

Report of His Honour Judge Daly as to the truth or falsity of statements made by Dr. A. O. Hall, a convict of Kingston Penitentiary, and Mr. J. D. Dawson, Inspector of Penitentiaries in an interview between them in the lecture room of the administration building of the penitentiary on April 9th, 1934, it being alleged by Miss Agnes Macphail, M. P., that during the course of such interview Inspector Dawson used to Dr. Hall abusive and profane language concerning her.

To His Excellency  
the Governor General in Council.

Your commissioner, appointed pursuant to the provisions of Part I of the Inquiries Act, Revised Statutes of Canada 1927, chapter 99, by order P. O. 1183 of the 3rd day of May last, to inquire into and report upon the question as to the truth or falsity of certain statements alleged to have been made by Inspector of Penitentiaries J. D. Dawson to convict Dr. A. O. Hall during the course of an interview between them in the lecture room of the administration building of Kingston penitentiary on April 9th, 1934, which statements contained abusive and profane language concerning Miss Agnes Macphail, M. P., as set out in the said order in council, begs leave to submit his report as follows:

The commission was opened in the board room of the Board of Railway Commissioners for Canada at Ottawa on Wednesday, May 22nd, 1935.

Mr. R. H. Greer, K. C. of Toronto, commission counsel, was present as were also Miss Agnes Macphail, M. P., Dr. A. G. Hall and Inspector J. D. Dawson.

Mr. Robert Brydie of Toronto was duly sworn to act as official reporter and secretary.

Miss Macphail made application for counsel of her own choice appointed to represent her but to be paid by the government. Dr. Hall made a similar application. Both presented lengthy arguments in favour of their applications but I decided that I had no power to appoint counsel for either or to recommend that such counsel be appointed, especially as the government after reference to them had refused to appoint any counsel except counsel to assist the commissioner.

The Commission continued on Thursday, May 30th, when Mr. J. C. McRuer, K. C., and Mr. G. Beaudoin, both of Toronto, appeared for Miss Macphail, Mr. R. H. Greer, K. C. for the Commission and Inspector J. D. Dawson and Dr. A. G. Hall each in person, and this representation continued during the whole course of the inquiry.

Six witnesses were examined at Ottawa and ten at Kingston. Forty exhibits were filed during the hearing.

No person was present at the interview in question on April 9th, 1934, except Inspector Dawson and Dr. Hall. Dr. Hall swore that during the interview Inspector Dawson said to him, "Aggie made a God damned fool of herself in the House but when we are finished with her she won't lift up her head in the House again." Inspector Dawson under oath denied that he made any such statement and in fact also swore most positively that Miss Macphail's name was never mentioned during the interview.

In deciding which of these two men is telling the truth I have among other things considered the past history and record of each, his manner of giving evidence in the witness box and evidence given by other witnesses which would lend any assistance in determining the credibility of these two witnesses.

A great deal of evidence was adduced which I consider quite irrelevant to the question which I am to decide, and there was altogether too much repetition of evidence.

Dr. Hall describes himself as a doctor of philosophy and honorary doctor of divinity, says he has a number of degrees obtained from a small college in England, including the degree of doctor of mental science, which are not recognized in the United States, that he is a fellow of the American Academy of Psychology and a fellow of the American Association

for Medico-physical Research. He swore also that he holds a Ps. D. and Ph. D. from the American Academy of Psychological Research and that his honorary degree of doctor of divinity was from Divinity College, Indianapolis, Indiana, the Church of Divine Metaphysics of which he is an ordained minister.

Inspector Dawson swore that he joined the Penitentiaries Branch of the Department of Justice in July 1933. Prior to that he was a chartered accountant practising in Regina, Sask., having passed his final examinations as such in 1920 when he began practice. During his studies he worked in the office of Messrs. G. G. Rooke & Co., chartered accountants, Regina. Prior to that he was a bank clerk. He was in the militia prior to the war. He enlisted for service in the war in August 1914 and was discharged in June 1919.

