins: A Life* (Edinburgh, 1997).

⁸Henry M. Stebbins, *Rifles: A Modern Encyclopaedia* (Harrisburg, PA, 1958).

enough," she said. But, how would Rushford know? He wasn't there when the shooting happened and he left no indication of this knowledge at the time. It certainly would have been very relevant to the case against Campbell — shooting an unarmed man. Mrs. Brownlow recognized the troublesome credibility of her story and was straightforward: "I can only vouch for what my father told us. My father was a very honest upright man. He would not exaggerate it. I can't prove it."⁹

If Goodwin was armed, what was he doing with a rifle? Second-hand accounts say the deserters used the .22 (which may have been owned by Joe Naylor and given to them) for shooting small game, that Goodwin had stayed behind the others after fishing on the fateful afternoon to pick berries, and was returning to their camp — perhaps the lean-to police reported was only 200 yards from the shooting and at which there were recent signs of cooking.

Should Campbell have been carrying a rifle anyway? The regulation weapon of the Dominion Police was a revolver. This was never properly explored in court but if it was improper to carry a rifle (and, where was the regulation revolver?) it was not brought out in testimony. Campbell's fellow searcher and policeman, George Henry Roe, had a rifle. Almost certainly trappers Janes and Anderson would have carried rifles.

Were Campbell and Goodwin facing each other when the fatal shot was fired, as suggested by Campbell's lawyer in questions at both the inquest and Preliminary Investigation, as well as in comments recorded by Devitt and Roe from Campbell immediately after the shooting? Friends of Goodwin said a bullet can't turn corners (to enter his neck from the left-side and end up in the right shoulder the bullet would have to take a 45-degree turn). That assumes, however, that at the vital moment Goodwin and Campbell were standing exactly face-to-face and that Goodwin was not turning his head. If Goodwin had a rifle, and if he was bringing it to an aiming position, his head would be turned somewhat to the right. Or, was he turning his head away from what he knew was about to happen? Or, was he stumbling?

The shooting could have occurred in the physical manner suggested at the inquest and the Preliminary Investigation. One of the foremost forensic medical authorities of the 20th century, pathologist Sir Sydney Smith, has said that the behaviour of bullets at short range is both extraordinary and little known. Bullets can deflect at right angles to the line of flight and Dr. Smith cited a case where this happened.¹⁰

It is clear that Campbell fired one shot and the bullet creased Goodwin's left wrist and then broke into two parts, both striking his neck on the left,

⁹Author's interview with Louvain Brownlow, 28 February 1995.

¹⁰Sir Sydney Smith, *Mostly Murder* (London, 1959).

one of them severing the spinal cord. Friends of Goodwin have speculated, variously, that he was turning away at the time he was shot; that he was sitting on a log with his head in his hands and was ambushed from the side; that he had raised his hands in surrender (perhaps also holding up his rifle).¹¹ What was needed was direct testimony from Campbell. Thorough cross-examination would have gone into these points. The purpose of the inquest was simply to establish who the deceased person was, and how, when, and where he came by his death. The Preliminary Investigation's purpose was simply to establish whether there was enough evidence to warrant a trial. Two Justices of the Peace said there was. What was needed was a trial itself where the issue of criminal responsibility could be thoroughly tested.

Murder is one thing: The unlawful killing of another person with malice aforethought. In 1918, it was punishable by hanging. Manslaughter is the unlawful killing of a person but *without* malice aforethought. The punishment was up to life in prison. Self-defence, if believed, is a complete defence to both charges.

Campbell told his self-defence story consistently for the rest of his life. It came through very clearly in the line of questioning pursued by his lawyer, William Moresby. Campbell maintained his story to his family all his life. After his death, his widow, Florence, said publicly in 1957 that her husband was in great distress over the shooting which he had told her was done in self-defence. She said he told her that he ordered Goodwin, rifle in hand: "Get your hands up and walk over here." But Goodwin suddenly dropped his rifle to his shoulder when he was 13 feet away. Campbell fired the fatal shot.¹²

Manslaughter covers almost every kind of unlawful killing, from near-accident to near-murder. The Provincial Police said this was a case of manslaughter, believing perhaps that Campbell reacted wrongly to a situation which confronted him, rather than from any evil intention of his own, which would make it murder. The defence of self-defence can be seen as self-serving. There were no witnesses. An immediate charge was inevitable, especially since the killing occurred at very close range.

Later, police learned (thanks to Joe Naylor telling Const. Rushford) that six men had heard Campbell say on three occasions in the weeks leading up to the shooting that he would "get" (or "shoot") the deserters, "dead or

¹¹ Jimmy Ellis, Karl Coe interviews, in Masters, "The Shooting of Ginger Goodwin"; Author's interview with Jean Letcher, 16 March 1988; William A. Pritchard manuscript, University of BC Library, Special Collections and University Archives Division; Vancouver *Sun*, 31 July 1918.

¹² Victoria *Daily Colonist*, 25 August 1957; Author's interview with Eva Harris and Billy Conway, niece and nephew of Dan Campbell, 7 April 1990.

alive," that they would not get away. These statements go to Campbell's mental state at the time.

Campbell's lawyer was right when he told one of the witnesses, in exasperation, that the testimony made the case against his client "very strong." Campbell's statements indicated a cavalier attitude to the consequences of any action he might take to arrest deserters. Or, they could have simply been hot air from a braggart who thought another policeman (Rushford) had previously let one of the deserters (Taylor) escape. They could be interpreted as a general intention to inflict serious harm, even death. Campbell's words do not indicate a specific intention to "get" or "shoot" Goodwin. The reference was to deserters, in the plural, or to the earlier incident which involved a deserter other than Goodwin. This is in accord with Devitt's story that he had no special instructions about Goodwin in particular; their job was to arrest deserters.

This brings us to the theory that there was an establishment plot to murder Goodwin. It is a huge mountain to climb to suggest that otherwise law-abiding people would conspire to commit the greatest crime of all, murder. Conspirators, of course, rarely leave detailed notes. Certainly, Selwyn Blaylock knew Noble Binns and they both knew Goodwin. Blaylock and Binns also knew William Devitt (who certainly must have known, at the very least, of Goodwin from the time he was police chief in Rossland and Goodwin was the leader of the smelter union in nearby Trail who visited Rossland frequently). Blaylock knew Robert Scott Lennie, the former (until 1910) Nelson lawyer – the two men corresponded in 1915 about the Workmen's Compensation Act after Lennie had moved to Vancouver. Lennie had practised in Nelson with Edmund Carlyon Wragge. Wragge later practised in Nelson with Charles Robert Hamilton who provided legal advice in 1917 to CM&S about the eight-hour day. Lennie was the BC conscription registrar under the Military Service Act from 1917 to 1919 and organized the military police component of the Dominion Police in Vancouver. The main task of the military police was to enforce the conscription law and arrest draft dodgers. Lennie thus knew Devitt from 1917 though the two men would have known each other from Nelson days when Devitt was police chief there and Lennie was a prominent lawyer. Now Devitt was the number two man in BC in the military police component of the Dominion Police. Lennie described Devitt in 1920 as "a very efficient member." Lennie would know at the very least of Goodwin — for whom an arrest warrant was issued for dodging the draft. But something more than the mere fact of various people knowing each other is needed to show a conspiracy.

The forensics of the case do not support the conspiracy theory, as historian Mark Leier has shown in his investigation.¹³ Leier notes that Goodwin

¹³Leier, "Plots, Shots, and Liberal Thoughts."

was not shot in the back (which would be *prima-facie* evidence of murder) and Campbell did not (indeed, could not) fire a dum-dum or expanding bullet. Leier says powder marks testified to by Dr. Harrison Millard (suggesting a range of as little as two feet, indicative perhaps of ambush) may have been something else, making it impossible to know the range. Leier notes that there is no record, testimony, or document that even hints at a conspiracy to murder Goodwin. There is no forensic evidence that disproves Dan Campbell's story or that makes a conspiracy theory more plausible, he writes. "Since there is no documentary evidence, testimony or forensic evidence proving conspiracy, we are not justified in believing that Goodwin was the victim of a conspiracy," he concludes.

Leier sees the murder/conspiracy focus as too narrow, arguing for a wider view: "In sending police after Goodwin, politicians were operating normally. Immorally, of course, but in their usual fashion, following their usual rules and orders. The real criminality is that they were simply doing their day-to-day, regular jobs, maintaining a capitalist order and ensuring the smooth operation of an exploitative system."

The conspiracy theory falls down for another reason: There was no motive to 'eliminate' Goodwin in July 1918. The smelter strike had ended seven months before. Goodwin had left Trail and ceased all union activities for five months. Even his Socialist friends at the Vancouver Trades and Labour Council in March 1918 would not support his final appeal against conscription. The smelter union was rapidly disintegrating and soon would disappear. A conspiracy to commit murder made no sense.

One theory, however, fits the two main points of the tragedy. The first point is Campbell's claim of self-defence, that Goodwin was about to shoot him. The second point is Goodwin's well-known reputation, even to police, as a peaceable person, who according to a later account had said he would not shoot if cornered, and thus was unlikely to be attempting to shoot Campbell in a premeditated manner. These two points are not mutually exclusive and can be reconciled: What happened might have been neither murder nor manslaughter but, perhaps, mistake. Campbell and Goodwin, both armed with rifles, met each other in dense forest on a steep hillside — the hunter and the hunted. A movement by either man in such a circumstance could easily and quickly be mistaken by the other and trigger, literally, a fatal response. Campbell did believe Goodwin was about to shoot him. But Goodwin believed Campbell was about to shoot him. Panic. Both men raised their rifles mistaking the other's intention. It took only a split second. The man who could shoot the eye of a needle lived. The man who would not go to war died.

This, of course, is speculation. The question has remained: Was Campbell guilty of the crime for which he stood charged, or not? Can we even say

— beyond a *reasonable doubt* — which is the test in criminal law? Let's turn the evidence over to a leading BC criminal lawyer, Adrian Brooks of Victoria.

CHAPTER NINE

“Gentlemen of the jury: What is your verdict?”

AND IN THOSE DAYS, it would have been “gentlemen” of the jury because women were not allowed to serve as jurors in 1918.¹ The jury hearing the manslaughter case against Dan Campbell would, in all likelihood, have heard the same Crown evidence that was given at the Preliminary Investigation. Because Campbell’s defence was self-defence, he likely would have testified. Just what he would have said is speculation. But, based on what we do know, and the reasonable inferences that could be drawn from this knowledge, prominent BC criminal lawyer Adrian Brooks of Victoria gives his analysis and tells the imagined story of the case of *Rex v. Daniel Campbell* as the trial might have unfolded if the social and legal circumstance of the time had allowed it to happen.

Rex v. Daniel Campbell

By ADRIAN BROOKS

THE TRIAL THAT MIGHT HAVE BEEN

In a case filled with so many uncertainties, we can be certain of one thing: Dan Campbell’s criminal case came to a surprisingly premature conclusion.

A hearing had been conducted in a court of law before two justices of the peace. After hearing all the evidence, they decided that there was sufficient evidence for Dan Campbell to go to trial on a charge of manslaughter. Yet a grand jury came to the opposite conclusion and did not return a Bill of Indictment that would have sent Campbell to trial. Dan Campbell never had to face a jury of his peers in a public trial. No jury would be asked to pass judgment on the Crown’s case after it was tested on cross-examination.

More importantly, no jury would hear directly from Dan Campbell, the only man alive who could answer the question which has plagued so many

¹Constance Backhouse, *Petticoats and Prejudice — Women and Law in Nineteenth Century Canada* (Toronto 1991).

then and since: What happened on that hot day in the bush of Vancouver Island when Dan Campbell shot and killed Ginger Goodwin?

The fact that a jury never did render a verdict on this question allows us to ask now, what would have happened had *Rex v. Daniel Campbell* proceeded to trial? Roger Stonebanks' detailed research makes the question even more tantalizing despite the passage of time. Time has, without question, erased some of the evidence. Some inquiries and some leads are gone forever. That is a problem that haunts all criminal cases, no matter what their age. Evidence may be lost or hidden. In cases of murder or manslaughter, the evidence of the victim is silenced forever. The right to pre-trial silence of an accused person means we may never know their version, whatever the age of the case. What must be analyzed is not what evidence we would like to have, but rather, what the evidence we do have tells us.

This chapter will review the evidence from both the Crown and the defence perspective. It will do so as lawyers of the time would have done and as lawyers of today still do: matching the evidence against the law, always keeping in mind the central importance of tactics and advocacy at trial. Only by the piece by piece dissection of the case as it would have progressed through a trial can we see its weaknesses – and its strengths. The evidence of each witness will then be reviewed and analyzed as if the witnesses were, in fact, being called at a trial. As a criminal trial is carried out under very specific rules, not everything a witness may have to say is admissible to be heard by a jury. The fact that a witness is willing to give evidence on a topic does not mean that they will be permitted to do so. How would the rules of evidence impact each of the witness' evidence in *Rex v. Daniel Campbell*?

Once all the available and admissible evidence is laid out, an opinion can be offered on what the evidence proves, if anything. It is a trial, under the specific rules of our adversarial system, which is the ultimate test of persuasiveness, believability, and the truth of any case.

THE CROWN CASE BEFORE THE TRIAL

Any Crown Counsel will sit down well in advance of their trial and analyze their case in detail. Today, prosecutors do so with a high standard in mind: do they have a case in which there is a "substantial likelihood of conviction?" In 1918, the standard for the Crown may not have been as specifically defined as it is now. However, the inquiry would have been much the same: "Does this evidence give me enough to ask a jury to convict?"

The analysis by Crown Counsel starts with comparing the evidence with what must be proven as a matter of law. Every criminal offence has certain

elements that must be proven for a guilty verdict to follow. For the offence of manslaughter, the law required that the Crown prove the following:

1. The identity of the offender;
2. That the offender caused the death;
3. That the offender caused the death by an unlawful act;
4. That the offender did so with the intention to commit the unlawful act.

It would be obvious to Crown Counsel that the identity of Dan Campbell and that he caused the death of Ginger Goodwin were not issues in dispute. This case was not, at any time, a “whodunit.” The hurdles for the Crown were the third and fourth elements of manslaughter. Was the shooting of Goodwin an unlawful act or was it done in self-defence? And, can the Crown prove that Campbell intended to shoot Goodwin, thereby committing the unlawful act?

An initial point should be emphasized. The Crown *did not* at any time have to prove that Dan Campbell intended to kill Ginger Goodwin. That special intention to kill is an element of proof only where the crime is murder. If the crime is manslaughter, a less serious crime in law than murder, the Crown does not have to clear the very high hurdle of proving that specific state of mind of the accused. Whatever secrets were hidden in Campbell’s mind when he confronted Goodwin, the Crown did not have to penetrate them.

Yet the Crown did have a key fact that spoke volumes about Campbell’s state of mind: he had shot Goodwin at close range with a high-powered rifle. That Campbell was a crack shot only added to the certainty of Goodwin’s death and removed any suggestion the gun fired accidentally. With this evidence could there be any doubt that Campbell’s firing toward Goodwin’s head was intended to kill him? Clearly, however, it was not evidence that satisfied the Crown that they should charge Campbell with murder. What was the reasoning? At this stage, we can only surmise. From the point of view of the law, the Crown had to anticipate what Campbell might say in his own defence to extricate himself from the case against him. One possibility was that Campbell would say that he was so surprised at seeing Goodwin that he fired the gun instinctively and with no intent to kill. If it all happened in a split second the Crown would have little chance to prove that Campbell formed the intent to kill Goodwin.

Second, and perhaps just as important, is the tactical consideration. To ask a jury to convict a peace officer of murdering a deserter in the atmosphere Roger Stonebanks has so carefully portrayed would not be realistic. The Crown decision to charge had to be made within, and not in spite of, the social context of the time. Like it or not, the initial inclination of the citi-

zens who would make up the jury would be in favour of a person upholding the law and against a person running from it.

Even with that tactical decision made, the strongest evidence for the Crown in support of the elements of the manslaughter charge was also evidence that would support an indictment charging murder. Six witnesses were prepared to testify that Campbell had stated his intention to get deserters "dead or alive." Crown Counsel, preparing for trial, would be thinking long and hard as to how to make the best use of this evidence, devastating as it was to Campbell. Certainly the prosecutor would call these six witnesses one after another very early in the trial in order to set the tone, and perhaps the jury as well, against Campbell.

On the other hand the Crown had to be mulling over the undercurrents of the evidence of each witness. With emotions running as strongly as they were, each witness would have his own biases that would affect his perceptions and his performance in the witness box. Would those biases at least be kept in check sufficiently to make the witnesses' evidence believable? Or would one harsh word or spiteful glance destroy what the Crown was trying to construct?

The biases of the witnesses for the Crown were not restricted to the six people who would testify to the intent of Campbell. The main pillars of the Crown case were built on the evidence of other witnesses clearly sympathetic to Campbell. These witnesses could, with one or two answers, undercut the Crown case or solidify the defence case. No matter how much these possibilities were recognized in advance by the prosecutor, they could never be controlled. Only a trial would tell how each possibility would play out.

Leaving aside the witnesses, Crown Counsel going into trial would anticipate the direction of defence counsel. In this case, that direction was no secret. The defence would obviously be self-defence. Therefore, the defence would argue, the shooting of Goodwin was not an unlawful act. Without an unlawful act, one of the essential elements of manslaughter is missing. Campbell was only trying to preserve his life from the law breaking, gun-toting Goodwin, the defence lawyer would tell the jury. This would be the most difficult aspect for the Crown on the eve of trial: not what the jury thought of Campbell's intent, but what they would make of Goodwin. Would the jury accept from the defence that Goodwin, who had turned his back on killing in a war, had turned murderous? Was Goodwin acting in desperation by going into hiding and not out of principle? These were the subtle thought processes the defence was going to cultivate and that the Crown had to head off.

Despite these concerns, the Crown would have had the confidence that they had the foundation of a solid case. They had a victim shot and killed at close range. He was, without a doubt, killed by the accused. They had wit-

nesses who heard Campbell say that he wanted the deserters (who included Goodwin) "dead or alive" and all the while, Campbell was supposed to have been thinking of how to arrest Goodwin, not kill him.

In the late evening before trial, the prosecutor would close his brief and rise from his desk. Turning off his lamp, he would leave his office confident that he had enough evidence to put the defence to the test.

DEFENCE ANALYSIS OF THE CROWN'S CASE

In another office in Victoria, defence counsel would be poring over their brief. Here was evidence that gave the defence something to work with. The accused was a peace officer, a servant of His Majesty the King. He was a respecter of the law, not a breaker of it. Into his hands was put the trust of the community to fulfill the difficult duty of enforcing the law. The deceased was a fugitive and, arguably, a cowardly one at that. If that background were not enough, this fugitive was one who, without question, was in possession of a loaded rifle at the time of his death. This appeared to be a brief that had its strengths.

But there were weaknesses in the very same strengths that a prepared defence lawyer would see, and he would know that the prosecutor would see them too. The accused was a person who could not trade on his character as a peace officer, given his prior discharge from the police. The respectability of a long distinguished career in law enforcement was not available to Campbell. What's more, the accused, tasked with the duty of bringing Goodwin to justice, had announced very clearly a different, self-appointed agenda. Campbell's statements of his intention to six witnesses could leave a claim of self-defence looking more like a ruse. The jury may quickly conclude that the next thing Campbell would do after stating his intention would be to plan his own justification. And what better way to do it than to claim a surprise attack by Goodwin that required swift action in self-defence?

Defence counsel would be scouring through each witness' statement in order to find the single thread that could be extracted and point to self-defence. This arduous process would take days of careful reading, re-reading, and then reading again. Every statement would be cross-referenced with each of the others. From this would be culled the points to be brought out in cross-examination. More importantly would be the areas identified to be untouched. Sometimes the best work of defence counsel is to know when to leave well enough alone. At the end of the case, all of the individual threads could be woven together to create the only phrase that matters in a criminal trial: reasonable doubt.

This defence preparation would not lessen even though there were good points in the evidence already. That Goodwin was a fugitive and was carrying a gun was all well and good. However, this evidence was only the motivation for greater effort. For in the final analysis, the defence brief of *Rex v. Daniel Campbell* was what every defence lawyer truly fears: the case that is yours to win.

THE TRIAL

In every criminal trial, it is the Crown's obligation to prove beyond a reasonable doubt that the accused committed the crime contained in the indictment. While the phrase "beyond a reasonable doubt" has undergone many interpretations, its purpose is clear: to require the state to produce compelling evidence that can be tested in a courtroom and only when that evidence is found to establish guilt beyond a reasonable doubt ought a citizen to suffer the stigma of a criminal conviction and a possible loss of liberty. For the defence, "reasonable doubt" becomes the single focus of a criminal trial. Within the rules of evidence, it is the defence lawyer's role and duty to create that gnawing doubt in the minds of the jurors, that doubt which tells them they are not sure.

