

DEFENDS HIS OLD COMRADES

Deputy Provost Marshal Justifies All Police Did in Riots

AGREES WITH MAGISTRATE

Lieut. Miller Differs Somewhat From Major Osler as to Reading of Riot Act

"The action of the police during the August riots was successful in quelling the disturbances and there has not been any rioting since. If we had not taken strong, stern measures, the rioting might have been going on yet. A regular Prussian system, I think."

This was the partly-serious, partly-jocular comment of Col. George T. Denison at the resumed inquiry yesterday morning into the rioting of last August. It was the sequel to the opinion of Lieut. William Miller, Deputy Assistant Provost Marshal of Military District No. 2, and prior to his enlistment a city detective, that "if the police had not taken action on the Saturday night the riot would have been going on yet."

Miller said there were about 2,000 people at the corner of College and Yonge streets on the evening in question and they were throwing stones and bottles and were very noisy.

"The police dispersed them," proceeded Miller.

"How?" asked Col. Denison, who is on the Board of Police Commissioners investigating the affair.

"Simply drew their batons and chased them," replied Miller.

"Went right at them?" asked Col. Denison.

"Yes," assented Miller.

"Well, was not that method better than having the Riot Act read and the troops firing on the mob?" asked the Colonel.

"Oh, yes; the troops would have fired if the Riot Act had been read."

Hesitate Over Riot Act.

During the examination of Major E. F. Osler, Assistant Provost Marshal for the Toronto district, Colonel Denison observed that there was no damage to property on the Saturday night. He attributed this to the strong action taken by the police, and added that "the Mayor and myself would think a long time before reading the Riot Act when even vigorous action on the part of the civil police would put down the rioting."

"It would be a nice advertisement for the city to have the Riot Act read," assented his Worship the Mayor.

"We will let them hit people a good deal harder before calling out troops to fire on the mob," remarked Col. Denison to Judge Winchester.

At another point in the inquiry, Col. Denison asked Lieut. Miller: "What would have happened if the Riot Act had been read?"

"It would have been disastrous," replied Miller, "because the troops might have had to fire their rifles."

Further on Miller explained to the Magistrate that the picket was armed with rifles and bayonets and perhaps twenty-five rounds of ammunition.

"Well, they could have done a lot of damage with that," remarked Colonel Denison.

"The only condition upon which the troops were prepared to intervene," said Miller, "was that the Riot Act should first be read by a Magistrate."

"If you had fired down the street it would not have taken very many volleys to scatter the crowd. I am sure we did not want that," declared Col. Denison.

Division of Authority.

Another feature of yesterday's proceedings was the statement of Lieut. Miller, that he relinquished command of the military when Major Mitchell, G.S.O., and Major Osler, A.P.M., arrived. In other words, he thought it was up to the senior officers to give orders if the troops were to take a hand in the proceedings. Major Mitchell in his evidence on Wednesday stated that while he was the senior officer, there was no doubt that the military police and the picket were at Miller's disposal. It was evidently a case of one man thinking the other was responsible.

At the resumption of the investigation yesterday morning Mr. R. S. Robertson, counsel for the Board of Police Commissioners, explained that he was anxious to conduct an open inquiry, and in calling witnesses he did so irrespective of what evidence they might give. His one idea was to bring out the facts, whether they were favorable or unfavorable to the police force.

Riot Act Only Thing, Declares Major Osler

Major Osler was the first witness. He told of the military force under his command, saying there were about eighty military policemen. Ten or fifteen were available when the riots began. The remainder were on patrol duty. At the White City Cafe when he got there the crowd was very large, and about one quarter, possibly 200 or 300, would be soldiers in uniform. Men in uniform were throwing things through the window. He did not give any orders, because the mob was beyond control, and it would have been practically impossible to make arrests. He did issue instructions to his men to try and identify some of the ringleaders, and some of these were afterwards apprehended. If proper steps had been taken at the Marathon Cafe raid at Bloor and Yonge streets they had sufficient men on hand to arrest some of the rioters.

"Do you think it would have been justifiable to read the Riot Act?" asked Col. Denison.

"I think it was the only thing," replied Major Osler.

He was not in a position to say whether the police were justified in standing by, but thought there were not enough civil police to handle the situation. If the civil authorities had given authorization he could have ordered the troops brought from camp to take a hand in suppressing the lawlessness.

Asked if any other measures had been taken, Major Osler said an order had been issued by Headquarters confining all men to barracks and hospitals. He did not establish pickets because the troops could have been available in ten minutes if called on. He was asked indirectly on the second night of the rioting to look after the military

men and said that he would be happy to do so.

It was at this juncture that Magistrate Denison said the Police Commissioners and the Mayor would think a long time before reading the Riot Act and calling on the troops to fire on the mob. Major Osler agreed with Mr. Robertson that the situation was such on the Saturday night that if the military police had attempted to make arrests a riot would have resulted.

A Night of Temper.

"Had you any special reasons for thinking that the soldiers were in an ugly temper?" asked Mr. Robertson.

"The whole crowd was that way, the civilians and the soldiers," said Major Osler.

The Assistant Provost Marshal then mentioned that someone came to the headquarters of the military police believing they had prisoners, a bugle was blown and someone demanded the release of the prisoners. "That was reported to me," said Major Osler.

"And they demanded the release of prisoners from your possession?" asked Col. Denison.

"Yes."

"They had a good cheek, didn't they?" commented the Colonel, amid laughter.