Dr. Hall has a criminal record which he admits, as follows:

- |      |  |
|------|--|
| 1923 | Sept. 13th, Vancouver, B. C., obtaining credit by false pretences. Suspended sentence.       |
| 1934 | Jan. 27th, Vancouver, B. C., conspiracy to defraud. Not guilty.                              |
| 1934 | July 2nd, Vancouver, B. C., false pretences, with intent to defraud. Six months hard labour. |

- 1925 January 14th, Vancouver, B. C., obtaining money by false pretences. Twelve days.
- 1925 May 6th, Vancouver, obtaining money by false pretences. Sentenced to time in jail from May 1st.
1926. May 12th, Chicago, Ill., obtaining money under false pretences, six months House of Correction, Chicago, Ill., and pay a fine of \$25 and costs, and ordered to be held to await the action of the Cook County Grand Jury on two charges of issuing bogus cheques, and placed his bond at \$2,000 on each of two charges.
- 1928 March 23rd, Toronto, Ont., vagrancy. Withdrawn.
- 1930 May 9th, Toronto, false pretences. Six to twelve months Burwash Industrial Farm.
- 1933 Jan. 3rd, Toronto, breach of probation. Remanded for sentence on probation for two years.
- 1933 April 8th, Toronto, theft. Two years Kingston penitentiary.

In addition to the above Dr. Hall was convicted in Warden Megloughlin's court for creating a disturbance, insulting an officer and having a stick in his cell on May 5th, 1934, was sentenced and punished. He also,

while acting as chaplain of Cuyahoga County Jail, Cleveland, Ohio, was arrested for having entered the United States illegally and was deported.

Inspector Dawson has never served time in any jail or penitentiary. He admitted being convicted of some minor offences under the Highway Traffic Act at Regina and also that he was fined \$4 once at Regina for being drunk. This occurred as a result of his partaking of too much liquor with a fellow returned soldier after attending the funeral of another comrade returned soldier.

Inspector Dawson had gone to Kingston penitentiary on the evening of April 5th, 1934, to interview Convict Baynes in connection with a letter which Baynes was supposed to have written to some person outside. Dr. Hall hearing that Inspector Dawson was at the penitentiary applied to have an interview with him, which interview took place on April 9th. About this time Dr. Hall was engaged in the library and on account of this position was in contact from time to time with many convicts. The interview in question took place in the lecture room on the second floor of the administration building, and only Dr. Hall and Inspector Dawson were present. Dr. Hall is quite positive that he was brought from his cell to the administration building by Guard Sands and there met Inspector Dawson. Guard Sands then left the room and closed the door, leaving Dr. Hall and Inspector Dawson alone. Dr. Hall states that the

interview began about 11.40 a. m. and that it was 2.15 p. m. when he returned to the keeper's hall after the interview, giving his opinion that the interview lasted two hours and thirty-five minutes on a conservative estimate. He swears that after the interview Guard Sands took him back from the place of interview to the penitentiary building across the road.

A great many matters were discussed during the interview, including the playing of soft ball by the convicts, the inclusion of sport news in the penitentiary bulletin or communique, Baynes' record, food, communications between women outside the institution and convicts, and other matters. Dr. Hall swears that Inspector Dawson told him that Baynes was the man who gave Miss Macphail the information which she used in the House of Commons, and continued to say, "Aggie made a God Damned fool of herself in the House but when we are finished with her she won't lift up her head in the House again." He swore that he then became very indignant, lost his temper and told Inspector Dawson that if it were not for the fact that he was a penitentiary official he might lean across and smack him in the nose, but it wasn't worth while losing two years for that. In passing I should state that Dr. Hall never mentioned this until he gave evidence in the box. He states that Inspector Dawson was also very angry.

Dr. Hall was in daily communication with convicts in all parts of the institution both while

- 0 -

he was a convict himself and after he obtained his freedom. These communications were made through irregular channels and he knew that his conduct in connection with them was against the rules of the institution.

Dr. Hall on June 2nd, 1934, prepared a memorandum to Warden Magloughlin in connection with the interview between him and Inspector Dawson, which memorandum among other things mentions the statement which the Inspector is alleged to have made concerning Miss Macphail. In this memorandum he states that, as near as he could remember, the interview lasted one hour and thirty-five minutes although in his evidence he swore it lasted two hours and thirty-five minutes.