This struggle over reasonable doubt is fought in the context of an adversarial trial. Each side has a contrary position and advances that position as far as it legitimately can. However, for the Crown the adversarial system must be tempered by their duty to see that the truth comes out. Whether it assists their case or not, the Crown must ensure that all relevant evidence be heard by the court.

Within the adversarial model there is necessarily a fair amount of room for tactics and advocacy. On both sides, it is the skill of persuasion that can turn a losing case into a winning one or, conversely, take a winning case and turn it into a loss. The highly compelling force of advocacy can often be the difference between winning and losing, between imprisonment and liberty. With stakes as high as these, it is unsurprising that beneath the proper decorum of a trial is the rough and tumble more befitting a wrestling match. Crown and defence enter the trial determined to press any advantage, exploit a mistake or catch the other side off guard. Of this, Dan Campbell would already have learned. Waiting for his trial to start, he would still be smarting from the surprise appearance at his preliminary hearing of the six witnesses who recounted Campbell's own words to such devastating effect. Were there more surprises in store for Daniel Campbell now that the Clerk of the Court had called out, "His Majesty the King versus Daniel Campbell?"

The trial would start with the arraignment of the accused. Campbell would rise from his seat in the prisoner's dock and the indictment would be read to him: "In the Dominion of Canada, Province of British Columbia, Daniel Campbell stands charged that he did, on or about the 27th day of July 1918, unlawfully cause the death of Albert Goodwin and did thereby commit the offence of manslaughter contrary to the *Criminal Code of Canada* and against the Peace of His Majesty the King, His Crown and Dignity."

Campbell would state his plea of not guilty. Would these be the only words the jury would ever hear him say? The jury would not know until the Crown finished its case whether the defence would present evidence or not. Until then, only Campbell and his lawyer would have an inkling if Campbell would speak again to the jury.

Jury selection would then commence. Unlike the current practice in the United States, jury selection in Canada is a more restrained affair. Names from the potential jurors summoned are randomly selected by the clerk and called forward. Knowing only address and employment, the lawyers would have to look at the potential juror and state either "content" or "challenge." Only if defence and Crown were content would the potential juror become an actual juror, a judge in the case of *Rex v. Daniel Campbell*. With so little information available to the lawyers, the employment of a potential juror would take on added importance. For example, the defence would likely challenge any man who stepped forward with a working man's background. The defence would not take a chance that a working man would have sympathy for Ginger Goodwin. Rightly or wrongly, the limited information about the jurors makes for wide generalizations by counsel. And it would only be men who stepped forward to sit on this jury. It would not be until 1922 that women were permitted to be jurors.

The Crown would open its case to the jury. The prosecutor's opening address provides the first of three opportunities for the jury to hear the Crown's version of events: the first is in the opening, the second is through the evidence presented, and the third is in the closing address to the jury. The sheer repetition is often thought to carry its own persuasive force in favour of the prosecution.

The Crown would likely summarize in a narrative form the evidence about to be heard. The prosecutor, his black robes flowing as he walked to stand squarely and confidently before the twelve jurors, would begin his case something like this: "Gentlemen of the jury, it is my opportunity to outline for you the evidence that I expect that you will hear in this case.

"This, as you have heard the indictment read, is a case of manslaughter. The Crown says that this accused shot and killed Albert Goodwin on the date in the indictment. How did he come to do so? You will hear that Albert Goodwin was a gentleman who was liable to be arrested. What he was to be

arrested for is neither here nor there although I expect much will be made of it.

"In order that he be arrested, a group of officers of the peace were brought together to locate Albert Goodwin. Now this group of peace officers had, as you would expect, a high responsibility. That responsibility was to enforce our laws. It was to carry out the enforcement of the King's peace. To do this solemn duty, of course, requires men of discipline and courage. It requires men who are given a definite task and follow that task. Here, the task was to find this Goodwin, place him under arrest, and bring him back to be dealt with according to law.

"It was understood by all that this was their duty. All except this accused, Mr. Campbell. Contrary to the specific orders to bring Goodwin back, Campbell began to describe to others what he intended to do. You will hear the evidence of not one, not two, and not even four, but six different people from whom you may conclude Campbell's stated intention was that Goodwin be brought out dead, not alive. Their evidence should leave you in no doubt of what Campbell was going to do when he located Goodwin. In short, Campbell, on his own, created a dead or alive policy.

"The balance of the evidence will tell you what Campbell, in fact, did. In coming upon Goodwin, he did what no mortal man has the right to do of his own accord, to take the life of another man. This he did with one shot. It tore through Goodwin's throat and killed him instantly. For this, the accused has not just disgraced his position as an officer of the King's peace, but has broken that peace and that law."

A brief opening by the Crown would establish their main theme: that Campbell stated his intention to kill Goodwin and then went ahead and did it. The opening, in anticipation of what the defence would rely on, would lay the groundwork to neutralize Campbell's position as a peace officer. By contrasting the respected position of an officer upholding the law with that of Campbell, the Crown could begin their portrayal of the accused as a "rogue cop." It was essential that the instinctive respect for the police officers not be extended to Campbell.

CROWN CASE

Given his ability to set the scene and explain the sequence of events, William John Devitt, BC Inspector for the Military Police component of the Dominion Police, would be the first Crown witness. Indeed, Devitt's most important evidence is at the beginning of the sequence when he gave his instruction to Campbell. That instruction included a description of Goodwin, the inference being that the description is necessary in order to

arrest the proper person. More importantly, Devitt gave the instruction to *arrest* Goodwin. This is a point the Crown would want to emphasize. One can almost hear the prosecutor feigning a lack of hearing during questioning of Devitt:

QUESTION: I am sorry, did you say the instruction you gave the accused Campbell was to *arrest* Goodwin?

ANSWER: Yes.

QUESTION: I thought that was what you said. It was not to kill him?

ANSWER: Certainly not.

Crown would bring out the detailed description given to Campbell of Goodwin, down to the vaccination marks and the gold teeth. The point would not be lost on the jury: why give this description other than to make it clear to Campbell that Goodwin was to be arrested? There was no dead or alive policy.

The jury would then be led by the evidence into the deep brush in pursuit of the fugitives where Devitt ultimately heard the gunshot that killed Goodwin. After the gunshot rang out, it is important that it took three to five minutes, by virtue of the rough terrain, to get to where Campbell was standing. Devitt's clambering through this thick bush country would foreshadow a problem with the details of Campbell's self-defence story. In particular, how could it be that Goodwin and Campbell came upon each other suddenly when the terrain was so rough as to require a person to smash and tramp his way through underbrush? And if that underbrush was so thick, did it really matter (as was made much of at the inquest) that Campbell's badge was clearly visible? The thick bush would be a phrase repeated again and again by the Crown.

Once Devitt had described the scene of Campbell standing over Goodwin, the Crown would be careful to present only what Devitt saw, did and said. They would not lead what Campbell said for to do so would put Campbell's claim of self-defence before the jury. In particular, examination in chief would end with Devitt being asked what he said to Campbell, namely, that he should consider himself under arrest, he was to return to Cumberland and to surrender to the Provincial Police. The jurors would ask themselves whether Devitt must have thought there was something wrong with the scene to issue such an order to Campbell. Clearly, if it was obvious Campbell acted in self-defence, then there was no reason to surrender himself.

The Crown's examination of Devitt would skirt around one of its thornier problems. At the inquest and Preliminary Investigation Devitt testified that, on arriving at Campbell's location, Campbell said, "I had to do it to

save my life." The defence would very much want to get that evidence before the jury. For the defence, an exculpatory statement by the accused coming out early in the Crown's case would set a perfect tone.

Here one of the trial's first legal battles would be fought. The stakes were high. Either the defence got evidence strongly supportive of self defence admitted early on or the jury never heard Campbell's first words explaining what happened.

The law is extremely skeptical about statements from accused persons when they have the opportunity to concoct those statements. If an accused can make up an exculpatory explanation knowing that it will be heard at a trial then there would be evidence of the accused entered without any way to test the quality of that evidence. An accused, knowing that his statement would be admitted, would be very unlikely to step in to the witness box to be cross-examined. In this way, the admission of statements of an accused made shortly after a crime could have a negative effect on discovering the truth in the trial process.

The judge would look at Campbell's statement with a jaundiced eye. Three to five minutes is ample time for a person to think how they are going to explain themselves. To allow a self-serving statement to go before the jury would be to encourage an accused to engage in a quick concoction. If Campbell wanted to say "self-defence," he could do it by taking the stand and saying so under oath and subject to cross-examination.

The law would not permit Campbell's self-serving statement to Devitt to go before the jury, a significant setback for the defence.

The legal battle over Devitt's evidence would not end there. Devitt provided evidence at the inquest as to the relative positions of Campbell and Goodwin at the time that the shot was fired. Most importantly, he clearly stated that Goodwin had his rifle raised in firing position at the time he was shot. As Devitt was not there at the time, he was extrapolating from his observations at the scene. That extrapolation is properly characterized in law as opinion evidence. Not every opinion is admissible, otherwise each witness could be asked his or her opinion on any number of things. This would perhaps provide interesting answers, but is certainly not evidence. From the Crown perspective, they would not want Devitt to give this evidence. They would argue that an expert in the field of anatomy and gunshot wounds would be required. As Devitt did not have those qualifications, he was not qualified to give the opinion evidence. From the defence perspective, all Devitt was doing was providing a shorthand description of what he saw. There were not photographs to explain the scene (except to show the character of the ground) so Devitt ought to be entitled, the defence would argue, to explain that scene to the jury. The alignment of the injuries and the position of the individuals was just part of that explanation.

This is critical evidence on what Roger Stonebanks correctly refers to as the central issue: did Goodwin point the gun at Campbell? Although it is not free from doubt, it is probable that Devitt would be entitled to give his "opinion" as to Goodwin's position. The absence of photographs explaining the scene created the risk the jury would not make sense of what they were being told. They could only make sense of it if given more information, not less. Furthermore, the jury was not bound to accept what Devitt said on this point but could use their own judgment.

Here the defence was getting their first advantage. The defence theory was now before the jury: the draft dodger Goodwin, fearful of arrest, raised his gun to fire at Campbell, leaving Campbell no alternative but to shoot. While the jury probably would not have that conclusion of self-defence from Campbell's own words to Devitt, they would still have that most powerful of conclusions: one they came to themselves.

Cross-examination would take Devitt through the gun and mask found in the area where the shooting occurred. Obviously, this leaves the jury to think of Goodwin as not only a desperate man, but also a dangerous one.

The defence would not be through with Devitt yet, for Devitt observed that Goodwin still had his finger around the trigger of the rifle. Coupled with the evidence that Goodwin had the gun raised, the defence had its main planks set out. The Crown surely grimaced listening to this piece of evidence. The improbability of Goodwin falling and rolling several feet in the terrain with his finger frozen to the trigger must have stood out to Crown Counsel. Yet the adversarial system does not permit cross-examination of your own witnesses just because you do not like all their evidence. The defence was scoring points and the Crown could do nothing about it.

Finally, the defence would be attempting to develop the possibility that it was a surprise to Campbell to come upon Goodwin. Cross-examination would bring out the existence of deer trails through the thick brush, to show that it was conceivable that a person could move about relatively quietly.

Devitt would leave the stand with each side having advanced their case. But they had done so at a cost, as there was evidence that hurt their respective causes as well.

Crown would likely call only one of the other police officers who attended at the scene. There is no reason to call witnesses simply for the sake of calling them. Only those necessary to specific points in the Crown case would be asked to give evidence. Specifically, it would be unlikely the Crown would call George Roe. All he would add is the evidence that Goodwin's gun was cocked. This was a point for the defence case, not the Crown. Would the Crown obligation to see that the truth come out require them to call a witness that only helped the defence? Not necessarily is the short answer. If the witness is made available to the defence then the Crown has fulfilled their

obligation to the truth-seeking function of the trial. In addition, to call a witness who is inconsistent with the Crown theory of what the truth is may do more to obscure the truth than to bring it out. From this one example, it can be seen how trials take on their own particular appearance. *Rex v. Daniel Campbell* would be no exception.

The most likely police officer to be called is Albert Thomas Stephenson, Chief Constable for the Nanaimo District of the Provincial Police. His evidence at the preliminary inquiry and inquest reads as precise and even-handed. The jury would be assisted by a clear description of the scene. Yet Stephenson would provide evidence that would advance the defence case. He, as had Devitt, described Goodwin's index finger as "extended." Although what precisely he meant by "extended" was never questioned, his evidence tended to corroborate Devitt, leaving the picture in the minds of the jury of Goodwin ready to shoot.

Early in the case, the Crown would play their strongest card, or rather cards, six of them. The Crown would call each of the six witnesses, one after another, to say what Campbell had told them about catching deserters, dead or alive. The constant repetition of the same type of statement of Campbell from the witnesses robs the defence of the opportunity to effectively negate the evidence. The attack in cross-examination may go very well on the first witness. It may very well trade on the ambiguity of Campbell's words. Repeated five more times, the same cross-examination will sound like a broken record and not a very persuasive one at that. Heard again and again, the words are no longer ambiguous: the meaning is as clear and as certain as the fact that Goodwin was dead. Ringing in the jury's ears would be the impression left by these witnesses:

1. Peter McNiven: "We are here to get these men, dead or alive."
2. Peter Ioris: "If he had been in his place, he would get him for sure."
3. Carlos Cavallero: "If it was me, I would get him." "We are going to get him dead or alive."

(Note that trapper Thomas Anderson was nearby at the time this was said. Did Anderson hear Campbell's threat? We should know the answer to that question but we do not. A pre-trial interview by the Crown would determine the answer. If he did hear this, it would dramatically strengthen the Crown's case to have a member of Campbell's own search party confirm the threat.)

4. Alexandros Merillo: "Campbell said if he was in his place, he would get him, dead or alive."
5. Camille Decoeur: "If ever I get that close, they will never get away." "They will never get away, I will get them."
6. Rasie Giovanni: "And he talked of something else, and after he tell me that Bob Rushford see one of the boys up the lake on one of the boats, and

he did not want to shoot him but if he had been in his place, he would have shot." "This time we are going to get them dead or alive."

The mention by Giovanni of Constable Rushford of the Provincial Police would provide the Crown with the opportunity to add another witness to the mix. To call Rushford to the stand would put before the jury the context in which Campbell made some of his incriminating statements. Rushford's evidence was that the incident in question was the arrest of another deserter — an unarmed deserter. While the evidence would only be put before the jury to explain the circumstances of Campbell's statements of intention, it would have an unmistakable sub-text. Campbell would appear rabid rather than restrained in his enforcement of the law. In that chain of thinking lay the answer to the defence's strongest point. Rushford's evidence could leave the jury saying that the fact that Goodwin had a gun hardly mattered, as Campbell intended to kill him in any event.

When Rushford was called to take the stand, the defence would have to be on their toes. Knowing that Rushford bore no direct relationship to the events of July 27, the defence would have to be ready with an objection to his evidence. A strong argument could be mounted that Campbell's statements were about, and only about, what happened with the capture of another deserter. Those completely different circumstances of the arrest of another deserter are of no relevance, the defence would argue, to the circumstances for which Campbell was on trial.

In other words, all the statements about the Rushford incident were statements about an irrelevant incident that only tended to show that the accused was likely to shoot first and ask questions later. Evidence tending to show only that an accused person is likely to commit the crime with which he is charged has long been held to be inadmissible. To permit such evidence would turn trials into lengthy character assassinations with little regard to what happened on the occasion charged in the indictment. Trials would become not trials at all but inquisitions.

On the other hand, the Crown's position would be that these statements are highly relevant to how Campbell intended to carry out his duties on July 27. The statements were close in time to Campbell's actual search for and killing of Goodwin. Would this evidence have been admitted in 1918? Certainly the concern for fairness to an accused, and that an accused only be convicted on the most probative, as opposed to prejudicial, evidence has heightened since 1918. Indeed, under the law today a trial judge has discretion to exclude relevant evidence if it is more prejudicial than probative. A judge in 1918 had no such discretion. The evidence was admissible under the rules of evidence or it was not. While the probability that this evidence would be excluded today is high, the same cannot be said for 1918. In all

probability, the evidence would have been ruled admissible and Campbell would face the full weight of it on the jury's mind.

The defence would attack this evidence as best it could. McNiven had known Goodwin for years and therefore was vulnerable to the suggestion that his evidence was coloured by bias. Similarly, Giovanni was a miner. But the suggestion of bias would fall conspicuously short with Decoeur. There is nothing known of Decoeur's background that suggests any reason to be biased against the accused. An impartial witness can be devastating to the defence. Although cross-examination would probe for an indication of bias, Decoeur would, from what we know, emerge unscathed.

Next is the medical evidence. The Crown would be required to call this evidence to explain to the jury how Goodwin died from Campbell's bullet. One element of proof, as we have seen, is to establish that the cause of death was the gunshot wound to the neck. The medical evidence would, however, provide the defence with another opportunity to advance its theory of self-defence. Dr. Harrison Millard's evidence was that there were two injuries to Goodwin, one to his wrist and one to his neck. The two injuries could have been caused by one bullet, particularly given that the bullet had shattered. Despite the many nuances in this evidence, the simplicity of the essential proposition would stick in a juror's mind. The bullet hit Goodwin's wrist and deflected striking his neck. The deflection occurred because his wrist was raised. The wrist would be raised if it were holding the rifle. The wrist was between where the shot came from and where the bullet ended up. This series of propositions puts the rifle raised in the direction of where the shot came from. Most importantly, the propositions are not based on the fluidity of a witness's recollection. It is based on the physical and incontestable evidence of the location of wounds as described by a professional and impartial witness. The impact of such evidence in a criminal trial cannot be exaggerated. It would be the evidence the jury would return to again and again in the jury room. Are the series of propositions set out above beyond question? Much can undoubtedly be said about the angles of shots and the nature of deflections. However, the simple fact must be that once a bullet deflects, its path thereafter must be beyond mathematical precision. Once that fact is recognized it becomes impossible to be precise as to what exactly the position of the wrist was and its relationship to the wound in the neck. Of greater significance is that even if Goodwin's wrist is raised it does not necessarily mean that he held the gun in it at that moment. It is not outside the realm of possibility that Goodwin was raising his wrist for any number of reasons, including to surrender. Crown Counsel would do their best in direct examination to have Dr. Millard explain the many possibilities. Nevertheless, the defence would have created the picture in the jury's mind of

Goodwin raising his gun at Campbell. That picture could be the seed from which reasonable doubt could grow.

Only one other witness stands out as a possibility for the Crown. It has been suggested that Harold Banks, a sixteen-year-old at the time, saw powder burns on the wrist of Ginger Goodwin. Dr. Millard provided evidence as to how there were powder marks on Goodwin's neck. For the Crown, the powder burns tend to place the distance at which Campbell shot as extremely close, certainly within ten feet and perhaps as little as two feet. Strictly speaking, that short distance may not advance the Crown's case particularly far. The Crown need only prove that Campbell killed Goodwin, not at what distance. However, any good Crown case has the tendency to encircle the accused in a way that forces the accused to explain more and more pieces of evidence. The more the accused has to explain, the more fodder there is for Crown cross-examination. By calling Banks, the Crown could be planting seeds themselves that they would hope to reap later in the trial.

THE DEFENCE CASE

After calling their last witness, the Crown would announce to the judge and jury, "That is the case for the Crown." All eyes would then turn to defence counsel.

As the burden of proof is on the Crown in any criminal trial, the defence is not obliged to call evidence. Indeed, the defence is under no duty to disclose what evidence they have uncovered or which of it they intend to call at the trial. The moment the Crown closes its case is therefore cloaked with anticipation.

Certainly Crown would expect that Campbell would have evidence that he could call if he wished. At the conclusion of the preliminary hearing, it was reported that "several witnesses will be produced to show Campbell shot in self-defence." Such a statement may be an exaggeration but a prudent Crown counsel would not assume that to be the case.

Yet it would not be the possibility of "several" witnesses that would intrigue Crown — and the packed courtroom — but rather, one witness. Would Dan Campbell take the stand in his own defence? Was the evidence brought out enough to make Campbell think that he had to testify?