R. C. D. on a Joy-ride.

Major Osler was cross-examined by Mr. Roebuck, for the G.W.V.A. He did not know of military police standing by while property was being wrecked without turning a hand to prevent it. On a later evening a troop of Royal Canadian Dragoons rode up Yonge street with pick-axe handles, but it was nothing but a joy-ride, as there was no crowd and the rioting had subsided. That was on August 7th, the day after the disturbances ceased. "It was just a little demonstration," said the Major.

"It would have a wholesome moral effect—pick-axes," exclaimed Col. Denison, smiling.

"Oh, yes," assented Major Osler.

The Assistant Provost Marshal told Mr. Roebuck he had no prisoners when the crowd came to demand the release of his prisoners.

"If you had had prisoners in your possession would you have stood your ground?" asked Mr. Roebuck.

Former Detective Vindicates Police

"There is no back way out in our building," replied the Major, amid laughter.

Lieut. William Miller, a former member of the Toronto detective department, and now Deputy Assistant Provost Marshal, was the next witness. He said the ten military policemen under his command would have been useless in an attempt to stop the rioting, and as to the troops who came in the motor trucks he did not think they were under him; in fact, he did not assume command of the military when Major Osler and Major Mitchell were on the ground.

"I asked Major Mitchell if he could help the civil police out, and he replied that he could not unless the Riot Act was read," declared Miller. This was while the Marathon Lunch, on Yonge above Bloor, was being wrecked. "When I went down Yonge street to the next place that was attacked, I said, 'Surely we ought to bring this picket here where it will do some good,' and the picket was then brought to Shuter and Victoria streets," added Miller. Then ensued the dialogue reported above between Col. Denison and Miller.

The Lieutenant then told about a conversation he had with a Secretary of one of the branches of the G.W.V.A., who told him the War Veterans were going to try and get all alien enemies dismissed from the munitions factories in the city. He said the veterans were dissatisfied with the condition that allowed alien enemies to make big money in munitions factories while returned soldiers were seeking employment.

Alien Enemy Trouble.

"If the Government had interceded more of the alien enemies there would have been less of this dissatisfaction," said Col. Denison.

"That feeling exists still among the veterans, and there is no doubt it exists among civilians also," added Miller.

Lieut. Miller was subjected to cross-examination by Mr. Roebuck of the Great War Veterans, who sought to show that Miller might have been inclined to favor the police on account of his connection for several years with the police force before the war. Mr. Roebuck suggested that Miller's opinion had been rather sweeping with reference to the police doing all they could on the Friday night to stop lawlessness.

"You are personally acquainted with the heads of the police department?" asked Mr. Roebuck. "Yes," replied Miller.

"You see how much better qualified he is to speak," interjected Magistrate Denison, amid laughter.

"He is qualified to know the standpoint from which he speaks," countered Mr. Roebuck.

Miller said it was a Mr. Murell of the G. W. V. A. who told him the veterans were going to raid the munitions plants and get rid of the alien enemies.

G.W.V.A. and Alien Enemies.

Mr. George Murell, Secretary of the Central branch of the Great War Veterans' Association, was called at the afternoon session, and produced the resolution passed by that body with respect to alien enemies.

It was approved at the meeting of February 11, and was in the following terms: "That committees be appointed at once to approach any employers of labor in Toronto employing Austrians and Germans on munitions with the request that all such enemy aliens be dismissed and if this is refused that direct action be taken to expel such aliens by a demonstration of force after all legitimate and peaceful measures had been resorted to."

Murell explained that the phrase, "demonstration of force" meant "numbers" and not physical force.

Cross-examined by Mr. Roebuck, Murell said the veterans felt that aliens who are not enemy aliens should be brought under the Military Service Act, the same as British subjects. He did not attribute the raids on Greek restaurants to that feeling, but said he believed they were due to an attack on returned soldiers by waiters in a Greek restaurant.

Other branches of the Great War Veterans' Association passed resolutions condemning lawlessness, the minutes of the organization being produced to show this.

Motor car owners who participated in the procession of Friday evening, August 2, when the restaurants were wrecked, were then called and examined with a view to ascertaining if any of them shined in the loot. Their numbers had been taken by the police. Fred Hall, in charge of car number 796, admitted he accepted two cigars from men who climbed on the running board of his car, and got a lecture from Magistrate Denison about receiving stolen goods. Efforts to show that other motorists examined yesterday were guilty were fruitless.

"Whip Good Thing for Mob."

The last witness of the day was Patrol Sergt. James Payne of the

mounted force, who had been accused of striking a man with his riding whip and leaving him unconscious. Payne explained that the man in question threw a stone at him, so he chased the offender. The man ran up a lane beside Elm Street Methodist Church but the officer was twenty feet away, he said, when the man who threw the stone took a fit, threw up his arms and fell backward to the ground. He had intended arresting the man, but when he took the fit he left him to three people who picked him up and gave him first aid. He thought the man was a shell-shock case. He was brought to the Police Court, and admitted throwing stones "because everybody was doing it."

Magistrate Denison examined the Sergeant's whip and remarked: "It's a very good thing for a mob."

Magistrate on Pardons.

Detective Guthrie told of rioting at Shrapnel Corners. He produced a bludgeon which had been used by a soldier in the crowd.

"He drew off and tried to strike Sergt. Snider. I grabbed his arm and said, 'Don't strike a man with that.' He struck Snider and I got him."

"What was his name?"—"Mc-Chesney. He was sent down for a year."

Col. Denison—I suppose they will pardon him and give him a vote of thanks for striking a policeman behind his back.

Witness—If Snider had not had a helmet on it would have been a case of murder.

Col. Denison—If a man does a thing like that a case of pardon immediately follows. The worse record he has the more friends he has.