Dr. Hall also about July 31st, 1934, wrote to the Department of Justice giving the effect of his conversation with Inspector Dawson including the alleged statement about Miss Macphail, and he states that the Inspector never spoke to him about making an untrue statement in regard to him.

Inspector Dawson swore that the interview in question began about 11.45 a. m. and continued for about three-quarters of an hour when he went to lunch at the LaSalle hotel. As stated before, he swore that Miss Macphail's name was never mentioned during the interview. He denies that Dr. Hall had ever stated during the interview that if he had not been confined



in the institution he would have gone across and smacked him on the nose.

A number of questions were asked Inspector Dawson in connection with his interview with convict Baynes on April 6th, 1934. Baynes' file was referred to as was also a statement made by Baynes that the Inspector had made to him a statement similar to that which Dr. Hall alleges the Inspector made to him concerning Miss Macphail. Inspector Dawson denied having made any such statement to Baynes, and it must be noted that Baynes was not called to give evidence although I gave authority for Dr. Hall to confer with Baynes with a view to his calling him to give evidence. He did confer with Baynes but did not call him as a witness. Consequently I am disregarding any statements alleged to have been made by Baynes either in writing or verbally because he was not called to substantiate them on oath, and Inspector Dawson has denied on oath most of Baynes' statements.

Colonel William B. McLoughlin gave evidence. He was warden of Kingston penitentiary during the month of April, 1934. He swore that an inspector is supposed to report to the warden his finding after an inspection so that he could obtain the warden's opinion for presentation to the Superintendent of Penitentiaries. Before Inspector Dawson interviewed Baynes Colonel McLoughlin, in the presence of Dr. Kingsley, Catholic chaplain, told the inspector

that he wanted him to be very careful in how he handled the Baynes' question, that he also wanted him to interview Dr. Hall, and he asked him to be very careful of what he said.

On May 20th, 1924, this witness wrote a letter to the Superintendent of Penitentiaries, filed as Exhibit 16, in connection with a disturbance in the wing and cells on May 5th and asking for certain information so that a complete inquiry might be made as regards Hall's activities in the penitentiary and his participation in the disturbance of May 5th. In this letter the witness stated among other things the following: -

"At the outset I would like it distinctly understood that I do not believe the statement of convict Hall as, in the past, I have found him to be a liar. I consider this convict to be one of the most dangerous agitators in this institution. He is educated, clever and capable of diverting suspicion from himself. Six months ago I decided that no private interview would be given to Hall, for any reason, unless a witness was present, as it was my experience that every statement made by a warden would be misquoted by him, if it was his desire to do so, in order that meanings to serve his purpose might be taken from it."

He swore that he had since somewhat changed his opinion of Hall by reason of certain inquiries which he had made, but he did not give many details showing why he had changed his opinion.

During the afternoon of April 9th about 3.30 this witness says Inspector Dawson came to his office and when he asked the Inspector where he had been the Inspector told him he had been held up and that he had had no lunch. He also swears that it was the Inspector's duty, right there before he left the institution, to make known to him as head of the institution what transpired at the interview between Dr. Hall and Inspector Dawson. As the Inspector said he had no lunch the witness took him over to his house for tea. He states that he asked the Inspector about the interview, that he was told there would be no intimation at that time of what had transpired at the interview, that a report from Ottawa would be forwarded. He also swore that the Inspector said that he had made a God damn fool of himself and that he would make a report as soon as he would go back to Ottawa both as to the Hall interview and the Baynes interview. This report he never received.

He swears that before the Inspector went to interview Baynes he told the Inspector that Baynes was the man who was mentioned by Miss Macphail in the House of Commons. The Inspector said he knew that and that Aggie had made a God damn fool of herself.

He swears that he saw Dr. Hall on the 10th or 11th of April when Dr. Hall told him of the interview with the Inspector and that the Inspector had used the words mentioned about Miss Macphail. He also swears that in the afternoon of April 9th Rev. Major Kidd, Protestant chaplain, told him of the unrest in the institution which in his opinion was due solely to the interview that had taken place that afternoon between Dr. Hall and Inspector Dawson, and that Dr. Hall had told him that the Inspector had used the statement already mentioned about Miss Macphail.

He swears that Rev. Major Kidd had told him that it had been reported to him that Inspector Dawson had made insulting remarks to a convict about Miss Macphail.