Under our law, then as now, there is no obligation on an accused to testify. The accused is presumed to be innocent. There is no legal reason requiring an accused to testify. There is only the tactical consideration as to whether to testify. Any defence counsel agonizes at great length about whether the jury needs to hear from the accused. Theories on the accused testifying abound. Some lawyers say that the jury must hear from the ac-

cused or they will not be satisfied that they ought to acquit. If the accused does not testify, so goes the logic, it implies to the jury that it is because he is guilty. Others say that the accused need not testify and that the jury will understand that the Crown onus of proof beyond a reasonable doubt is just that: the Crown must prove it and the accused need prove nothing. If the Crown has not proven its case, then why would the accused bother testifying? Whichever point of view is the better one, all lawyers can agree that it would be a mistake to decide without regard to the evidence in the specific case.

The decision on Campbell testifying in 1918 might have been different than the decision that would be made today. It is common today for the trial judge to emphasize to the jury that the onus on the Crown to prove the accused's guilt beyond a reasonable doubt is an onus that never shifts. It always remains for the Crown to have proven its case on all the evidence. Specifically, under the law today, it is the Crown who must rebut beyond a reasonable doubt any defence such as self-defence. In 1918, the law was slightly, but significantly, different. Then, it was for the defence to put forward evidence that satisfied the court as to self-defence. One learned author commented as follows on the evidentiary burden with respect to self-defence, a burden that was applicable at the time of the Goodwin "trial":

And it should be observed as a general rule that all homicide is presumed to be malicious, and of course amounting to murder, until the contrary appears from circumstances of alleviation, excuse or justification: and that it is *incumbent upon the prisoner to make out such circumstances to the satisfaction of the court and jury* unless they arise out of the evidence produced against him."² (Emphasis added).

Indeed, shortly after the Goodwin case, the Supreme Court of Canada ruled on the onus of proof in cases of self-defence in the following words:

Where a *prima facie* case of murder is established by proof to the satisfaction of the jury of facts which without explanation constitute a case of culpable homicide within section 259 of the Criminal Code, the jury cannot properly acquit the prisoner on some imaginary state of facts the existence of which has no warrant to the evidence, and unless such warrant appears from the evidence adduced by the Crown or from the circumstances admitted, *then it is for the prisoner to adduce evidence affording a foundation for his plea of self defence.*"³ (Emphasis added).

With that law in mind, defence counsel for Campbell would think long and hard about whether this evidence required his client to testify. If he had

²Henri Elzear Taschereau, *Annotation to the Criminal Code of Canada*, 1893 (re-issued 1980), 159.

³Picariello *et al v. The King* 39 C.C.C. 229 (S.C.C.).

only gotten the evidence admitted through Devitt about Campbell having to kill Goodwin in order to save his own life, then he would not be in this dilemma. "I have had to do it to save my life," would be just the "evidence adduced by the Crown or from the circumstances admitted" that could have kept Campbell off the stand and yet put the defence squarely before the jury. What's more, calling Campbell to the stand would not give counsel free rein to exploit Campbell's position as a peace officer. Defence counsel could not ask questions designed to show Campbell as unlikely to break the law given his history as a peace officer. To ask those questions would make Campbell's character an open issue, one which the Crown could exploit given Campbell's "disgrace."

In favour of calling Campbell to the stand was the fact that the details of what he would say were not known to the Crown. The Crown would not be forearmed with the knowledge of Campbell's version of events. Typically, the Crown is so forearmed. In an investigation of any significance a statement from an accused is requested. While the accused may refuse to provide that statement, frequently, and with a little encouragement from the police, the accused will give their version. This statement can, if the judge permits, then be used in cross-examination of the accused. If the accused testifies exactly as he has said in his statement, then Crown will be ready to exploit any improbabilities in that version. If the accused strays from the pre-trial statement, then the contradiction will be exposed and the inability of the accused to keep his story straight emphasized.

In light of the tremendous value to the Crown of a pre-trial statement of the accused, it is surprising there is no such statement from Campbell. A thorough investigation required that such a statement be sought and yet there is none. This is yet another unsatisfactory piece of the puzzle of what happened on 27 July 1918.

For Campbell's defence, however, the absence of such a statement would count in favour of him testifying. Ultimately, the final decision would be Campbell's to make. Certainly, Campbell had expressed his intention at the conclusion of the preliminary hearing when he was asked if he had anything to say: "At the Higher Court, yes." In addition, his lawyer would likely be advising him that he ought to do so. After all, there would be no one to directly contradict him on what happened between himself and Goodwin. And without him testifying to those few moments in the bush, there would be little that would satisfy the burden imposed by the law to show that it was self-defence.

Do we have any sense of what Campbell would say if called to testify? The surprising answer to that question is "yes." Rarely is the essential narrative of what occurred from the accused person's perspective known publicly. At best, it is often something that the Crown or the police suspect. However,

with the notoriety of this case, Campbell's evidence was already a matter to be read in the local newspapers. The *Victoria Daily Colonist* on 31 July 1918, reported Constable Rushford quoting Campbell as having said to Goodwin, "Stick up your hands and come forward." The *Victoria Daily Colonist* on 9 August 1918, described Campbell's version of events (as if Campbell had been spoken to directly) as, "Goodwin held up his hands and advanced towards Campbell then suddenly clutched his rifle and raised it to his shoulder. Campbell shot first." This version was also referred to in the *Comox Argus* on 1 August 1918.

This is the story that Campbell would tell and, likely, he would tell it well. Having experience as a peace officer, he would also have experience in giving evidence. Indeed, to a limited extent he had been a professional witness. This is not a pejorative comment, it is a fact. Peace officers, as part of their jobs, regularly testify. They are familiar with testifying effectively and clearly. While accused are often uneducated, inarticulate, and fearful of the strange environment of a courtroom, a peace officer such as Campbell would have none of these handicaps. It can reasonably be expected that he would fare well in examination in chief. Cross-examination, however, is a completely different matter.

CROSS-EXAMINATION

Cross-examination of an accused requires careful planning. The prosecution would analyze each moment of Campbell's account of his actions. Did his account make sense? Did it ring true? Or were there improbabilities that made the whole story collapse?

There would be several areas of cross-examination for the Crown. Campbell states that Goodwin held up his hands but advanced with the rifle in his hand. Campbell, of course, would be telling the version this way in order to emphasize that he had called on Goodwin to surrender and raise his hands. (It is interesting to note that while Devitt heard Campbell yell, "come" immediately *after* the shot, he did not hear Campbell yell any command to Goodwin *before* the shot). However, there is an inherent improbability in this version. The first thing any peace officer would do would be to disarm the individual. "Drop the gun" might be the first thing said even before "Raise your hands." The improbability of not ensuring his own safety would catch Campbell. Crown would ask, "You allowed an armed man to advance on you?" This is a question to which the accused is not likely to have a very good answer. The second implausibility is how Goodwin quickly moved his raised arm and gun into the position before he was shot. Campbell was a crack shot. The second Goodwin made any movement at all, Campbell is

likely to have fired and killed Goodwin. He could not have gotten his rifle into firing position if Campbell's version were true. Now the defence has turned the prosecution evidence of the injuries to Goodwin which show the possibility of a raised rifle into a contradiction with Campbell's own version. Where once the injuries were of the greatest assistance to the defence, Campbell has now told an improbable story to try to solidify the raised gun.

This would not be the end of issues on which Campbell would be cross-examined. If Campbell suggested that he and Goodwin came upon each other and it was a surprise to both of them, then the terrain may tell against Campbell. How, coming through this bush, could two people not hear each other? The terrain was rough enough that the suggestion of two people simultaneously surprising each other is improbable. Here, the distance at which Goodwin was shot becomes key. If there were, in fact, powder marks, then these individuals were too close at the time of the shooting for the surprise to have been relevant to anything. Campbell was far beyond surprise if Goodwin was only two feet away from him.

But the Crown would save its most important and best point for last. Campbell would be forced to contradict or explain away the evidence of six witnesses who had branded him with a "dead or alive policy." Those six witnesses would have made Campbell squirm in his seat as he listened to the evidence in the Crown case. Now the Crown would make him squirm anew. To imagine how Campbell's contradiction of six other witnesses could be devastating to him on the stand, consider the following possible cross-examination:

QUESTION: Are you a patriotic man?

ANSWER: Yes.

QUESTION: You dislike deserters?

ANSWER: I only care about individuals who break the law.

QUESTION: You harbour no malice whatsoever to deserters?

ANSWER: No.

QUESTION: You received orders from Devitt with respect to the arrest of Goodwin, correct?

ANSWER: Yes.

QUESTION: You were given a description so that you would recognize the man that you were to arrest?

ANSWER: Yes.

QUESTION: You were told of vaccination marks and the like?

ANSWER: Yes.

QUESTION: It was your duty to follow those orders?

ANSWER: Yes.

QUESTION: You had every intention to follow those orders?

ANSWER: Yes.

QUESTION: You never had any intention at any time to shoot Goodwin first?

ANSWER: No.

QUESTION: Because you harbour no malice towards deserters?

ANSWER: That's right.

QUESTION: It was not your intention to shoot him and then claim self-defence?

ANSWER: No.

QUESTION: Mr. McNiven testified here. Do you recall his evidence?

ANSWER: Yes.

QUESTION: He tells us that you said, "We are here to get these men, dead or alive." Did you say that?

(Here Campbell has a choice to make. The answer is either yes or no. The prosecution doesn't care which answer he gives because either answer is a bad answer for him. If he says yes, he confirms the Crown theory. However, most likely Campbell will deny that he said such a thing).

ANSWER: No.

QUESTION: Never said it?

ANSWER: No.

QUESTION: Did you ever speak in the presence of McNiven about your duties?

ANSWER: I may have.

QUESTION: About your search for Goodwin?

ANSWER: I don't believe so.

QUESTION: But you still deny saying, "We are here to get these men, dead or alive"?

ANSWER: I do.

QUESTION: Or that you said in the presence of Mr. Ioris, "If he had been in his place, he would get him for sure."

ANSWER: I deny that.

QUESTION: You never said it?

ANSWER: I never said it.

QUESTION: Nor did you say, in the presence of Mr. Cavallero, "We are going to get him dead or alive"?

ANSWER: I never said it.

QUESTION: That sounds very much like Mr. McNiven's recollection, doesn't it?

ANSWER: They said the same thing on the stand.

QUESTION: So not only did these two individuals recall inaccurately what you said, they do so with nearly the same words?

ANSWER: It appears so.

One can see how it can be devastating to an accused to have significant contradictions between his evidence and that evidence of impartial witnesses for the Crown. While a trial is never a credibility contest, the stark contradiction between the Crown's evidence and that of the defence would lead the jury to start making choices on credibility.

Campbell would not leave the witness stand unscathed. But that was his dilemma from the very beginning. In a case of self-defence, the law at that time would expect him to put forward evidence of that defence. Yet, when he takes the stand, he faces a tightrope walk that could not be more precarious. A slip, a misstatement, a furtive glance, and the jury may turn against him. All the possible doubts that exist in the Crown's case can easily be forgotten when an accused performs poorly on the stand.

Would there be anyone else to assist Campbell? After all, the papers had said at the conclusion of the preliminary hearing, presumably based on information from the defence, that there would be other defence witnesses to establish the claim of self-defence. Who could they be, given that it was Campbell and Goodwin alone in the bush? There are no other witnesses that directly assist the claim of self-defence. Perhaps Campbell's defence would look further afield to provide support for his claimed self-defence. Here, we are forced to speculate. One possibility is that "Scabby" Anderson would contradict Cavallero's evidence. Anderson might say that he was right there when Campbell and Cavallero spoke and heard no such threat. A contradiction of the six witnesses would be what the defence desperately needed. There is the suggestion that Goodwin had written telegrams expressing how desperate he was not to fight in the war. Campbell, however, faces a dramatic risk if he suggests that Goodwin was desperate enough to kill rather than to be sent off to war. To bring out Goodwin's character would raise the risk that Campbell's character would also be put in issue. The law suggests that if the deceased's character to act violently is put in evidence, then fairness can require the accused's character to also become the subject of evidence. To do that could be devastating to Campbell. For the jury to learn that Campbell's dismissal as a peace officer had occurred would paint him in a negative light that would shine on the rest of his evidence.

In short, aside from these speculations, it is unlikely that there was other evidence for the defence lawyer to call in this case. The case could stand, or fall, on what Campbell had to say in his own defence.

THE SUBTLE SEARCH FOR TRUTH

After the calling of all the evidence and its testing in a courtroom under the rules of evidence, what can be said about the state of the evidence at its conclusion?

Evaluating evidence cannot be done in a vacuum. The context of how evidence would be presented and what evidence would, and would not, be heard must always be borne in mind.

It is often said that a trial is a solemn inquiry into the truth. However, a trial can never discover the truth to perfection. It is dependent on the quality of the evidence presented. Anyone aware of notorious recent criminal trials will know that a seemingly straightforward case can be sidetracked by a sloppy investigation, unreliable witnesses, and shaky theories. The Campbell case would be no different. There is no end to the subtleties that might have an effect on the jury listening to the evidence in this case. Any moment in even a very long trial can be a defining moment.

With this in mind what is the answer to the ultimate question? How persuasive is the evidence in this case? When all is said and done, the Crown's case suffered simple yet fundamental weaknesses. Goodwin did have a gun. He was a fugitive. He was liable to lawful arrest. All of these facts by themselves are significant enough to create a hole in the Crown's case that cannot be overlooked. It must be remembered that while the inquest verdict was neutral, it still stated with respect to its *factual* basis, " ... The said Albert Goodwin evidently met his death by a bullet from a rifle in the hands of Constable Campbell *who was trying to effect the arrest* of the deceased, Albert Goodwin ... " (Emphasis added).

Most important is the physical evidence as would have been described by Dr. Millard. That evidence was completely consistent with Goodwin having the rifle raised. While the raised rifle was not the *only* possibility, it was *a* possibility. And a possibility is all the reasonable doubt that Dan Campbell ever needed. Would that be the reasonable doubt that would see Dan Campbell walk out of the Victoria Courthouse and smell the fresh air of liberty?

The purpose of reviewing how a trial might unfold is to show how subtle and elusive a conclusion of guilt can be. The simple flaws in the Crown case always remain and the suspicion surrounding Campbell persists. However, as one jurist has put it: "You must not convict a man on one suspicion. You must not convict him on a thousand suspicions; you must not add a thousand suspicious circumstances together and say 'that is proof.' No, you must

find somewhere a solid anchorage upon which you can say ... 'I'm secure of this basis'."⁴

This opinion does not mean that a jury would necessarily see it the same way. Perhaps it would be the jury closings in the case of *Rex v. Daniel Campbell* that would turn the tide either in favour of the Crown or in favour of the defence. Closing addresses can be very determinative. The drawing together of the various strands of evidence in a logical, coherent jury address can make the cloth of a favourable verdict. Judge for yourselves on the basis of these likely closing submissions to the jury. As the defence called evidence, the *Criminal Code* required that they give their closing address to the jury first. They would have to do so without having heard the Crown closing address. Nor would the defence have an opportunity to reply. The law does not permit the defence to reply to a Crown closing address no matter how much the defence may be taken by surprise. The judge would turn to defence counsel and ask him if he was prepared to address the gentlemen of the jury.

DEFENCE CLOSING

The defence lawyer would stand before the jury, knowing this was the last the jurors would hear of the defence case.

"Thank you My Lord and gentlemen of the jury. It is now my duty on this most serious of charges to address you on behalf of Mr. Campbell.

"You must first understand, gentlemen, that you are sitting in judgment of a man who held the most difficult of roles. We place the responsibility on some to enforce our laws. To do so is a difficult and dangerous job. It is beyond what dangers you and I face in our everyday lives.

"What happened in that brief moment in the deep bush hunting for the fugitive and lawbreaker, Albert Goodwin? A moment of danger that called for quick action or it would be Mr. Campbell who would be dead today.

"How do we know this to be the case? Let us look at the evidence that you have heard.

"The Crown's case against Mr. Campbell is a circumstantial one. His Lordship will direct you as to the frailties of circumstantial evidence. Direct evidence does not suffer from all those frailties. The only direct evidence you have as to what happened in this case comes not from the Crown at all, but rather from the defence.

⁴From *Lord Darling and His Famous Trials*, quoted in *Regina v. Manegre* (1982) A.J. No. 327 (Alta. C.A.).

“Mr. Campbell told you that in enforcing the laws of this land, he was looking for the fugitive, Mr. Goodwin, amongst others. Very much on the sudden, he came face to face with Mr. Goodwin.

“Now what would Mr. Goodwin’s reaction be to seeing Mr. Campbell? He must have known Mr. Campbell was a peace officer. He would know this because, first, he knew himself that he was a fugitive. Second, he must have been aware that law enforcement people were looking for fugitives such as himself. Third, when he saw Mr. Campbell with a rifle, he must have known that Mr. Campbell was just such a law enforcement officer. Who else would be searching the bush? If that was not enough, Mr. Campbell’s badge was clearly visible.

“Now what would a peaceful person do in those circumstances? They would put their hands up and immediately surrender. This, obviously, is not what Mr. Goodwin did. Mr. Campbell told us that Mr. Goodwin raised his gun as if to fire. At the moment Mr. Goodwin did that, all of Devitt’s instructions about arresting and bringing back prisoners went out the window. Bringing Mr. Goodwin back alive was no longer an option once Mr. Campbell was looking down the barrel of Goodwin’s loaded gun. It was at that instant, that instant that stands between life and death, that Mr. Campbell defended himself and, therefore, committed no crime at all.

“How do you know, gentlemen, that Mr. Campbell is telling you the truth when he says this is what happened? Look at the scene testified to by the Crown witnesses. Mr. Goodwin had a gun. Not only that, but look at his injuries. They tell you that his gun was raised just as Mr. Campbell indicated. And if you needed things brought home to you with even more certainty, then consider that Mr. Goodwin’s finger was so firmly locked on the trigger of his gun to shoot Mr. Campbell, that his finger remained there until his body was discovered.

“All these pieces of evidence from the scene tell you that Mr. Campbell is being truthful. Mr. Goodwin having a gun is the truth, Mr. Goodwin raising his gun is the truth, Mr. Goodwin having his finger on the trigger is the truth and, therefore, what Mr. Campbell tells you is also the truth.

“Now, I do not have the benefit of knowing what the Crown is going to say to you about Mr. Campbell’s evidence. Under our law, the defence must go first in their closing address when they call evidence. Mr. Campbell has testified, and so I do not have the opportunity to hear what the Crown has to say about his evidence. But whatever the Crown says about Mr. Campbell’s evidence, match it against how he appeared on the stand. Did he not appear to you as someone who answered all the questions forthrightly and directly? Did he not appear as someone who was able to remain calm in giving his evidence, comfortable that he had the truth on his side? Despite the Crown’s best efforts to shake Mr. Campbell, they did not do so. His demeanour on

the stand will tell each of you gentlemen, as gentlemen of the world, that he was truthful in what he had to say.

“Now the Crown will probably spend a good deal of time with you on the evidence of the six people who say they spoke with Mr. Campbell before the day in question. But who are these people? Miners and, no doubt, friends of miners. I say to you, in no uncertain terms, that these individuals’ loyalty is first and foremost to another miner and not to the truth. That loyalty came through in cross-examination when they stuck to their stories and would not be moved an inch. Nothing could move them. Their loyalty was unshakeable. But if their evidence were the truth, ask yourself this one question: Would a man who had any intention to kill another man go out and announce it to all who would listen? It makes no sense that an intelligent man such as Mr. Campbell would say something so obviously foolish. Here, your commonsense will lead you to the obvious conclusion, gentlemen. These friends of the deceased came here for one purpose only and that was to help the deceased.

“But that is not the only improbability in what the Crown will try to convince you of today, gentlemen. The largest improbability that looms over this whole case is as follows: What possible motive would Mr. Campbell have for turning into the bloodthirsty cad that the Crown portrays? What on earth would cause him not to enforce the laws but to break them? There is nothing here in any of the evidence that gives one iota of a motive to Mr. Campbell. That absence of motive is a critical failing in the Crown’s case. It shows that their whole case makes no sense at all.

“In conclusion, gentlemen, you have all the Crown evidence telling you that Mr. Goodwin, the fugitive, held up a loaded gun at a peace officer, Mr. Campbell. You have the defence evidence that Mr. Campbell fired in self-defence likely in the split second before Mr. Goodwin had a chance to fire his shot. Only because of Mr. Campbell’s quick instincts are we able to even hear from him what happened on that day. What he tells us clearly and unflinchingly is that he acted in self-defence. He is not guilty of any crime whatsoever. Thank you.”

CROWN CLOSING

Crown would then rise with all the seriousness and authority of his position. Nowadays, the utmost fairness is required by Crown Counsel as a result of its authority as the state’s representative. Today, a gratuitous slur or statement of personal opinion can cause a mistrial. But in 1918, the case law had not become so stringent. There was room for Crown to be aggressive in closing.

"Gentlemen of the jury, there is no question that this man, the accused, shot and killed Albert Goodwin by firing his rifle at Mr. Goodwin at very close quarters. What was his justification for taking another man's life? That is the issue for you.

"The defence says that the only direct evidence on this point is the evidence of the accused. That is true, but it is only true because the only other person who was present at the time is dead — a bullet having shattered his spine and killed him instantly. Circumstantial evidence can be powerful too. It can envelop an accused so that his guilt is obvious. That is what our circumstantial case does here today, gentlemen. It proves beyond a reasonable doubt that this accused committed manslaughter.

"Here is how it does so. You see, you do not just look at what happened in the bush at that split second. You look at the context in which Mr. Campbell acted. What was he thinking in July 1918? What was he saying he was going to do? Answer that question, and it will tell you a great deal about how he behaved when he, when no one else was looking, shot and killed Albert Goodwin. First and foremost, we have the evidence of Mr. Devitt who told us that this search party was to *arrest* these individuals. Descriptions of what they looked like were given in great detail in order that the search party, Campbell included, would know who to *arrest*. Then we have the six witnesses who spoke to Mr. Campbell in advance of his going into the bush and shooting Mr. Goodwin. Mr. Campbell described how he would behave if he confronted a fugitive. He had his own personal policy. It was a dead or alive policy.

"Now the defence theory is that all these six people are in cahoots and that they are lying. You saw them on the stand. Did each and every one of them look as if, when they picked up that Bible in their hands, they were about to tell a lie about what the accused said? Not only that, but that they intended to tell exactly the same lie? How on earth could they have constructed the same lie? Does it not make much more sense that they gave the same evidence because Mr. Campbell said the same thing, and he said the same thing because he had one policy and one policy only: dead or alive.

"Match what he obviously said to these six people against what he was told about looking for Mr. Goodwin. He was told what Mr. Goodwin looked like. He was told about capturing Mr. Goodwin. He was not told about killing Mr. Goodwin. That is because, contrary to what he was told to do by Devitt, Mr. Campbell was going to take Mr. Goodwin dead or alive.

"Now we come to what actually happened in that bush. Remember that Devitt was in a position to hear Mr. Campbell yell for him to come to where Mr. Campbell was. But did Devitt hear any words of surrender in advance? Did he hear Mr. Campbell shouting, "Drop your gun, Goodwin"? Not a word of it. All that is heard is the shot and then Mr. Campbell's shouting for

him to come. When they do arrive three to five minutes later, Mr. Goodwin is already dead. Yes, Mr. Goodwin has a rifle, but someone living in this bush on their own is bound to have a rifle. That does not give anyone licence to kill them. In short, what happened in that bush is dependent solely and exclusively on the credibility of the accused, and how does he avoid the obvious conclusions that arise from the evidence put forward by the Crown? Well, he just simply and baldly denies it. He denies what six people have come and sworn to be the truth. And, after all, that is all he can do because he is trapped and cornered. The evidence completely surrounds him.

"Campbell says that he was surprised by suddenly seeing Goodwin. How could he be surprised by seeing exactly who he was looking for? How could anyone be taken by surprise, tramping and crashing through brush as thick as this bush? We all know as men of the world that the truth makes sense. Yet, Campbell makes no sense at all.

"The defence says that the Crown has not proven any motive. Well, the Crown never has to prove motive. Certainly many crimes are committed for a motive. Sometimes, that motive is obvious and persuasive. But, just because the motive is not there or not known, does not mean the crime was not committed. Some people commit crimes for the flimsiest of reasons and some commit crimes for no reason at all. The evil that causes crime can often be buried too deep in one man's heart. Do not look for what the Crown does not have to prove as in motive, but look for what the Crown does prove and has proven. We have proven the guilt of Mr. Campbell beyond a reasonable doubt and that is why I ask you for a verdict of guilty. Thank you."

THE ELUSIVE VERDICT

It is impossible to predict a jury verdict. Each jury has its own chemistry and reaction to the particular evidence that it has heard. It is made even more difficult by the passage of time. We cannot see back to the attitudes of the average jury of 1918. Ultimately, we are left with the unanswerable question: Was Goodwin's death the natural consequence of an age consumed with the virulence of war? Or, did his death come from a source darker yet more banal — the evil in a single man's heart?

There was much to be suspicious of in *Rex v. Daniel Campbell*, but ultimately, there was not proof to satisfy a jury beyond a reasonable doubt. A court of law demands certainty. Yet certainty has always been elusive in the death of Ginger Goodwin. That lack of certainty leaves open a variety of scenarios that could have happened. Self-defence was there as one of the scenarios that would create the resonant words: reasonable doubt.



Goodwin's distinctive gravestone was carved by fellow miner Vincenzo Picketti and erected in Cumberland Cemetery in 1937. The hammer and sickle reflect the Communist politics of the Canadian Labour Defence League and the Mine Workers Union of Canada which commissioned the gravestone in 1935. Goodwin's comrade, W.A. Pritchard, dismissed it as "grotesque statuary." The date of Goodwin's death is wrong. He was killed on 27 July 1918. *Roger Stonebanks.*

EPILOGUE

THE RIPPLES SET IN MOTION by Albert (Ginger) Goodwin's life and actions continue to flow. His memory is maintained in disparate places.

In Cumberland, Goodwin's distinctive gravestone, erected in July 1937, is the site each June of remembrances at Miners' Memorial Day. It is not unusual to find flowers there at other times of the year. The headstone was carved by Vincenzo Picketti, a miner who knew Goodwin and was among those who suffered destitution in 1914 and 1915, unable to regain employment immediately after the Big Strike.

The gravestone's Communist-tinged insignia has much to do with labour history decades after Goodwin's death. It was commissioned in 1935 by the Cumberland branch of the Canadian Labour Defence League (CLDL), which defended Communists and others before the courts in the 1920s and 1930s, with support from the Mine Workers Union of Canada (MWUC), Cumberland Local 37. The hammer and sickle reflect the politics of the CLDL and MWUC, which was an affiliate of the Communist Party's trade union federation, the Workers Unity League. Goodwin never belonged to the Communist Party of Canada, which was not formed until 1921-22, secretly under its own name and publicly under the name Workers Party of Canada. The Workers Unity League disbanded in late 1935 in favour of its unions joining mainstream labour. The next year, the Mine Workers Union of Canada voted to join the United Mine Workers of America. Goodwin's gravestone was erected with support from the UMW. The gravesite had become overgrown with weeds since 1918 and was tidied up.¹

The Red House, where Ginger frequently boarded in Cumberland, still stands at 2725 Penrith Avenue as firmly as its original Douglas fir construction back in 1894. Owners Dean and Linda Wheaton are enthusiastic that they live in the house where Ginger once stayed, upstairs, as a boarder with the family of John and Margaret Clark.

Goodwin is commemorated at the Cumberland Museum and Archives and also at The Home Store on Cumberland Road in a striking mural by Frank Lewis, painted in 1984, in which he shares prominence with coal baron Robert Dunsmuir. A creek near where he was killed, close to the confluence of Rees Creek and the Cruikshank River, has been officially named after him, thanks to Ruth Masters of Courtenay. A nearby mountain has

¹*B.C. Workers News*, Vancouver, 13 September 1935; 23 July 1937; *Island Miner*, Nanaimo, 20 August 1938.

been officially named Mount Goodwin, thanks to the Cumberland and District Historical Society.

In 1996, the New Democratic Party government of BC named the section of the new Inland Island Highway "Ginger Goodwin Way" where it passes Cumberland. Corky Evans, the minister of highways, said: "The highway will stand as a permanent memorial to those who have worked in Vancouver Island's coal mines over more than a century, to the hundreds who died in the mines, and to the workers' struggle to form a union." But shortly after the new BC Liberal government was elected in 2001 — and just before Labour Day — the Ministry of Transportation and Highways removed the roadside Ginger Goodwin Way signs and refused a request from local councils to name the stretch Miners Way. Ironically, the Dunsmuir name remains on Cumberland's main street.²

Goodwin's friends in District 18, United Mine Workers of America, protested his death in 1919. Delegates to the district convention representing miners in the Crowsnest Pass and Alberta said the "slaying" of Goodwin was "contrary to civilized ideas and detrimental to the workers" and they denounced what they said was the action of the government.³

Coal miners won their battle for UMWA recognition in the Cape Breton coalfield in 1919 when a referendum among miners favoured the union that in turn issued a charter for District 26. The first negotiations as part of the UMWA brought the eight-hour workday and substantial wage increases.⁴

Union recognition on Vancouver Island came in 1937 when Canadian Collieries (Dunsmuir) Limited agreed to negotiate with the UMWA. The first contract was signed in 1938. Union recognition replaced the pithead committee system, a form of company unionism introduced by Canadian Collieries after the Big Strike, in which pay rates and some conditions were established between a committee elected by miners and the company, but with no union.⁵

In Denaby Main, where Goodwin spent his teenage years and where he started work in the nearby Cadeby mine, a copy of his employment application in 1915 to the Crow's Nest Pass Coal Company at Coal Creek, BC, the last mining job he held, has been deposited as part of the Miners Memorial

²Victoria *Times Colonist*, 27 April 1996; 16, 25 July, 17 September 2001; Vancouver *Sun*, 5 September 2001.

³Glenbow Museum and Archives, Calgary, M 2239, File 153 UMWA District 18 Papers.

⁴Fox, *United We Stand* (Washington, 1990).

⁵Comox *Argus*, 15 July 1937; *People's Advocate* (formerly *B.C. Workers News*), 27 August 1937; Comox *District Free Press*, Courtenay, 26 August 1937; 10 March, 24 November 1938. For an example of how bad pithead 'agreements' could be, see the text of the 1919-1921 'agreement,' Cumberland *Islander*, 8 November 1919.



Ginger Goodwin, featured in the mural portrait by Frank Lewis in The Home Store at the edge of Cumberland. *Helen Ayers.*

Chapel at the Parish Church of All Saints. Goodwin, christened in the Church of England but later an atheist, would doubtless smile. People from the coalfields, however, know there is no contradiction when it comes to recognizing someone who has the interests of workers at heart.

When Goodwin was killed, he had \$334.60 in a money belt. This was the equivalent of about sixteen weeks full-time pay as a pony driver in the mines. No one claimed it within the one-year statutory waiting period for claims and it went into British Columbia's general revenue.⁶

Goodwin has been the subject of two books, a radio play and a stage play, a labour ballad, as well as numerous newspaper and magazine articles and references in every labour history book of note.

Goodwin's parents died in 1920 within two months of each other. Walter Goodwin never left the West Riding Lunatic Asylum (now Stanley Royd Hospital) in Wakefield, West Yorkshire, which he had entered in 1917 suffering from senile dementia. He died of heart disease and pneumonia, aged 63. Mary Ann Goodwin died of stomach cancer. She was 60. They are buried in unmarked graves at St. Leonard's and St. Peter's Parish Church cemetery in the village of Thrybergh near Rotherham, in South Yorkshire.

⁶*Sessional Papers of B.C.*, Volume 11, 1920.

Church records list the Goodwins with the letter P meaning public burial. It was not uncommon for poor people to be buried in unmarked graves. Walter Goodwin finished his working life at nearby Dalton Main Collieries Limited mine. Opened in 1903, the mine later became Silverwood Colliery. It closed in 1995.⁷

Arthur Boothman, Goodwin's friend, fellow miner, draft dodger, and skilled soccer player, remained in Cumberland where he died in 1961, aged 78.

Several weeks after Goodwin's death, Joe Naylor, friend and mentor, was charged with aiding Goodwin and his fellow deserters by taking groceries to them in early July 1918. The case was dismissed on 8 October 1918 for lack of evidence, by the same grand jury in Nanaimo that would have heard the manslaughter case against Dan Campbell but for the change of trial venue to Victoria. The grand jury, however, did return an indictment against David Aitken, arrested with Naylor, and accused of aiding deserters by taking groceries to them in March 1918. Aitken's case was put over to the Spring Assize in Nanaimo in 1919, when a jury found him not guilty.

Police spying on labour and left wing groups accelerated in the years following World War I. Naylor found himself on the list of "chief agitators in Canada" compiled by the Public Safety Branch of the Department of Justice. His mail was being monitored.

The Royal North West Mounted Police warned the provincial government in a "Secret and Confidential" letter in July 1919 that miners would hold a demonstration in Cumberland marking the first anniversary of Goodwin's death and "that the feelings of different factions in Cumberland runs [*sic*] very high on this matter." The warning was sent to the acting BC deputy attorney general, William Carter, the man who prosecuted Dan Campbell the previous year for manslaughter of Goodwin. Carter passed the warning on to the BC Provincial Police with the comment: "Would you kindly advise your officers to take the necessary precautions." The demonstration must have passed quietly because the *Cumberland Islander* did not report on it.

Naylor went on to play a leading part in the One Big Union which enjoyed meteoric but brief success in the turbulent times just after World War I. The OBU was formally constituted on 11 June 1919 as an outgrowth of the Western Labour Conference in Calgary in March. It sought to organize all wage workers on an industrial basis regardless of craft. By the end of the year, it reported a membership of 41,150 with 19,064 in BC.

Naylor was one of five men on the OBU's central committee. It was viewed as a Bolshevik plot by BC Premier John Oliver. The OBU specifically said it

⁷Death certificates, Walter Goodwin, Mary Ann Goodwin; Doris Goodwin research.

"DOES NOT Advocate overthrowing the government by violence" and "DOES NOT Preach bloodshed, riot, anarchy, or sabotage." However, it went beyond the traditional labour concept of a fair day's work for a fair day's pay. Instead, it proposed "that the worker should receive the full product of his toil," and it defined 'worker' in broad terms as "all those who by useful work of hand or brain, feed, clothe or shelter; or contribute towards the health, comfort and education of the human race." Its preamble called for a two-pronged approach: To carry on the everyday fight over wages and hours; and to "prepare ourselves for the day when production for profit shall be replaced by production for use." This was exactly Goodwin's philosophy. Opposed by business, government, and by established unions, and suffering from internal factionalism, the OBU soon began falling apart but continued a minor existence in Winnipeg until the mid-1950s.

Naylor remained in Cumberland where he was able, by the mid-1920s, to get work again in the coal mines. He appears to have played little part in subsequent events, although he spoke at a May Day rally in 1936 and was described as "the veteran fighter." Miner Jack Horbury, who often visited Naylor at his cabin beside Comox Lake, said Naylor never became a Communist. He lived to see the union win recognition to represent the miners. Naylor, who started work as a boy in the mines of Wigan in Lancashire, died on 5 October 1946 from prostate cancer at the age of 74. His funeral was conducted under the auspices of Cumberland Local 7293 of the United Mine Workers of America, the successor to Local 2299 that he led during the Big Strike. Tribute was paid by local president John Cameron. Naylor is buried beside Goodwin.⁸

William Arthur Pritchard went on to play prominent roles in labour and political life. With Naylor, he was part of the five-member central commit-

⁸BC Archives, GR 419, Box 218, File 1918/90, GR 419, Box 229, File 1919/122, *Rex v. Joseph Naylor*; *Nanaimo Free Press*, 8 October 1918; *B.C. Federationist*, 11 October 1918; BC Archives, GR 419, Box 217, File 1918/89, GR 419, Box 229, File 1919/121, *Rex v. David Aitken*; *Nanaimo Free Press*, 20, 21 May 1919; BC Archives, GR 1323, File B2166, P180-47, Goodwin First Anniversary; National Archives Canada, RCMP Papers, RG18, A2, Volume 878, Labour Organizations and Communism, 27 February 1919 to 19 April 1919, Joe Naylor Surveillance; Gregory S. Kealey and Reg Whitaker eds., *R.C.M.P. Security Bulletins, The Early Years, 1919-1929* (St. John's, 1994); Wejr and Smith, *Fighting for Labour*; Phillips, *No Power Greater*; H. A. Logan, *Trade Unions in Canada: Their Development and Functioning* (Toronto, 1948); Jack Williams, *The Story of Unions in Canada* (Toronto, 1975); *B.C. Workers News*, 8 May 1936; Author's interview with Jack Horbury, 1987; *Comox District Free Press*, Courtenay, 10 October 1946; "Joe Naylor: Man of Principle," *Victoria Times Colonist*, 21 September 1997; Gerald Friesen, "Yours in Revolt: The Socialist Party of Canada and the Western Canadian Labour Movement," *Labour/Le Travailleur* 1 (1976).

tee of the One Big Union. Before the OBU got off the ground, mainstream unions called a general strike in Winnipeg in 1919 in support of collective bargaining and recognition issues involving building trades and metal trades unions. Although he was only in Winnipeg for a week on a visit during the six-week general strike, Pritchard was among eight men charged with a number of counts of seditious conspiracy. The charges concerned events both before and during the strike.

Convicted by a jury, he was sentenced to one year in prison. Of the others, one was sentenced to two years in prison, four got one year, one got six months for conspiracy to commit a common nuisance and one was acquitted. A ninth person was acquitted of seditious libel and a tenth person had the charge effectively dropped. The Crown said the men fomented and led an unlawful general strike against the constituted form of government. Future historians, viewing events through a wider eye than the narrow lens of the Criminal Code, disputed this. They said it was a sympathy strike in support of building and metal unions seeking new contracts, not a revolution. A third verdict came from the public: Of the ten men charged with either seditious conspiracy or seditious libel, three already held elected positions at the municipal or provincial level. After the strike, seven of the ten pursued successful political careers, notably J.S. Woodsworth, the founding leader of the national Co-operative Commonwealth Federation, and John Queen, seven times mayor of Winnipeg. The dropping of the seditious libel charges against Woodsworth saved the Crown from the comedic spectacle of trying to prove, in one charge, that two quotations by the former Methodist minister from the prophet Isaiah in the Old Testament of the Holy Bible were seditious.

Pritchard was elected a councillor in the Vancouver suburb of Burnaby in 1928 and 1929 and was elected reeve (mayor) in 1930, 1931, and 1932. He also served two terms as president of the Union of BC Municipalities.

Pritchard moved politically to the Reconstruction Party (formerly the League for Social Reconstruction) that amalgamated with the CCF Clubs to form the Associated CCF Clubs of BC, with himself as president. In 1936, Pritchard sided with Rev. Robert Connell, the CCF leader in the legislature, in a split with MLA Ernie Winch. The Connell group (including three of the seven CCF MLAs) formed a new party called the Social Constructives. Changing its name to the BC Constructive Party, it was wiped out in the 1937 BC election that restored the CCF representation to seven MLAs.

When he heard later that Communists had put up a gravestone to mark Goodwin's grave, complete with a hammer and sickle, Pritchard (never a Communist) dismissed it as "grotesque statuary." He added that "the commies," who were not even organized as such in 1918, were claiming Goodwin "for themselves as a working-class martyr."

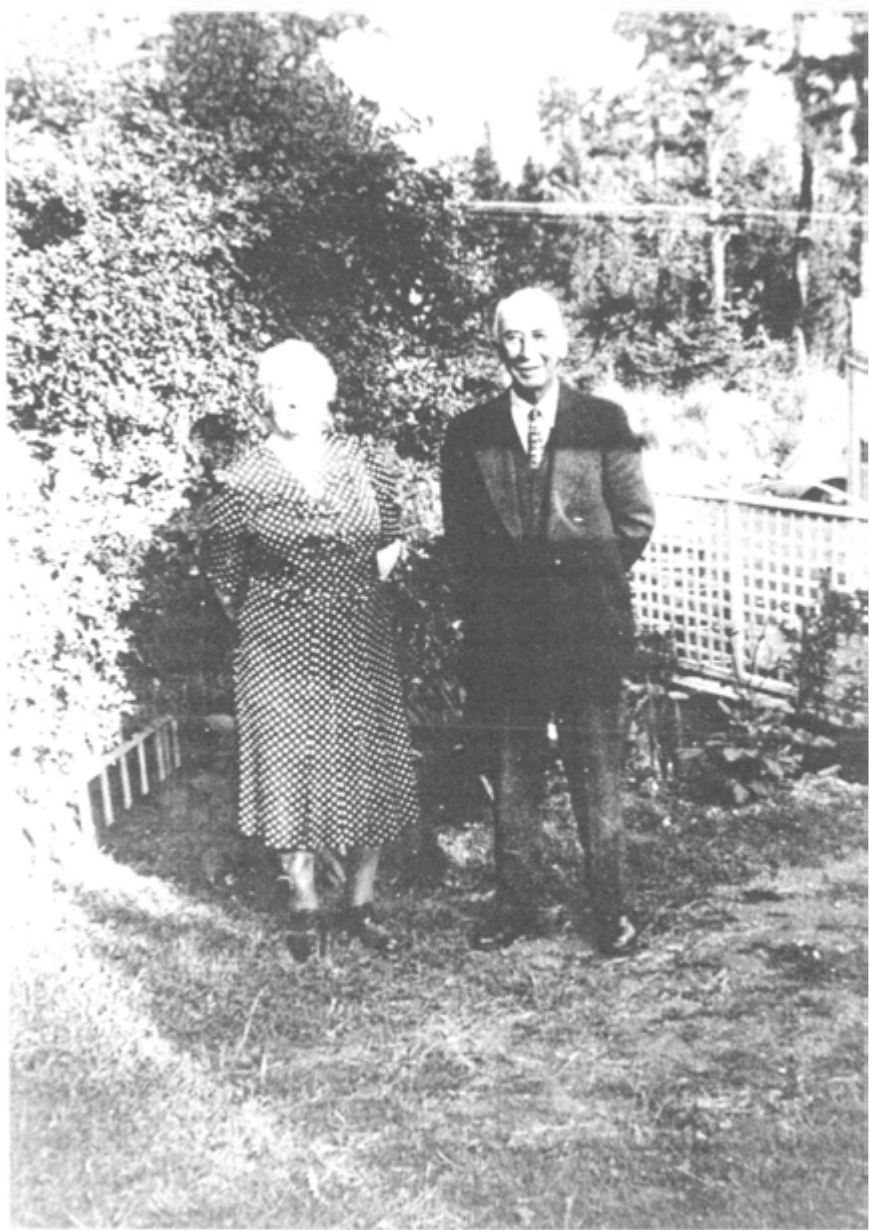
Tragedy struck the Pritchard family in 1938 when his 21-year-old daughter, Mildred, hanged herself from a beam in their house. Pritchard left for Los Angeles where he worked at odd jobs, as a Fuller Brush salesman, and in a restaurant kitchen. Politically, he returned to the left, joining the World Socialist Party of the US, counterpart to the Socialist Party of Canada. He also made several visits to BC, including the 50th anniversary of the Winnipeg General Strike, in 1969. In 1975, he was honoured by Burnaby and made a Freeman of the Municipality. He died in Los Angeles in 1981, aged 93.⁹

In the years following World War I, the Socialist Party of Canada began to disintegrate. Some members (for example, Ernie Winch) moved to social democratic parties like the Co-Operative Commonwealth Federation that later became the New Democratic Party while others (such as Jack Kavanagh) joined the Communist Party. Once, the SPC had held the balance of power in the BC legislature, forcing through some moderate labour reforms, in the early 1900s. In the 1909 election, the SPC polled a record 11.5 per cent of the votes but by 1924 this had dwindled to 1.3 per cent. The SPC disbanded in 1925. In 1931, a second Socialist Party of Canada was organized in Winnipeg. It is the ideological descendant of the first SPC and survives to this day but is a very minor party.¹⁰

Daniel Campbell and his wife, Florence, sold the Colwood Hotel in 1919 for \$7,500 to Harry and Grace Shaw of Victoria and Henry William Duperier of London (from whom they had taken a mortgage in 1913). Mrs. Campbell said later that prohibition "broke us" and the hotel was sold at a loss. The hotel was demolished in 1936 in favour of the Colwood Inn, now

⁹Norman Penner ed., *Winnipeg 1919: The Strikers' Own History of the Winnipeg General Strike* (Toronto, 1973); J. M. Bumsted, *The Winnipeg General Strike of 1919* (Winnipeg, 1994); *The King v. Russell*, Manitoba Court of Appeal 24 February 1920, *Dominion Law Reports 1919-20*, Volume 51; The Book of the Prophet Isaiah, 10, 1 and 65, 21-2, *The Holy Bible*, King James Version (London, 1975); George Green, *History of Burnaby and Vicinity* (Vancouver, 1947); Pixie McGeachie, *Burnaby A Proud Century* (Vancouver, 1991); *Burnaby Post*, 28 February 1935; *Burnaby Broadcast*, 30 June 1932; Montero, *We Stood Together* (Toronto, 1979); Dorothy Steeves, *The Compassionate Rebel: Ernest E. Winch and His Times* (Vancouver, 1960); Electoral History of BC, 1871-1986 (Elections BC); William A. Pritchard manuscript, University of BC Library, Special Collections and University Archives Division; Author's interview with Larry Tickner, 1992; *Democrat*, Vancouver, December 1981-January 1982.

¹⁰Ross Alfred Johnson, "No Compromise - No Political Trading: The Marxian Socialist Tradition in BC," PhD dissertation, UBC, 1975; Electoral History of BC 1871-1986; Phillips, *No Power Greater*; Norman Penner, *Canadian Communism: The Stalin Years and Beyond* (Toronto, 1988); *Socialist Fulcrum*, SPC journal, Volume 14, No. 3 & 4, 1981; *The Encyclopedia of British Columbia* (Madeira Park, 2000).



Dan and Florence Campbell, in the back garden of their suburban Victoria home, late in life. *Eva Harris.*

remodelled as Colwood Corners Pub. The Campbell family moved frequently. Dan Campbell returned to carpentry, moving into Victoria and working at Harbour Marine, a shipyard. The family lived for a time in the 1920s in Vancouver and in Pemberton, where he managed a ranch. He visited Victoria in 1930 and boasted of developing a big deposit of ochre-alum, clay for making pottery. It never went into production. He and Florence lived at Kemp Lake, west of Victoria, in the 1930s where they ran a chicken farm and rented boats. He described himself as a prospector, presumably of his ochre-alum deposit. Later, they ran a tearoom at Thetis Lake near Victoria. During part of World War II, he worked as a joiner at Victoria Machinery Depot shipyard. He died in 1952, aged 80, and is buried at Colwood Burial Park not far from the site of his old hotel. Florence Campbell died in 1958 aged 83 and is buried beside him.¹¹

William John Devitt turned from rounding up draft dodgers to spying on trade unions. He was apparently seconded (or at least his reports were) in 1919 from the Dominion Police to the Royal North West Mounted Police (with which the Dominion Police soon merged in the renamed Royal Canadian Mounted Police). He was described, in one RNWMP report about the activities of special agents, as having a good knowledge of the district but "better employed where this knowledge comes into use, than for investigating an important case needing definite information." He picked up a good reference from Frederick Glover, chief inspector of the Dominion Police in BC, as a "particularly valuable officer [I] heartily recommend Mr. Devitt for an executive position" But Detective Sergeant Robert Mundy of the RCMP, referring to Devitt's role as Special Agent No. 11, criticized him as unsuitable, inaccurate, and not showing energy. In November 1919 Devitt became chief of the combined police and fire departments in the Vancouver suburb of Burnaby, a post he held until the municipal police were replaced by the Provincial Police in early 1935. He was then 66 years old and without work. During his term as police chief, in the worst years of the Great Depression, he was noted for his charity works, especially for organizing help for the unemployed. In a curious, boastful letter written after he moved to the West End of Vancouver from Burnaby Devitt sought work with the newly-formed Citizens League of BC ferreting out Communists in unions. In the letter, addressed to Colonel Charles Edgar Edgett, Devitt wrote that before taking over as chief of Burnaby Police, "I was Insp. Dominion

¹¹ Land Title Office, Victoria, conveyances, 1908, 1913, 1919; *Victoria Daily Times*, 5 March 1936; *Victoria Daily Colonist*, 25 August 1957; *Victoria Daily Times*, 16 August 1930; *Victoria Daily Times*, 15 April 1952; City Directories, Victoria, Vancouver; Esquimalt constituency voters list, 1933; Author's interview with Eva Harris, Billy Conway, niece, nephew of Dan Campbell, 7 April 1990; "Verification of Death Particulars: Daniel Campbell," Division of Vital Statistics, province of BC.

Police (45) men and during the Winnipeg and Vancouver general Strikes [1919] for One Big Union, I sent the Minister of Justice many hundreds of thousands of files on the agitators of the period. I have the endorsement of The Consolidated M&S. Co Ltd and The C.P.R." While it is certainly interesting to note this approving reference from the smelter company in Trail, this letter seriously tests Devitt's credibility, even allowing for the usual amount of self-promotion to be found in employment applications. At the very most, he was a Special Agent for one year (November 1918 to November 1919). If he sent 300,000 files in, say, 300 days, he was churning out a prodigious 1,000 files a day, and this from a man commented on by a fellow officer as not energetic in his work. The population of BC was only about 400,000 — men, women, and children.

Colonel Edgett, former chief of the Vancouver Police, was only one of a number of prominent Vancouverites involved in the Citizen's League, including Mayor Gerry McGreer. In May 1935, three months after Devitt lost his job in the Provincial Police take-over of the Burnaby municipal police, the Citizen's League began running a series of large advertisements in Vancouver newspapers. The advertisements warned of "Communist subversion," urged "Citizens Unite to Defend Law and Order," and spoke of a Red menace in unions. The league promised to identify Communists prominent in unions, a promise it fulfilled in further advertisements. In turn, the Communist-supporting *B.C. Workers' News* accused the league of "fascist demagoguery." If Devitt obtained work with the league, it was short-lived. He died in 1937, aged 68.¹²

George Henry Roe left the Dominion Police and worked as a helper at Harbour Marine shipyard in Victoria, where Campbell also worked briefly as a carpenter, just after World War I. Roe and his wife, Edith Harriett, nicknamed Minnie, retired to a small cottage in the Cadboro Bay district in suburban Victoria and raised poultry. He died in the early 1950s when he would have been in his early 80s.¹³

George Alfred (Dad) Janes, the famous cougar hunter, ran the Lake Cowichan Hotel, a hunting and fishing lodge, from 1919 to 1922. He trav-

¹²*Labour/Le Travail* 21 (Spring 1988); National Archives of Canada, RCMP Papers, RG18, Series G, Volume 3371, File 1918; BC Archives, AddMss 461, Burnaby Police History; UBC Library, Special Collections and University Archives Division, Susan Mayse Research Collection, Box 1, Folder 2; *Who's Who in British Columbia 1942-43* (Vancouver, 1943); *Vancouver Sun*, 29, 31 May, 4, 6, 7, 8, 12, 15 June 1935; *B.C. Workers News*, 31 May, 7 June, 6 September 1935.

¹³Victoria constituency voters lists; Victoria city directories; Author's interviews with H.B. Smith, Mrs. D.W. Gee, 1988; Anglican Church Records of the Comox Valley, Baptisms, Courtenay and District Museum, letter to author, 5 March 1993; Janette Glover-Geidt, correspondence with author, 1991-93.

elled often to California where he owned several racehorses. He died in Pasadena on 19 March 1929, aged 55.¹⁴

Thomas Downie (Scabby) Anderson continued to live in Bevan and trapped in the Forbidden Plateau area until the mid-1920s. He then moved to Grantham, four miles north of Courtenay, where he farmed and drove the school bus. He was known for his punctuality and friendliness. He committed suicide on 10 June 1930 in St. Joseph's Hospital in Comox. He was 70.¹⁵

Robert Rushford resigned as the Provincial Police constable in Cumberland on 15 January 1919 and returned to Scotland two weeks later with his family. The reason he left is not known. He worked in Scotland as a postman. His daughter Louvain Brownlow, who was born in 1916 and later returned to Canada, said her father and Goodwin were friends. Rushford died in 1970, aged 90.¹⁶

Cumberland coal production peaked at 898,908 long tons in 1910 and then went into a long, slow decline. Oil was taking over. Coal was difficult and expensive to mine because the seams were small and uneven. By the mid-1930s, production had fallen to less than half the 1910 record. The Extension mines near Nanaimo closed permanently in 1931. The big Number 1 Mine in downtown Nanaimo, the largest producer on Vancouver Island, closed in 1938. In Cumberland, only two mines were producing after World War II. After the federal government withdrew the wartime subsidy, No. 5 mine, where Goodwin had worked, closed in 1947 putting 300 men out of work. Mechanization fulfilled one of its purposes when the last mule to work underground was brought to the surface in 1949. No. 8 mine, the famous "Million Dollar Mystery" mine which was dug, opened briefly at the time of the Big Strike, then closed until the mid-1930s, was shut down in 1953, leaving 400 men without work. That left only the nearby Tsable River mine that opened in 1949 and employed 400 men: Canadian Collieries closed it in 1960. Reopened by a local syndicate, it operated on a smaller scale and employed fewer than 100 miners, limping on until 1966 when it closed for good. The coalfield had produced 18,500,000 tons and "King Coal" was dead in Cumberland.

Coal, however, proved to be anything but a mineral sunset industry in BC although it stagnated from its heyday production in 1910 of 3,007,074 metric tonnes, a figure not overtaken until 1971 when it reached 4,141,498

¹⁴Del Hall *Island Gold: A History of Cougar Hunting on Vancouver Island* (Victoria, 1990); *Victoria Daily Times*, 21 March 1929.

¹⁵Comox *Argus*, 12 June 1930; Grantham directories; Anderson death certificate, Division of Vital Statistics, BC Ministry of Health, Victoria, BC.

¹⁶Cumberland *Islander*, 18 January, 1 February 1919; Author's interview with Louvain Brownlow, 28 February 1995.

tonnes. Spurred by demands from Pacific countries such as Japan, and with huge open pit mines replacing underground mines, coal production in BC peaked at 27,812,000 tonnes in 1997, easing to an estimated 26,482,075 tonnes in 2001. Coal was the province's most valuable mineral in the 1990s. In 2001, coal production had an estimated value of \$1,067,822,909. Copper was next at \$687,837,515. The enormous current production of coal is made possible by a workforce estimated to be only 2,869 in 2001 — dramatic testimony to what the BC Ministry of Energy and Mines called “major productivity gains.” Indeed, while 1,881 tonnes of coal were produced per employee in 1970, by 2001 this had rocketed to an estimated 9,230 tonnes per employee. In 1910, the mines employed 7,758 workers — more than twice as many workers then as now to produce one-eighth of current production. On Vancouver Island, Quinsam Coal near Campbell River, which operated both open pit and the last underground mine in BC, conducted a two-year \$800,000 exploration-drilling program in the Tsable River area but no mine was opened.¹⁷

In Denaby Main, the crowded row housing and poor sanitation were the focus of a court case in 1920 in which a visiting nurse, Elizabeth Swallow, said the stench from excrement was constant and it was almost possible to “cut through” it.¹⁸ The housing and the above-ground works of the mine were demolished between the late 1960s and mid-1970s and replaced with public housing. Before the old community vanished, however, it was the backdrop for scenes for the movie *Women in Love*, a United Artists adaptation of D.H. Lawrence's novel, starring Glenda Jackson. The Denaby Main mine closed in 1968 and Cadeby Main across the River Don, where Goodwin worked, shut down in 1986. All the pitheads and surrounding buildings were levelled. The Cadeby Main mine site was developed as The Earth Centre, a major ‘green’ theme park or environmental museum that opened in 1999. A leisure centre was being planned for the Denaby Main site.

The only reminders of the coal days of Denaby Main are a large pit wheel from Denaby Main colliery, mounted on a plinth alongside Doncaster Road with a plaque in memory of the 203 men and boys who died digging coal; a

¹⁷D.E. Isenor, E.G. Stephens and D.E. Watson, *One Hundred Spirited Years: A History of Cumberland 1888-1988* (Campbell River, 1988); Bill Johnstone, *Coal Dust In My Blood: The Autobiography of a Coal Miner* (Lantzville, 1973); Annual Reports, BC Ministry of Mines; BC Ministry of Energy and Mines, www.em.gov.bc.ca; BC Ministry of Employment and Investment; *Economic Analysis of B.C.*, 30 September 1995, BC Central Credit Union; Campbell River *Courier-Islander*, 8 September 1995; “Million Dollar Mystery Mine,” *Victoria Times Colonist*, 6 September 1998.

¹⁸*Denaby and Cadeby Collieries Limited v. Lady Mabel Smith*, West Riding Assizes, *The Times*, London, 24 July 1920.

sculpture outside Conisbrough Library depicting a miner, trapped by a roof fall; and the Miners Memorial Chapel adjacent to the Parish Church of All Saints. The chapel was built from bricks salvaged from several mines. Its windows depict mining scenes and it features a massive pit wheel from Cadeby Main No. 2 shaft. Few buildings survive from earlier times but among them are two pubs, the much-remodelled Denaby Main Hotel and Reresby Arms.

The new housing was a great improvement over what it replaced but a sense of community was lost with the change. Old-timers were not always re-located beside their old neighbours. Many new people moved in. The coal mines, previously a common thread among families, were gone. The semi-detached (duplex) style of housing and the open spaces seem to encourage a more insular attitude.

What happened to Denaby Main was repeated in coal mining villages throughout Britain. The industry employed 882,300 workers in 1906. By 1947, when the private mines were nationalized by the Labour government, there were 704,000 workers and 980 mines. This fell to 181,000 men and 170 mines by 1984 when the National Union of Mineworkers staged its last industry strike. By the early 1990s the workforce was down to 41,000 miners and 50 mines and still falling. The South Wales coalfield, which had 272,000 workers at its peak in 1920, was virtually closed by 1990. The last four pit ponies (Goodwin was a driver of pit ponies) were retired in 1994. In 1913, there were 70,000 horses and ponies. What was left of the mines was sold in 1994 by state-owned British Coal to a private company, RJB Mining, for £815 million. In 2001, RJB Mining changed its name to UK Coal. It employed just 7,000 workers at thirteen collieries and half a dozen surface mining sites producing 20 million tonnes of coal a year. In 2002, UK Coal closed one deep mine and announced that three more will be closed. There were four deep mines and half a dozen surface mines outside UK Coal. The membership of the National Union of Mineworkers shrank to 5,000.¹⁹

¹⁹Denaby and Cadeby Miners Memorial Chapel, brochure (Denaby Main, 1989); Booth, *A Railway History of Denaby and Cadeby Collieries*; Gwatkin, *A Photographic Record of the 'Old' Village of Denaby Main*; Gwatkin, *A Postscript to a Photographic Record of the 'Old' Village of Denaby Main* (Conisbrough, 1990). Author's interview and correspondence with John Gwatkin, 1993-1995; *Dearne Good News*, published by the Dearne Valley Partnership City Challenge, Rotherham, South Yorkshire; *The Earth Centre Bulletin*, published by The Earth Centre, Kilner's Bridge, Doncaster Road, Denaby Main, South Yorkshire; *The Independent on Sunday*, London, 18 October 1992, 13 June 1993; *Vancouver Sun*, 24 December 1990; *Weekly Telegraph*, London, 7 March 1994; Mitchell, *British Historical Statistics*; A.R. Griffin, *The Collier* (Princes Risborough, 1982); RJB Mining, reports; UK Coal, www.ukcoal.com; Trades Union Congress, membership report.

The mine at Treeton, the village where Goodwin was born and where his father worked as a hewer, closed in 1990. It is now a housing estate. Dominion No. 2 mine in Glace Bay, nicknamed the Big Producer, where Goodwin worked when he first came to Canada, closed in 1949 after an explosion. It produced just over 26,000,000 tons of coal in half a century. The twin towns of Natal and Michel in the Crowsnest Pass (and the community of Middletown in-between them), where Goodwin worked for a year and started in soccer, were swept away in the late 1960s and early 1970s by the provincial government that created the new town of Sparwood nearby. The manner in which this was done, the compensation paid, and the relocation to Sparwood left much unhappiness in their wake. Despite their heavy covering of dust and grime, looking like something from the 19th century, Natal and Michel, like mining towns everywhere, were warm and friendly communities.²⁰

Workers at the Trail smelter got the eight-hour day, the issue in the 1917 strike, in 1919 but by then they were losing their union. An amendment passed by the BC legislature to the Labour Regulation Act extended the eight-hour day to all smelter workers. CM&S assistant general manager Selwyn Blaylock posted this brief notice on 29 March 1919: "Starting April 1st, 1919, all Mechanics and Yard Men will work an eight hour shift instead of nine."

The Trail Mill and Smeltermen's Union, Local 105, went over to the One Big Union with the other Mine Mill locals in District 6. They formed District 1, Metalliferous Miners, OBU. The International Union of Mine, Mill and Smelter Workers executive board in Denver described the OBU as a dual organization and "a menace to the welfare of the miners, mill and smeltermen" at its 2 May 1919 meeting. One week later, the board endorsed President Charles Moyer's decision to revoke the Trail local's charter. By August 1920, Executive Board member William Davidson of Slocan, BC, reported that the union had no men in Trail or Rossland who could be depended on to deal fairly with the international. The possibility of organizing to any great extent was not good at this time, he said. Neither was it much better for the OBU that was disappearing almost as quickly as it had arisen. The Mine Mill local at the CM&S mine in Kimberley, a major supplier

²⁰Doris Goodwin research; Paul MacEwan, *Miners and Steelworkers: Labour in Cape Breton* (Toronto, 1976); Victoria *Colonist*, 19 March 1966; Wayne Norton and Naomi Miller eds., *The Forgotten Side of the Border: British Columbia's Elk Valley and Crowsnest Pass* (Kamloops, 1998); *That's The Price*, National Film Board videotape; Bruce Ramsey, *100 Years of Coal Mining: The Elk River Valley 1898-1998* (Sparwood, 1997); Arlene B. Gaal, *Memoirs of Michel Natal 1899-1971* (unpublished); Gaal, *Times to Remember: Michel-Natal 1899-1980* (unpublished, 1980); Sparwood Virtual Museum of Coal Mining — www.sparwood.bc.ca

of lead and zinc to the smelter, changed its name to Goodwin Local Unit of the OBU and 250 miners struck on 11 September 1919. But CM&S refused to negotiate with the OBU and brought in strikebreakers. The strike was called off on 1 March 1920.

Blaylock, meanwhile, was introducing the Workmen's Co-Operative Committee to the smelter. This was a form of company unionism much recommended by Mackenzie King, the future prime minister of Canada, who had been federal deputy labour minister and then worked as a labour consultant. He mediated a strike at the Western Fuel Company in Nanaimo in 1905 on the basis of an agreement with an employees committee, an idea the other major coal company on Vancouver Island, Canadian Collieries (Dunsmuir) Limited, picked up in the wake of the Big Strike of 1912-14. The employees committee, sometimes called Employee Representation Committee, was promoted by King to John D. Rockefeller, Jr., at his Colorado Fuel and Iron Company. This followed the infamous Ludlow Massacre in 1914 when militia machine-gunned and set afire a tent colony, set up for United Mine Workers Union strikers after they were evicted from company housing. Two women and 11 children died. Rockefeller brought in King and later implemented the Colorado Industrial Plan as a form of consultation with workers. Variants of this theme have included works councils (blue collar) and staff councils (white collar). The underlying object of all of them was the same: keep unions out of the workplace.

At Trail, Blaylock called in two employees from each of nine departments in late December 1918 and initiated the Workmen's Co-Operative Committee. Subsequently, employees from different departments of the smelter elected representatives and they discussed matters of interest with the company at regular meetings. Soon, the Workmen's Co-Operative Committee would have an office — ironically, at the Meakin Hotel where Goodwin once lived.

The first attempt by the International Union of Mine, Mill and Smelter Workers to reorganize at the smelter failed in 1938. The second attempt in 1943-44 succeeded with Labour Relations Board certifications in Trail and Kimberley, helped in part by new labour legislation in 1943 which effectively outlawed company unionism like the Workmen's Co-Operative Committee and its brief successor, the Independent Smelter Workers Union. Mine Mill was back as the Trail and District Smelter Workers Union, Local 480, and Kimberley Mine, Mill and Smelter Workers Union, Local 651. Both organizing campaigns were led by well-known Communists — Arthur (Slim) Evans in 1938, leader of the On-to-Ottawa Trek to protest unemployment in 1935, who knew Goodwin when he worked at the smelter in

1917, and in 1944, Harvey Murphy, Mine Mill's BC district regional director.²¹

Selwyn Gwilym Blaylock lived to see Mine Mill reborn as the union representing smelter workers. He participated in the negotiations for the first contract but, because of illness, was unable to sign the contract on 16 January 1945. Murphy said that was "indeed regrettable." Blaylock, who came to Trail in 1898 from Quebec, died on 19 November 1945, aged 66. His daughter, Louise Blaylock Beveridge, the first child of his second marriage, who was born in 1920, said there were no files in her father's papers about the 1917 strike or Goodwin. In 2002, Blaylock's 16,000-square-foot mansion set in a 42-acre property on the shore of Kootenay Lake, was advertised as "one of the finest examples of Tudor-revival in Canada." And, with a price tag of \$2,850,000, it should be, too.²²

The memory of Albert Goodwin resurfaced in Trail in 1949. It cost four shop stewards their jobs at the smelter in a case that raised questions about what employees can say about their employer in their off hours. The dismissals occurred at a time of Red hysteria generally and in the midst of a fractious Mine Mill election in BC, which involved a left-right split between

²¹BC Archives, AddMss 15, Volume 3-1, Eight Hour Day Notice; Labour Regulation Act, *Statutes of the Province of B.C.*, 1918; Minutes, Executive Board, International Union of Mine, Mill and Smelter Workers, Western Historical Collection, University of Colorado, Norlin Library, Boulder, Colorado; BC Deputy Minister of Labour, annual reports for the years ending 31 December 1919 and 1920; Phillips, *No Power Greater*; Fox, *United We Stand*; Mike Solski and John Smaller, *Mine Mill: The History of the International Union of Mine, Mill and Smelter Workers in Canada Since 1895* (Ottawa, 1987); Turnbull, *Trail Between Two Wars*; Jean Evans Sheils and Ben Swankey, "Work and Wages!" *Semi-Documentary Account of the Life and Times of Arthur H. (Slim) Evans* (Vancouver, 1977); David Michael Roth, "A Union on the Hill: The International Union of Mine, Mill and Smelter Workers and the Organization of Trail Smelter and Chemical Workers 1938-1945," MA thesis, Simon Fraser University, 1991; *Trail Daily Times*, 3, 5 June 1944; 16 Jan. 1945; *B.C. District News*, 10 June 1944; 25 January 1945; Reg Whitaker, "The Liberal Corporatist Ideas of Mackenzie King," *Labour/Le Travailleur* 2 (1977). Company unionism was effectively outlawed by the definition of a trade union in the 1943 Industrial Conciliation and Arbitration (Amendment) Act: "Trade union means a national or international organization of employees, or a local branch chartered and in good standing with any such body." The 1937 Industrial Conciliation Act was softer, defining "Organization" as "any organization or association of employees formed for the purpose of regulating relations between employers and employees, and includes a trade union." Before that, the federal Industrial Disputes Investigation Act, which applied in BC, was even softer, defining a trade union as "any organization of employees formed for the purpose of regulating relations between employers and employees."

²²Letter to the author from Louise Blaylock Beveridge, undated but sent in 1994; *B.C. District News*, 25 January 1945; *National Post*, 31 August 2002.

opposing candidates. Shop stewards Jack Scott, Garfield Belanger, Tiny Noakes, and Ernie Weed, all members of the Labour Progressive Party (as the Communist Party was then called), distributed a reprint of an article in the party's *Pacific Tribune* newspaper written by Bruce Mickleburgh. It was headlined "Consolidated Prepares an Inside Job." The four men distributed the reprint at the company's smelter gates but stood on public property and were on their own time. They were fired.

Mine Mill Local 480, then led by rightists, immediately denied any part in the distribution and soon condemned the article as "malicious and slanderous." The company said: "These men were dismissed for distributing to employees of the company a leaflet containing maliciously untrue statements regarding the actions and motives of the company."

The offending article was a trenchant left-wing view of historic and contemporary labour-management events in Trail. Blaylock, for example, was accused of combining "terrorism and paternalism to maintain the open shop for a generation." The company was said to now support a union, but only a good union with responsible leaders, not Communists, implying it was taking sides in the left-right union election (won by the left in the important contest for BC president). The article also referred to an upcoming (and unsuccessful) raid by the United Steelworkers of America (with which Mine Mill voted to merge in 1967). It included a photograph of union officers in 1917, with Goodwin on horseback, and said Goodwin "was martyred by the company for his leadership of the victorious 1917 strike in which 3,000 workers walked solidly off 'the hill,' and for his firm stand against imperialist war." An optimistic, if by no means accurate, account of the 1917 strike to be sure.

Although disowning and condemning distribution of the "Consolidated Prepares an Inside Job" article, Mine Mill took the dismissals to arbitration. The majority of the three-member arbitration board, chairman and Nelson County Court Judge Eric Dawson and company representative Ralph Perry, ruled the company had the right to dismiss the men for distributing "a scurrilous and malicious attack upon the Consolidated Mining and Smelting Company of Canada Limited and certain officers thereof. The purpose is clearly to stir up discontent and ill-feeling between the employer and employees."

In dissenting from the decision, union nominee Harvey Murphy commented that the company could have sued for libel, but chose not to. The point is pertinent: Truth is a defence to any claim of libel, and so is fair comment on a matter of public interest. The article was not judged independently in this context but within the employer-employee relationship. This involved different considerations and obligations.

Scott said later he had been sent from Vancouver to Trail by Murphy, the union's regional director and a well-known Communist, to get a job at the smelter and "get the party in shape," referring to the Labour Progressive Party. Scott did so and became a shop steward. Scott gave an inside glimpse at the casual way in which party members decided to hand out the offending article which had been run off in the thousands by the party and sent to them for distribution. A meeting was called to discuss the two Mickleburgh articles. Said Scott: "The one about union leadership we wouldn't distribute at all and decided to destroy it. The other one — on the company — we thought, 'Ah, what the hell. It's the company. Who cares?' We thought, even though we didn't like it much, we would distribute it. It had stuff in it that the company was sure not to like, such as that the CM&S was implicated in the murder of Ginger Goodwin and on and on."²³

The shocking pollution levels from the Trail smelter sparked international environmental and legal complaint. By the mid-1920s, a staggering total of more than 10,000 tons of sulphides a month were being discharged into the air. According to one study, emission levels of sulphur dioxide peaked at 662 tons a day in 1930. The smelter pollution caused a major environmental complaint brought by the United States against Canada after down wind farmers in Washington State said their crops were being ruined. Damages of \$350,000 were assessed. But by the end of the legal battle, one study said the company was much richer and the farmers were a lot poorer. Selwyn Blaylock "brought the same brand of arrogant paternalism to his approach to the smoke problem" as he had done to labour relations, producing 25 years of social conflict, said the study. The company did install pollution control devices to recover the sulphur that was then transformed into a new product — fertilizer. It also led to the "greening of Trail" and slowly the bleak landscape began to regain its health. It cost CM&S almost \$20,000,000 by the end of World War II to recover the air pollutants and turn them into fertilizer. Within a decade, the costs were not only recovered but a handsome profit was being made. By the early 1990s, aerial discharge of lead was down to 118 metric tonnes a year and falling.²⁴

²³Trail *Daily Times*, 30, 31 March, 1, 4, 6, 7, 11 April 1949; *Pacific Tribune*, Vancouver, 11, 18 March, 17 June 1949; *B.C. District Union News*, 27 June, 21 July 1949; Bryan D. Palmer ed., *A Communist Life: Jack Scott and the Canadian Workers Movement, 1927-1985* (St. John's, 1988).

²⁴James Robert Allum, "Smoke Across the Border: The Environmental Politics of the Trail Smelter Investigation," PhD thesis, Queen's University, 1995; Keith Murray, "The Trail Smelter Case: International Air Pollution in the Columbia Valley," *BC Studies* 15 (Autumn 1972); *The Greening of Trail*, Cominco pamphlet, undated; *Victoria Times Colonist*, 26 November 1993.

Pollution problems haunted Teck Cominco and its Trail smelter into the 21st century. The US Environmental Protection Agency and Teck Cominco were locked in a dispute over studies and cleanup of the smelter's past pollution of the Columbia River. The EPA has contended that Teck Cominco is responsible for much of the Columbia's worst pollution because, from 1894 to 1994, it dumped about 363 tonnes of smelter slag daily into the river. Earlier studies showed that the slag contained mercury, lead, arsenic, and metals that can be dangerous to human health.²⁵

A FINAL NOTE

If Goodwin was not murdered and there was no conspiracy to murder him, this does not diminish his place in history though it may well — and properly — change the focus to his life rather than his death.

Indeed, freed of the narrow perspectives of conspiracy paranoia, Goodwin's life may be seen in a fuller and richer context: As the effort of one man (and there were others, of course) to redress wrongs and provide some dignity in the workplace by immediate trade union action on the one hand and, on the other hand, by addressing the bigger picture of the political, economic, and social order of life in modern society.

Liberal democrat cries *for* a just society can be seen as confirming the criticism of the old Marxist Socialists: We live in an *unjust* society.

Goodwin's criticisms of war as an instrument of national policy can be seen as just as relevant today as yesterday. Profiteering by corporations and banks today is little different than that of Goodwin's time. The motivation, greed, is the same. The nature of the ownership is unchanged.

Callous dismissals by corporations of their management employees and workers alike, not in the name of necessary cost-cutting for the survival of the corporation itself but for profit maximization and to increase the value of shares traded on the stock exchanges, have become a hallmark of the work world.

Rough treatment of the blue-collar work force is not new, as Goodwin himself well knew and experienced. But now supervisory staffs also know that they are no longer safe. Long ago, the working classes (reformists and revolutionaries) learned that political action must be married to trade union action for self-defence as well as for progress. Perhaps the middle classes will find out the same way. As historian Mark Leier has noted, the

²⁵Seattle Times, 25 August, 16-7 September, 25 October, 27 November 2003.

conspiracy theory surrounding Goodwin's death has obscured the real workings of capitalism and the state, "an exploitive system."²⁶

Labour leader Ken Georgetti discussed Goodwin as hero and Goodwin as martyr at the dedication in 1989 of a mountain west of Cumberland as Mount Goodwin. Georgetti's forbears were among the pioneer Italians to reach Trail just before the turn of the 20th century. He worked at the Trail smelter and headed the union there before being elected president of the BC Federation of Labour and then president of the Canadian Labour Congress.

"Some people say we should remember him as a hero," said Georgetti. "And while he was a brave man, I don't think he would want us to elevate him above the struggle of many other trade unionists in that time. Nor should we try to put his achievements out of the reach of all of us today.

"Some call him a martyr because he suffered for his cause and indeed he did.

"And yet others describe him as an example of the kind of unity we need, of the strength of ideas and the commitment to fight for them, of the way power is used against us, and of the contribution we can all make.

"Today, our struggle may be more polite. We may have more legal protections. We may be more sophisticated. But the challenges we face now, as then, remain unchanged. We still have to take on powerful, well-organized forces, that are still controlling the government and the media. We still see the use of racism and other tactics of division that prey on our fears and on our differences. And our objectives remain the same: Safe workplaces, better working conditions, fair wages, and a better life for our families. These may be goals we have progressed toward in the last 75 years but are still not goals we have achieved.

"So, when we remember Ginger Goodwin, and when we look at the mountain named for him, we should think not of the hero or the martyr but as the epitaph reads, a friend. A fallen comrade who gave everything in this struggle and paid the ultimate price for what he believed in."

The struggle for dignity and justice, said Georgetti, will go on.²⁷

²⁶ Mark Leier, "Plots, Shots and Liberal Thoughts"; "Goodwin, Albert (Ginger)" *Dictionary of Canadian Biography*, Volume XIV, 1911 to 1920 (Toronto, 1996).

²⁷ Ken Georgetti, text of remarks 24 June 1989, BC Federation of Labour, Vancouver.

ACKNOWLEDGEMENTS

A LOT OF PEOPLE HELPED make this book happen. They include, especially:

My wife, Helen Ayers, whose idea it was and whose steadfast support, encouragement, and technical assistance were always present.

Doris Goodwin of Conisbrough, South Yorkshire, answered my round-robin letter to all the Goodwins (50!) in the Rotherham telephone book and was tireless in her research. Her late husband, Dan, a coal miner at Yorkshire Main Colliery in Edlington, was a nephew of Ginger Goodwin. Dan's father was George Goodwin, Ginger's eldest and closest brother. Doris was a wonderful hostess on visits to what remained of the coalfields of South Yorkshire, which was the West Riding of Yorkshire in Ginger's time.

Jean Letcher of Trail, BC, provided thoughts and details known only to the last person with close memories of Ginger Goodwin. Like Doris, she answered my call for help, this time via a letter in the *Trail Daily Times*. Jean was fifteen years old when Ginger was buried from her parents' home on Penrith Avenue in Cumberland where he was often a boarder. She later moved to Trail where her husband worked for Consolidated Mining and Smelting Company Limited.

Ruth Masters of Courtenay, BC, shared her research and interviews with old Cumberland residents. Maintained in the Cumberland Museum and Archives as "The Shooting of Ginger Goodwin," they embody the oral tradition and folklore surrounding Goodwin. Her early encouragement was important.

Dr. Mark Leier, director of the Centre for Labour Studies at Simon Fraser University in Burnaby, BC, associate professor in the History Department at SFU and author of several labour history books, shared his interest in Goodwin. He reviewed the manuscript and provided valuable criticism and assistance in many ways.

Adrian Brooks of Victoria, defence counsel who has represented a number of persons accused of murder in BC Supreme Court trials, added a new dimension to the Goodwin debate — a criminal lawyer's review and analysis of Goodwin's death and the Crown's case of manslaughter against Dan Campbell.

Friend and former newspaper colleague, Paul Bennett, now a travel writer, brought his copy editor's skill to the manuscript. So too did his wife, Lorie, also a travel writer. They contributed valuable ideas from the generalist viewpoint. Kirk Niergarth at the University of New Brunswick also pro-

vided copy-editing assistance. Maurice Chazottes, a former British journalist and senior Maclean-Hunter editor, assisted with the proof reading.

Susan Mayse and husband Stephen Hume shared their research for her book: *Ginger: The Life and Death of Albert Goodwin* (Madeira Park: Harbour Publishing, 1990). Many useful hours were spent in keen discussions about what happened, and what might have happened, so many years ago.

They and others volunteered their not inconsiderable time to the Goodwin project.

The men and women who work in our libraries, archives and other public institutions were unfailingly courteous and helpful. Their workplaces are referenced and, as employees, they are indeed assets. For going that extra mile in response to many requests for assistance, particular appreciation is given to the staff at BC Archives in Victoria; Barbara Lemky, curator of the Cumberland Museum and Archives, and her predecessor, Dale Reeves; and George Brandak, Curator of Manuscripts at the Special Collections and University Archives Division, University of BC, which holds the Susan Mayse Research Collection.

Others who were especially helpful included: Karl Coe, Jack Horbury, Cumberland; Francis (Buddy) De Vito, Fruitvale, BC; Prof. Hamar Foster, University of Victoria law faculty; Gregory Kealey, Fredericton, NB; Al King, T. Dennis Devitt, Vancouver; Rev. Reginald Davies, vicar of the Parish Church of All Saints, Denaby Main; John Gwatkin, Conisbrough; Tom Rossington, Treeton; Eva Harris, Jimmy and Billy Conway, Victoria; Janette Glover-Geidt, Union Bay, BC; Colin Stevens, curator of Burnaby Village Heritage Museum, and a former curator of the Cumberland Museum and Archives; Louvain Brownlow, Toronto; and Jamie Forbes and Samantha Poling at Trail City Archives. The passage of time over 15 years of research and writing has claimed the lives of some of these fine people.

Research at National Archives of Canada, in addition to its staff, was undertaken by Jamie Disbrow, then of History Associates, Ottawa, now of Victoria. Mildred Howard of Sydney, NS, did research in Glace Bay, NS.

All of these people have contributed to my attempt to set forth an accurate account and correct past mistakes: For the errors that remain, and for the acknowledgements missed, I am responsible.

Research leads to interesting places as well as people. The former coal mines at Blaenavon, South Wales, and Caphouse Colliery in Overton, West Yorkshire, provide a look into the past and merit a visit. They are now (respectively) the Big Pit Museum and the National Coal Mining Museum for England, formerly the Yorkshire Mining Museum, complete with trips several hundred feet into the earth to former workings. Some seams were so small that miners had to lie on their sides, half-naked because of the heat,

often in pools of water, to hack out the coal. To stoop and crawl into these spaces, without the noise and dust of mining and without having to do any work, is a humbling experience. A slight shift of the earth above, and it would be all over.

NOTES ON SOURCES

MANY RECORDS that would have been useful in telling Goodwin's story have vanished over time. Some of this was done deliberately and without apparent lawful authority, as we have seen, and by people who knew better. In other cases, we just don't know why records have disappeared. Adding to the Goodwin mystery (and research frustration) are numerous inaccuracies. The date and place of Goodwin's birth, published variously and often erroneously, are easily available from his birth certificate in London. But even it has a mistake: He was born at 113 Well Lane, not 113 Bole Hill, as written on the certificate. This is an understandable confusion because it is one continuous street that suddenly changes its name. Treeton historian Tom Rossington, who knew from childhood that there was no such low number as 113 for the Bole Hill houses, cleared this one up. An extract from Goodwin's death certificate, issued in 1982 by the Division of Vital Statistics at the Ministry of Health in Victoria, says that Goodwin was born in Barnsley (misspelled Barnesley). This error has been repeated many times. It was based on incorrect information provided in 1918 by John McMillan. The extract also says that Goodwin was born on 10 May 1877 when, in fact, it was 10 May 1887, and that he was buried on 2 April 1918 — when, of course, it was 2 August 1918. The 1901 British census says that Goodwin was born in Denaby Main when, in fact, he was born in Treeton.

Folklore has it that Goodwin, hiding from the police while evading conscription, would return from the hills on Saturday nights to attend dances in Cumberland. Indeed, in Harry and Mildred Gutkin's *Profiles in Dissent* (Edmonton: NeWest Publishers Limited, 1997), W.A. Pritchard said it happened. But, the story did seem too good to be true. I asked Jean Letcher, whose sister Mary was a good friend of Goodwin. She said it was not true. She was 15 years old at the time and would know.

The *Cumberland Islander* of 9 September 1911 reported that Goodwin and his two good friends, Arthur Boothman and Tom Carney, played soccer for Tottenham Hotspur — the famous north London club now in the Football Association Premier League — but this turned out to be a tall story. No one had thought to check with the club, which has no record of them ever playing for the Spurs.

There has been confusion between two different families named Clark in Cumberland: It was the family of John and Margaret Clark (not Andrew Clark), at whose house Goodwin frequently boarded, from which he was buried. There has also been confusion between Albert Goodwin and Rich-

ard Goodwin in Cumberland: Was this one man, or two men? Were they related? They were two men, both miners in Cumberland at the same time, but they were not related to each other. Also unrelated was miner Watts Goodwin whose wife Lily travelled on the same ship to Canada as Ginger Goodwin.

Microfilm wound in the wrong way (how often this happens!) has led to an incorrect identification of the ship that brought Goodwin and other miners to Halifax. Confusion surrounded George Henry Roe whose name was spelled, variously, Roe, Row and Rowe, even on the record of the inquest and the Preliminary Investigation.

The frailties of human memory are obvious to all of us in everyday life and have invaded the Goodwin story in a serious way. To pick only one example: Goodwin's gravestone has been said by some (from memory) to have been carved and erected, variously, a few years after his death in 1918 and in the 1940s. In fact, it was in 1936-37. Error followed Goodwin literally to the grave: The gravestone says Goodwin was "shot July 26th 1918." In fact, it was 27 July 1918.

I would draw special attention to the excellent videotape issued by the United Mine Workers of America in 1990 as a companion to its official printed history, *United We Stand: The United Mine Workers of America 1890-1990*. The 100-minute documentary video, which includes historical as well as contemporary film and still photographs, traces the struggles of miners. It is called *Out of Darkness: The Mine Workers Story*. Good glimpses into mining conditions in Cape Breton in and around Goodwin's time, as well as contemporaneous footage from Britain and the US, are contained in *12,000 Men*, a National Film Board videotape made in 1978.

Bibliography

1. Archival

Arrow Lakes Historical Society, Nakusp, BC.

BC Archives, Victoria, BC.

Cominco corporate library, Vancouver, BC.

Courtenay (BC) and District Museum.

Cumberland (BC) Museum and Archives.

Doncaster Metropolitan Borough Council, England: Library and Information Service; Local Studies Library.

General Register Office, London.

George Meany Memorial Archives, Silver Spring, Maryland, USA.

Glenbow Museum archives and library, Calgary, Alberta.

Greater Victoria Public Library.

Kootenay Museum Association and Historical Society, Nelson, BC.
Land Title Office, Victoria, BC.
Legislative Library, Victoria, BC.
Lloyd's Register of Shipping, London.
National Archives of Canada, Ottawa.
National Coal Mining Museum for England, Overton, West
Yorkshire, England
National Union of Mineworkers, Barnsley, England.
Rotherham Central Library, England.
Sheffield City Council Libraries and Information Services, England.
State Historical Society of Wisconsin, Madison, Wisconsin, USA.
Trail (BC) City Archives.
Trail (BC) Historical Society.
United Mine Workers of America, Washington, DC.
United Steelworkers of America, Local 480, Trail, BC
University of Colorado, Norlin Library, Boulder, Colorado, USA.
University of Victoria, Law Faculty Library.
University of British Columbia, Special Collections and University
Archives Division, Vancouver BC.
Vancouver Public Library, Northwest Collection.
Victoria Law Courts, Law Library.
Wakefield Metropolitan District Council, Castleford Library, England.
West Yorkshire Archive Service, Wakefield, England.
Yorkshire Area, National Union of Mineworkers, Barnsley, England.

2. Published Reports

Annual Report by Dr. C.J. Russell McLean, Medical Officer of Health
for the Rural District of Doncaster, (regarding typhoid (enteric)
fever outbreak at Denaby Main, 1904).
BC Minister of Mines, annual reports.
B.C. Law Reports, Volume 18 (1911).
Dominion Law Reports, Volume 13 (1913), Volume 20 (1915).
Journals of the Legislative Assembly of B.C.
Lead in the Canadian Environment: Science and Regulation. Royal
Society of Canada, report to Environment Canada, 1986.
Provincial (BC) Board of Health, annual reports.
Report by Dr. Reginald Farrar to the Local Government Board on an
Outbreak of Enteric Fever at Denaby Main, in the Doncaster Rural
District, 1905.
Report of the Deputy Minister of Labour on Industrial Conditions in the
Coal Fields of Nova Scotia. Ottawa, *Sessional Paper No. 36a*, 1909.

190 Fighting For Dignity

Royal Commission (BC) on Coal Mine Explosions in BC, 1903.

Royal Commission (BC) on Coal and Petroleum Reports, Volume 2 (1937) and Volume 3 (1938).

Royal Commission (BC) on Labour, 1912-1914.

Royal Commission (BC) on Vancouver Island Riots, 1913-14.

Royal Commission (Canada) on Industrial Disputes in the Province of BC, 1903.

Royal Commission (Canada), In the Matter of the Coal-Mining Labour Troubles on Vancouver Island, 1912-1913, and the Industrial Situation Connected Therewith.

Public Accounts, BC government.

Sessional Papers, BC government.

Upper Canada Law Journal, Volume 2 (1856), Volume 5 (1859), Volume 6 (1860), Volume 27 (1891), Volume 28 (1892), (grand juries).

Workmen's Compensation Board, annual reports, 1917-1919

3. Newspapers and Periodicals

B.C. District Union News, Vancouver, BC.

B.C. Federationist, Vancouver, BC.

B.C. Veterans Weekly, Vancouver, BC.

Colliery Guardian (now *Coal International*), Newark, England.

Comox (BC) Argus.

Comox District Free Press, Courtenay, BC.

Cumberland (BC) Islander.

Cumberland (BC) News.

Fernie (BC) The Daily Ledger.

Halifax (NS) Morning Chronicle.

Labour/Le Travail, St. John's, NL.

Ladysmith (BC) Chronicle.

London, The Times.

Mexborough and Swinton Times, Yorkshire, England.

Michel (BC) Reporter.

Mining, Engineering and Electrical Record, Vancouver, BC.

Nanaimo (BC) Free Press.

Nelson (BC) Daily News.

Miners Magazine, Denver, Colorado, USA.

Pacific Tribune, Vancouver, BC.

Pontefract-Castleford Express, Yorkshire, England.

Rossland (BC) Daily Miner.

Sydney (NS) Record.

Sydney (NS) Daily Post.

Trail (BC) *Daily Times*.
Trail (BC) *News*.
UMWA Journal, Washington, DC.
Vancouver (BC) *Province*.
Vancouver (BC) *Sun*.
Vancouver (BC) *World*.
Victoria (BC) *Daily Colonist*, *Daily Times*, *Times Colonist*.
Western Clarion, Vancouver, BC.

4. Books

- Abbott, Elizabeth (ed.). *Chronicle of Canada*. Montreal: Chronicle Publications, 1990.
- Abella, Irving Martin. *Nationalism, Communism, and Canadian Labour: The CIO, the Communist Party, and the Canadian Congress of Labour 1935-1956*. Toronto: University of Toronto Press, 1973.
- Ashworth, William. *An Economic History of England 1870-1939*. London: Methuen and Company Limited, 1960.
- Bercuson, David J. *Fools and Wise Men: The Rise and Fall of the One Big Union*. Toronto: McGraw-Hill Ryerson, 1978.
- Bishop, James. *The Illustrated London News Social History of Edwardian Britain*. London: Angus and Robertson (UK) Limited, 1977.
- Booth, A.J. *A Railway History of Denaby and Cadeby Collieries*. Bridlington: The Industrial Railway Society, 1990.
- Bowen, Lynne. *Three Dollar Dreams*. Lantzville: Oolichan Books, 1987; *Boss Whistle: The Coal Miners of Vancouver Island Remember*. Lantzville: Oolichan Books, 1982 (revised 2002); *Robert Dunsmuir: laird of the mines*. Lantzville: XYZ Publishing, 1999.
- Bryant, Arthur. *A History of Britain and the British People, Volume III, The Search for Justice*. London: Collins, 1990.
- Bumsted, J.M. *The Winnipeg General Strike of 1919, An Illustrated History*. Winnipeg: Watson and Dwyer Publishing Limited, 1994.
- Church, Roy, and Quentin Outram. *Strikes and Solidarity: Coalfield Conflict in Britain 1889-1966*. Cambridge: Cambridge University Press, 1998.
- Cousins, William James. *A History of the Crow's Nest Pass*. Lethbridge: The Historic Trails Society of Alberta, 1981.
- Crowsnest Pass Historical Society. *Crowsnest and its People*. Coleman: Crowsnest Pass Historical Society, 1979.
- Fleming, Rae Bruce. *The Railway King of Canada: Sir William Mackenzie, 1849-1923*. Vancouver: UBC Press, 1991.
- Forbes, Jamie. *Historical Portraits of Trail*. Trail: Trail City Archives, 1980.

- Ford, Colin, and Brian Harrison. *A Hundred Years Ago: Britain in the 1880s in Words and Photographs*. Harmondsworth: Penguin Books, 1983.
- Fox, Maier B. *United We Stand: The United Mine Workers of America 1890-1990*. Washington, DC: United Mine Workers of America, 1990.
- Gaal, Arlene B. *Memoirs of Michel Natal 1899-1971*. Np.; *Times to Remember: Michel-Natal 1899-1980*. Np.
- Glover-Geidt, Janette. *The Friendly Port: A History of Union Bay 1880-1960*. Union Bay: Douglas R. Geidt, 1990.
- Granatstein, J.L., and J.M. Hitsman. *Broken Promises: A History of Conscription in Canada*. Toronto: Oxford University Press, 1977.
- Green, George. *History of Burnaby and Vicinity*. North Vancouver: Self-published, 1947.
- Griffin, A.R. *The Collier*. Princes Risborough: Shire Publications Limited, 1982.
- Gutkin, Harry and Mildred. *Profiles in Dissent: The Shaping of Radical Thought in the Canadian West*. Edmonton: NeWest Publishers Limited, 1997.
- Gwatkin, John A. *A Photographic Record of the Old Village of Denaby Main*. Conisbrough: Self-published, reprinted 1990; *Postscript to a Photographic Record of the 'Old' Village of Denaby Main*. Conisbrough: Self-published, 1990; *Poems and Hymns Written for the Denaby and Cadeby Miners Memorial Chapel and Other Mining Poems*. Conisbrough: Self-published, 1991.
- Hall, Del. *Island Gold: A History of Cougar Hunting on Vancouver Island*. Victoria: Cougar Press Limited, 1990.
- Heron, Craig ed. *The Workers' Revolt in Canada, 1917-1925*. Toronto: University of Toronto Press, 1998.
- Isenor, D.E., Stephens, E.G., and D.E. Watson. *One Hundred Spirited Years: A History of Cumberland 1888-1988*. Campbell River: Ptarmigan Press, 1988.
- Jamieson, Stuart Marshall. *Times of Trouble: Labour Unrest and Industrial Conflict in Canada, 1900-66*. Ottawa: Information Canada, 1968.
- Johnstone, Bill. *Coal Dust In My Blood: The Autobiography of a Coal Miner*. Lantzville: Oolichan Books/Victoria: Royal BC Museum, 1973.
- Jordan, Mary V. *Survival: Labour's Trials and Tribulations in Canada*. Toronto: McDonald House, 1975.
- Kealey, Gregory S., and Reg Whitaker. Eds. *R.C.M.P Security Bulletins, The Early Years, 1919-1929*. St. John's: Canadian Committee on Labour History, 1994.
- King, Al, with Kate Braid. *Red Bait! Struggles of a Mine Mill Local*. Vancouver: Kingbird Publishing, 1998.

- Leier, Mark. *Where the Fraser River Flows: The Industrial Workers of the World*. Vancouver: New Star Books, 1990; *Rebel Life: The Life and Times of Robert Gosden, Revolutionary, Mystic, Labour Spy*. Vancouver: New Star Books, 1999.
- Logan, H.A. *Trade Unions in Canada: Their Development and Functioning*. Toronto: The Macmillan Company of Canada Limited, 1948.
- McCormack, Andrew Ross. *Reformers, Rebels, and Revolutionaries: The Western Canadian Radical Movement 1899-1919*. Toronto: University of Toronto Press, 1977.
- MacEwan, Paul. *Miners and Steelworkers: Labour in Cape Breton*. Toronto: Samuel Stevens Hakkert and Company, 1976.
- MacFarlane, J.E. *The Bag Muck Strike Denaby Main 1902-1903*. Doncaster: Doncaster Library Service, 1987.
- Macphail, Sir Andrew. *The Medical Services: Official History of the Canadian Forces in the Great War 1914-1919*. Ottawa: King's Printer, 1925.
- McGeachie, Pixie. *Burnaby A Proud Century*. Vancouver: Opus Productions Inc., 1991.
- McMillan, James. *The Way We Were: 1900-1914*. London: William Kimber and Company Limited, 1978.
- Mellor, John. *The Company Store*. Toronto: Doubleday Canada, 1983.
- Mayse, Susan. *Ginger: The Life and Death of Albert Goodwin*. Madeira Park: Harbour Publishing, 1990.
- Mingay, G.E. *The Transformation of Britain 1830-1939*. London: Paladin Grafton Books, 1986.
- Mitchell, B.R. *British Historical Statistics*. Cambridge: Cambridge University Press, 1988.
- Montero, Gloria. *We Stood Together: First-Hand Accounts of Dramatic Events in Canada's Labour Past*. Toronto: James Lorimer and Company, 1979.
- Morton, Desmond. *Working People: An Illustrated History of the Canadian Labour Movement*. Fourth edition. Montreal/Kingston: McGill-Queen's University Press, 1998.
- Mouat, Jeremy. *Roaring Days: Rossland's Mines and the History of British Columbia*. Vancouver: UBC Press, 1995.
- Myers, Gustavus. *A History of Canadian Wealth*. Toronto: James Lewis and Samuel, 1972.
- Newsome, Eric. *The Coal Coast: The History of Coal Mining in B.C. 1835-1900*. Victoria: Orca Book Publishers, 1989.
- Norton, Wayne, and Miller, Naomi, eds. *The Forgotten Side of the Border: British Columbia's Elk Valley and Crowsnest Pass*. Kamloops: Plateau Press, 1998.
- Ormsby, Margaret. *British Columbia: A History*. Vancouver: Macmillan of Canada, 1958.

- Penner, Norman. *Canadian Communism: The Stalin Years and Beyond*. Toronto: Methuen Publications, 1988.
- . (Ed.) *Winnipeg 1919: The Strikers' Own History of the Winnipeg General Strike*. Toronto: James Lewis and Samuel, 1973.
- Phillips, Paul. *No Power Greater: A Century of Labour in B.C.* Vancouver: BC Federation of Labour/Boag Foundation, 1967.
- Ramsey, Bruce. *100 Years of Coal Mining: The Elk River Valley 1898-1998*. Sparwood: Ramsey Publications, 1997; *The Noble Cause: The Story of the United Mine Workers of America in Western Canada*. Calgary: District 18 UMW, 1990.
- Read, Daphne, Ed. *The Great War and Canadian Society: An Oral History*. Toronto: New Hogtown Press, 1978.
- Regehr, T.D. *The Canadian Northern Railway: Pioneer Road of the Northern Prairies 1895-1918*. Toronto: The Macmillan Company of Canada Limited, 1976.
- Reksten, Terry. *The Dunsmuir Saga*. Vancouver: Douglas & McIntyre, 1991.
- Robin, Martin. *Radical Politics and Canadian Labour 1880-1930*. Kingston: Industrial Relations Centre, Queen's University, 1968.
- Rodney, William. *Soldiers of the International: History of the Communist Party of Canada 1919-1929*. Toronto: University of Toronto Press, 1968.
- Rossington, Tom. *The Story of Treeton Colliery: One Hundred Years of Coal Mining 1875-1975*. Rotherham: Metropolitan Borough of Rotherham Libraries, Museum and Arts Department, 1976.
- Roy, Patricia. *A White Man's Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914*. Vancouver: University of BC Press, 1989.
- Schwantes, Carlos A. *Radical Heritage: Labor, Socialism, and Reform in Washington and British Columbia, 1885-1917*. Seattle and London: University of Washington Press, 1979.
- Scott, Jack. *A Communist Life: Jack Scott and the Canadian Workers Movement, 1927-1985*. Edited and Introduced by Bryan D. Palmer. St. John's: Canadian Committee on Labour History, 1988.
- Seymour, Edward E. *An Illustrated History of Canadian Labour 1800-1974*. Ottawa: Canadian Labour Congress, 1976.
- Sheils, Jean Evans, and Ben Swankey. "Work and Wages!" *Semi-Documentary Account of the Life and Times of Arthur H. (Slim) Evans*. Vancouver: Trade Union Research Bureau, 1977.
- Smith, Sir Sydney. *Mostly Murder*. London: Harrap Limited, 1959.
- Solski, Mike, and Smaller, John. *Mine Mill: The History of the International Union of Mine, Mill and Smelter Workers in Canada Since 1895*. Ottawa: Steel Rail Publishing, 1985.

- Stanton, John. *Never Say Die! The Life and Times of a Pioneer Labour Lawyer*. Ottawa: Steel Rail Publishing, 1987.
- Steeves, Dorothy. *The Compassionate Rebel: Ernest E. Winch and His Times*. Vancouver: Boag Foundation, 1960.
- Stranix, Dorothy. *Notes and Quotes*. Colwood-Langford-Metchosin-Happy Valley-Glen Lake: Joint Centennial Committee, 1967.
- Taylor, Geoffrey W. *History of Mining in B.C.* Saanichton, BC: Hancock House Publishers Limited, 1978.
- Turnbull, Elsie. *Trail Between Two Wars: The Story of a Smelter City*. Victoria: Self-published, 1980; *Trail . . . An Invitation to History*. (Revised by Jamie Forbes). Trail: Trail City Archives, 1987.
- Vernon, C.W. *Cape Breton Canada at the Beginning of the Twentieth Century: A Treatise of Natural Resources and Development*. Toronto: Nation Publishing Company, 1903.
- Wallace, Barbara, and Kathy Cooper. *The Citizen's Guide to Lead*. Toronto: NC Press Limited, 1986.
- Wejr, Patricia, and Howie Smith. *Fighting for Labour: Four Decades of Work in British Columbia 1910-1950*. Victoria: BC Overtime and Sound Heritage, 1978.
- Williams, David Ricardo. *Duff: A Life in the Law*. Vancouver: UBC Press, 1984.
- Williams, Jack. *The Story of Unions in Canada*. Toronto: J.M. Dent and Sons (Canada) Limited, 1975.
- Young, Walter. *The Anatomy of a Party: The National CCF 1932-1961*. Toronto: University of Toronto Press, 1969.

In addition: *Encyclopedia of British Columbia*; *Dictionary of Canadian Biography, Volume XIV 1911-1920*; *World Book Encyclopaedia*; *Encyclopaedia Britannica*; *Encyclopaedia Americana*; *Collier's Encyclopaedia*; *Chamber's Encyclopaedia*; *Fishbein's Illustrated Medical and Health Encyclopaedia*; *Black's Medical Dictionary*; *The American Medical Association Encyclopaedia of Medicine*; *Encyclopaedia of Medicine*; *Encyclopaedia of Occupational Health and Safety Volume 2*, International Labor Office, Geneva; *Mosby's Medical and Nursing Dictionary*; *Parliamentary Guide*.

5. Articles, Essays, Brochures, Pamphlets

- Campbell, Peter. "Making Socialists: Bill Pritchard, the Socialist Party of Canada, and the Third International," *Labour/Le Travail*, 30 (Fall 1992).
- Ellis, Norman. *South Yorkshire Collieries on Old Picture Postcards*. 'Yesterday's Yorkshire' Series No. 2. Keyworth: Reflections of a Bygone Age, 1995.

- Friesen, Gerald. "Yours in Revolt: The Socialist Party of Canada and the Western Canadian Labour Movement," *Labour/Le Travailleur*, 1, 1976.
- Goodwin, Albert. "The iron heel," *Western Clarion*, 10 August 1912; "Capitalism the leveller," *Western Clarion*, 16 August 1913; "Report on unemployment as a result of capitalism," *Western Clarion*, 11 April 1914; "Christians and socialists," *Western Clarion*, 9 May 1914; "Economic law of class," *Western Clarion*, July 1916; "Civilization," *Western Clarion*, January 1917; "Nationalism and internationalism," *Western Clarion*, June 1917; "Political and educational prospects in the Crowsnest Pass," letter to the editor, Fernie (BC) *District Ledger*, 16 March 1914; "Capitalism and the First World War," letter to the editor, *B.C. Federationist*, 2 November 1917.
- Hedley, Rev. John. *The Labor Trouble in Nanaimo District: An Address Given Before the Brotherhood of Haliburton Street Methodist Church*. 1913.
- Jordan, Rosa. *The Struggle: A Brief History of Local Labour Movements and the Rossland Miners Union Hall*. Rossland Heritage Society/USWA Local 480. 1985.
- Juricic, Bob Z. "Ladysmith's Croatians," *Victoria Times Colonist*, 16 March 1997.
- Kavanagh, Jack. *The Vancouver Island Strike*. Vancouver: BC Miners Liberation League, 1913.
- Leier, Mark. "Plots, Shots and Liberal Thoughts: Conspiracy Theory and the Death of Ginger Goodwin," *Labour/Le Travail*, 39 (Spring 1997).
- McRoberts, Mary. "The Routing of Radicalism — The 1917 Cominco Strike," *The Ascendant Historian*, University of Victoria history department, Vol. 3, 1985.
- Mortimore, G.E. "Fortune in Her Well," Florence Campbell remembers her husband, Dan Campbell, *Victoria Daily Colonist*, 25 August 1957.
- Murray, Keith. "The Trail Smelter Case: International Air Pollution in the Columbia Valley," *BC Studies*, 15 (Autumn 1972).
- Norris, John. "The Vancouver Island Coal Miners Strike, 1912-1914," *BC Studies*, 45 (Spring 1980).
- Scott, Stanley. "A Profusion of Issues: Immigrant Labour, the World War, and the Cominco Strike of 1917," *Labour/Le Travailleur* 2, 1977.
- Seager, Allen. "Miners' Struggles in Western Canada, 1890-1930," in Deian Hopkin and Gregory S. Kealey, eds., *Class, Community and the Labour Movement: Wales and Canada 1850-1930*. St. John's: Society for Welsh Labour History/Canadian Committee on Labour History, 1989; "Socialists and Workers: The Western Canadian Coal Miners, 1900-21," *Labour/Le Travail*, 16 (Fall 1985).

- Stonebanks, Roger. "Goodwin, Albert (Ginger)," *Dictionary of Canadian Biography*, Volume XIV, 1911-1920. Toronto: University of Toronto Press, 1998; "Strike on the Island," *Victoria Times Colonist*, 23 March 1997; "Prison Martyr: The death in Oakalla of Joe Mairs," *Victoria Times Colonist*, 30 March 1997; "A Selfish Millionaire," (James Dunsmuir), *Victoria Times Colonist*, 4 May 1997; "Joe Naylor, man of principle," *Victoria Times Colonist*, 21 September 1997; "Million Dollar Mystery Mine," *Victoria Times Colonist*, 8 September 1998; "King Coal's deadly record in BC," *Victoria Times Colonist*, 2 May 1999.
- A Time to Remember*. Trail: United Steelworkers of America, Local 480, 1976.
- Denaby and Cadeby Miners Memorial Chapel*. Denaby Main: Parish Church of All Saints, 1989.
- The Greening of Trail*. Trail: Cominco. Nd.
- Pit Work Past: Underground mining scenes from the turn of the century*. Leeds: Leeds Postcards/Barnsley: *Yorkshire Miner*, Yorkshire Area, National Union of Mineworkers.
- Souvenir Guide Book*. Yorkshire Mining Museum (now, National Coal Mining Museum for England), Caphouse Colliery, Overton, West Yorkshire, 1990.
- Souvenir Brochure 1874-1974*. National Union of Mineworkers, Yorkshire Area, 1974.
- Yorkshire Mining Heritage Trail*. Yorkshire Mining Museum (now, National Coal Mining Museum for England), Caphouse Colliery, Overton, West Yorkshire.

6. Unpublished Sources: Theses

- Allum, James Robert. "Smoke Across the Border: The Environmental Politics of the Trail Smelter Investigation." PhD thesis, Queen's University, 1995.
- Felske, Lorry William. "Studies in the Crow's Nest Pass Coal Industry From its Origins to the End of World War I." PhD thesis, University of Toronto, 1991.
- Johnson, Ross Alfred. "No Compromise - No Political Trading: The Marxian Socialist Tradition in BC" PhD dissertation, UBC, 1975.
- Orr, Allan Donald. "The Western Federation of Miners and the Royal Commission on Industrial Disputes in 1903 With Special Reference to the Vancouver Island Coal Miners Strike." MA thesis, UBC, 1968.
- Roth, David Michael. "A Union on the Hill: The International Union of Mine, Mill and Smelter Workers and the Organization of Trail Smelter and Chemical Workers 1938-1945." MA thesis, Simon Fraser University, 1991.

198 Fighting For Dignity

Wargo, Alan John. "The Great Coal Strike: The Vancouver Island Coal Miners Strike, 1912-1914." BA graduation essay, UBC, 1962.

7. Miscellaneous

Field Notes made by Dominion Police Inspector William Devitt and Lance Corporal George Roe. Personal collection of Dennis Devitt, Vancouver, BC.

BC Voters Lists.

A Guide to Labour Records and Resources in British Columbia. Louise May, compiler. Vancouver: UBC Special Collections Division, 1985.

Videotapes:

Out of Darkness: The Mine Workers' Story, UMWA, Washington, DC, 1990.

That's The Price, National Film Board, Montreal, 1970.

12,000 Men, National Film Board, Montreal, 1978.

Index

A

Adams, Mike 49, 54
Aitken, Andrew 92, 97
Aitken, David 90, 92, 97, 112, 167
Alone Mountain 1, 102, 114
Anderson, Thomas Downie (Scabby) 1, 96, 100, 102-3, 106, 131, 147, 156,
174
Angelo, Joe 49, 54

B

BC Federation of Labour 2, 39, 45, 47-8, 52, 69, 73, 87, 183
B.C. Federationist 39, 81-2
BC Provincial Police 1, 46, 58, 90, 93, 96-9, 101-3, 107, 113, 117-9, 121, 126,
130, 132, 144, 147-8, 167, 172-4
BC Royal Commission on Labour 36, 40
B.C. Veterans Weekly 108, 111, 121
Bag Muck Strike 5, 14, 17-9, 25
Banks, Harold 103, 114, 150
Banks, Thomas 103, 109
Big Strike, 1912-1914 2, 4, 36, 48, 58, 61, 69, 96, 101, 108, 110, 118, 127,
129, 164-5, 168, 174, 178
Binns, Noble 75, 86-7, 93-4, 133
Blaylock, Selwyn 3, 69, 72, 74-5, 77-9, 81-2, 93, 133, 177-81
Bole Hill 5, 9, 187
Boothman, Arthur 21-2, 25-6, 28-9, 36-8, 90, 96, 112, 117, 167, 187
Borden, Sir Robert Laird 3, 73, 81, 86
Braden, William 75, 86-7
Brooks, Adrian 4, 113, 135-6, 184
Brownlow, Louvain 130-1, 174, 185
Burnaby, BC 111, 169-70, 172-3, 184-5, 192-3
Byers, James 93-4

C

- Cadeby Colliery/Cadeby Main Colliery 9, 12-3, 16-8, 20, 165, 175-6
Campbell, Daniel 1, 3-4, 90, 97-108, 113-22, 124-34, 136-62, 167, 170-3, 184
Campbell, Florence 97, 101, 170-2
Canadian Collieries (Dunsmuir) Limited 31-2, 34-5, 39, 49, 51, 58, 107, 121, 165, 174, 178
Canadian Labour Defence League 163-4
Canadian Northern Railway 32, 34, 49
Cape Breton 20-5, 165, 177, 188
Carney, Tom 22, 25-6, 28-9, 36-8, 187
Carter, William 114-6, 119-20, 167
Cavallero, Carlos 100, 119, 125, 147, 155-6
Chinatown 29, 35
Citizens League of BC 172
Clark, John (Scotty) 36-7
Clark, John and Margaret 36, 109, 164, 187
Clark, Mary 36, 109
Clowne 12
Coe, Richard 41
Colwood Hotel 1, 90, 99, 101, 170
Cominco 61, 129
Communist Party 129, 164, 170
Comox *Argus* 116, 153
Comox Lake 90, 97, 100-3, 168
Conisbrough 12, 176, 184-5
Consolidated Mining and Smelting Company Limited (CM&S) 2-3, 61, 69, 70-1, 75, 77, 83-4, 95, 128-9, 177-8, 180-1, 184
Co-operative Commonwealth Federation 49, 110-11, 169-70
Coulson, Walter 39-40, 51, 58
Craigdarroch Castle 30
Croft, Fred 5, 18
Crow's Nest Pass Coal Company 27, 61
Crowsnest Pass 25-9, 47, 165, 177
Cumberland 1, 29-31, 33-44, 46-8, 51-3, 55-9, 61, 66, 69, 83, 88-90, 92, 96-8, 100-3, 105-10, 113, 117-21, 125-6, 129-30, 144, 163-8, 174, 183-5, 187-8
Cumberland Cemetery 108-10, 163-4
Cumberland *Islander* 44-5, 59, 167, 187
Cumberland Museum and Archives 28, 164, 184-5

D

Dangerous Mines 26-7
Davidson, William 46, 85, 177
Decoeur, Camille 100, 119, 125, 147, 149
Denaby and Cadeby Main Collieries Limited 16, 18
Denaby Main 6, 9, 12-7, 19-20, 25, 165, 175-6, 185, 187
Denaby Main Colliery Company Limited 12
Devitt, William John 1, 89-95, 101-7, 112-8, 131, 133, 143-7, 152-4, 159, 161, 172-3
Dominion Coal Company 20-2, 24
Dominion No. 2 Mine/New Aberdeen Colliery 22-4, 177
Dominion Police 1, 89-90, 95-7, 101-3, 105, 112-3, 116-7, 128, 131, 133, 143, 172-3
Doncaster 12, 15, 17, 21
Duff, Justice Lyman Poore 87-8, 128
Duggan, G.H. 21, 24
Dunsmuir, James 29, 31-2, 34, 39, 58, 99
Dunsmuir, Robert 29-30, 33, 164
Dunsmuir 130

E

Eight-Hour Workday 23, 39, 46, 61-2, 69-70, 72-3, 75, 77-9, 82-4, 133, 165, 177
Esquimalt and Nanaimo Railway 29
Extension 29, 31, 33, 35, 40-3, 49, 51, 58, 174

F

Fagan, C.J./Provincial Board of Health 26, 35
Farrar, Dr. Reginald 15
Farrington, Frank 52-4
Farris, John Wallace deBeque 4, 50-1, 127
Foster, Robert 39, 53

G

Georgetti, Ken 183
Ginger Goodwin Way 165
Giovanni, Rasie 100, 119, 125, 147-9
Glace Bay, NS 20-4, 46, 177, 185
Glover, Frederick R. 90, 172
Goodwin, Albert (Ginger) 1-7, 9-14, 16-31, 33-8, 45-8, 52, 55, 58-61, 64-71, 73, 75-9, 81-90, 92-3, 96-8, 101-21, 124-34, 136, 138-40, 142-69, 174-85, 187-8

Goodwin, Alice 7
Goodwin, Dan 184
Goodwin, Daniel 9
Goodwin, Doris 184
Goodwin, Edith 9
Goodwin, Elizabeth 9
Goodwin, George 7, 9, 184
Goodwin, Lily 188
Goodwin, Mary Ann 7, 9, 166-7
Goodwin, Richard 46, 187-8
Goodwin, Walter 5, 7, 9, 11-2, 25, 81, 166-7
Goodwin, Walter (junior) 9
Goodwin, Watts 188
Grand Jury 3, 121-2, 124-9, 136, 167
Great War Veterans Association 2, 87, 111, 121
Gutteridge, Helena 111
Gwatkin, John 13, 185

H

Hall, Dr. Lewis 113-6, 120
Hamilton, Charles Robert 69, 82, 133
Hatley Castle/Royal Roads University 30, 99
Howay, Judge Frederick 50-1
Hussey, F.S. 93, 99

I

Infant Mortality 13, 15
International Union of Mine, Mill and Smelter Workers 68, 76, 85, 177-8, 195, 198
Ioris, Peter 100-1, 119, 125, 147, 155

J

Jackson, William (Tangle) 49, 54
Janes, George Alfred (Dad) 1, 92, 102-3, 106, 131, 173

K

Kavanagh, Jack 1-2, 76, 88, 108, 112, 170

L

Ladysmith 29, 31, 39-40, 43, 46, 49-51, 63, 110
Leier, Mark 133-4, 182-4
Lennie, Robert 95-6, 133
Letcher, Jean (Clark) 36, 83, 108-10, 184

M

Mackenzie, Sir William 31-2, 39-40, 49
Mairs, Joe 50
Mann, Sir Donald 32, 49
Marshall, Dick 82, 128
Mayse, Susan 129, 185
McBride, Premier Richard 51-2, 54, 99
McKinnon, Alexander Neil 49-50, 54
McKinnon, Jack 77, 82
McLean, Dr. C.J. Russell 15
McNiven, John 70-1, 75, 83, 85
McNiven, Peter 90, 101, 119, 125, 147, 149, 155
Meakin Hotel 67-8, 83, 178
Merillo, Alexandros 100, 119, 125, 147
Michel Football Club 28-9
Michel, BC 25-9, 177
Midgely, Victor 108, 111-12
Military Service Act/conscription 73, 75, 81, 83, 86-7, 90, 96, 105, 107, 119, 128, 133
Millard, Dr. Harrison 103-4, 114-5, 125, 134, 149-50, 157
Mine Workers Union of Canada 163-4
Moresby, William 103-4, 107, 113-5, 118-21, 132
Mottishaw, Oscar 40-1
Moyer, Charles 79, 85, 177
Murphy, Justice Denis 49, 124-5
Murray, Francis 99, 101, 103, 119

N

Nanaimo 26, 29, 33, 37, 39-40, 42-4, 46, 49-51, 97, 103, 118, 121-2, 147, 167, 174, 178
National Union of Mineworkers 176
Naylor, Joe 37, 40, 47-8, 58, 69, 76, 90, 103-7, 110, 112, 117, 119, 121, 131-2, 167-8
New Aberdeen 21-3, 25
New Democratic Party 49, 165, 170
New Fryston 12

Newcombe, E.L. 75, 87, 128
No. 4 Mine, Cumberland 41, 101, 107
No. 5 Mine, Cumberland 33-4, 174
No. 5 Thistles 36, 38
No. 8 Mine, Cumberland 174
Norfolk, Duke of 10
Northcott, William 107, 113-6, 120
Nova Scotia 2, 20, 22-5, 90

O

One Big Union 48, 167, 177

P

Parnham, Charles 56, 59, 107
Picketti, Vincenzo 163-4
Portrey, Isaac 41
Pritchard, William Arthur 82-3, 102, 110, 112, 163, 168-70, 187
Provincial Workmen's Association of Nova Scotia 23-4

Q

Queen, John 169

R

Randall, James 90, 96, 112
Rex v. Daniel Campbell 124, 136-62
Roe, George Henry 1, 92, 102-7, 113-4, 116-8, 131, 146, 173, 188
Rossington, Tom 7, 185, 187
Rossland *Daily Miner* 64, 83, 93, 95, 115
Rother Vale Collieries Limited 10
Rotherham 12, 166, 184
Royal Canadian Mounted Police 90, 172
Royal Commission on Coal and Petroleum Products 32, 34
Royal North West Mounted Police 90, 167, 172
Rushford, Robert 1, 55-8, 96-7, 100-1, 113, 116-7, 119, 125, 130, 132-3, 147-8, 153, 174

S

Schofield, James 64, 66, 84, 93-4
Smith, James 40
Socialist Party of Canada 2, 4, 28, 37, 45-7, 64, 66, 75, 101, 110, 120, 123, 129, 170
Stackhouse, William 49-50

Stephenson, Albert Thomas 46, 97, 103, 106-7, 118, 147
Stonebanks, Roger 137-8, 146

T

Taylor, Frederick 90, 92, 96, 112, 117, 133
TeckCominco Limited 3, 61
Trail and District Smelter Workers Union, Local 480 178
Trail Mill and Smeltermen's Union, Local 105 62, 68, 81, 89, 129, 177
Trail *News* 64, 66, 68, 70, 75, 77, 86, 88-9, 113
Trail Trades and Labour Council 69, 78, 85
Trail, BC 2-3, 60-80, 83-9, 93-4, 112, 115, 128-9, 133-4, 177-85
Treeton 5, 7, 9-12, 177, 185, 187
Treeton Colliery 11

U

United Mine Workers of America 2, 21, 23-5, 28, 36, 48, 50, 52-3, 69, 101, 129, 164, 188
United Mine Workers of America, Cumberland Local 2299 48, 168
United Mine Workers of America, Cumberland Local 7293 168
United Mine Workers of America, District 18 (BC, Alberta) 28, 53, 165
United Mine Workers of America, District 26 (NS) 165
United Mine Workers of America, District 28 (Vancouver Island) 39, 45, 50, 53
US Environmental Protection Agency 182

V

Vancouver *Province* 111
Vancouver *Sun* 86, 111
Vancouver Trades and Labour Council 1-2, 108, 110, 134, 188
Vancouver *World* 68, 112
Victoria *Daily Colonist* 81, 116, 120, 123, 153
Victoria *Daily Times* 64, 125

W

Waldie, Andrew 83
Wellington Colliery Company 32
Western Clarion 45, 47, 66
Western Federation of Miners 68, 72, 76,
Williams, Parker 31-2, 46, 63
Win the War League 3, 75
Winch, Ernie 111, 169
Winnipeg General Strike 169-70

Woodsworth, J.S. 169

Workers Unity League 164

Workmen's Co-Operative Committee 178

World War I 1-2, 32, 48, 54-5, 59, 67, 71, 73-4, 96, 98, 112, 122, 124, 129,
167, 170, 173

Wragge, Edmund Carlyon 69, 82, 133

Y

Yorkshire Miners' Association 5, 18

Roger Stonebanks traces the life of charismatic labour leader, Ginger Goodwin, from his childhood in the Yorkshire Coalfields, through his mining career in Cape Breton and British Columbia, until his untimely and controversial death in the woods of Vancouver Island. Using archival research and contemporary accounts, Stonebanks explores the historical context that surrounded Goodwin's meteoric rise in BC's labour and socialist ranks. His life, from union hall to the soccer pitch, sheds light on working-class culture in resource communities in the early years of the 20th century. Ginger Goodwin was killed while trying to evade conscription during World War I. The military police officer responsible claimed he shot only in self-defence, but rumours have since persisted that foul play was involved in the death of the prominent socialist and labour activist. Goodwin's own words explain his opposition to conscription and war, while Stonebanks examines the background and attitude of the police officers hunting down draft dodgers. Adrian Brooks provides a legal analysis and review of the case of His Majesty the King v. Daniel Campbell and how the trial might have unfolded – if there had been a trial of Constable Campbell. Written in engaging and accessible prose, the book features several never before published photographs.

Roger Stonebanks is a retired journalist who lives in Victoria, BC. He is the author of numerous labour history articles, Goodwin's biography in the *Dictionary of Canadian Biography*, and *The Guild at Forty: The Struggle Continues*, a history of the Victoria Newspaper Guild.



Adrian Brooks is a prominent BC criminal lawyer who has been counsel in more than 25 murder cases. He lives in Victoria, BC.

COVER DESIGN: Helen Houston

FRONT COVER IMAGE: Mural by Frank Lewis,
Home Store, Cumberland; Goodwin, elementary
school, miners, child (Helen Ayers).

ISBN:1-894000-06-4

Canadian Committee on Labour History
c/o Faculty of Arts Publications
Memorial University
St. John's, NL A1C 5S7
(Labour Studies/ Labour History)