He admits that he felt hurt that Inspector Dawson, after being told by Dr. Hall that there was going to be trouble in the institution, did not pass that information on to him although he was a guest at the witness' house.

Miss Macphail gave evidence that on April 16th., 1935, a lady acquaintance of hers and apparently a friend of the Dawson family came to her room in the House of Commons after 5 p. m., and made some suggestion about seeing Inspector Dawson. She said she would make no effort to see him and that she had no desire to see him. This lady said the Inspector had some files of the department which he thought she would like to see. She replied, "Well, this is a public office; this is the office

to which the two ex-convicts, in fact many ex-convicts came. Anyone can come who wishes, but if he comes it will be on his own responsibility and certainly not because I asked him." The lady then called the Inspector by telephone and told him to come at 8.30, and while she was telephoning the witness said to her, "It is up to him, he isn't coming here at my request." The Inspector did come to her room but just before he arrived at the door Hon. Mr. Guthrie, the Minister of Justice, called her and asked her to meet him in the Opposition lobby just before the House met at eight o'clock. She replied to Mr. Guthrie that she was sorry she could not come for a moment as she was expecting Inspector Dawson to rap on the door. Mr. Guthrie asked her what the Inspector was doing in her room. She told him and he replied, "He has no right to go to your room, he has no authority". At this moment Inspector Dawson rapped on the door. She told him of Mr. Guthrie's call, that she would go down immediately to see Mr. Guthrie and that she did not think the interview would last more than ten or twenty minutes. Later Inspector Dawson called her by telephone, said he would have liked to have come back, that he thought she and he could have fixed it up, but that some officer of the department had got in touch with him and asked him not to come back.

On being recalled Inspector Dawson swore that on Sunday, April 8th, 1934, he did not have any lunch until Colonel Megloughlin took him over to the women's building to interview some female prisoners and he asked the head matron to prepare some lunch for him. He denies having told Colonel Megloughlin on the 9th that he had no lunch that day. He occupied room 504 in the LaSalle Hotel, Kingston, April 5th, 6, 7, 8th and 9th, and he produced records from the hotel to prove this. These records show a charge of 50 cents on April 9th for lunch. No lunch is charged to him on the 8th at the hotel. He states that Colonel Megloughlin is mistaken when he states that he did not see Inspector Dawson on April 8th, because they were together for over two hours, that he was brought to the women's quarters that day to interview female prisoners and that Colonel Megloughlin asked the head matron to get him some lunch, which she did.

As to the lady who called him by telephone from Miss Macphail's office, he states that he did not ask this lady to intervene on his behalf, that he told this lady he would be pleased to see Miss Macphail if she asked him to do so and if he got permission from the Minister of Justice. He swore that the lady called him from Miss Macphail's room stating that Miss Macphail would like to see him and to bring the files. He answered he would have to get permission to take the files, which permission was refused by the

Minister. He then went over to Miss Macphail's room to tell her this and that he could not discuss the matter at all.

Miss Macphail was recalled and swore that the lady above mentioned did not say to the Inspector over the telephone that she, Miss Macphail, wanted to see him, that she emphatically said she did not want to see him, that here was a public office and if he came he would come on his own responsibility. She does not remember the exact words the lady used over the telephone to the Inspector but her recollection is that she told him Miss Macphail would be in her office about 7.30 and to bring the files. She contradicts the Inspector as to what was said when he came to her room. She says that she said to him either "Dawson, does Mr. Guthrie know you are here" or "Does the Minister know you are here?" The Inspector had previously denied that she said this. She denies that when he came to her room he told her he had been forbidden by the Minister to come, alleging that he told her this on the telephone later.

Robert Gardiner, M. P., was sworn. He came to Miss Macphail's room while the lady mentioned was there and heard her speaking over the telephone. His recollection is that the lady called the Inspector and said Miss Macphail would be in her office that night at a certain time. Miss Macphail interrupted, and he took it from Miss Macphail's interruption that the lady was not conveying the message the way

Miss Macphail desired her to do.

Miss Isabel Cummings is the lady referred to above who telephoned to Inspector Dawson from Miss Macphail's room, and she gave evidence. She states that she told him that Miss Macphail would see him if he could get permission from his Minister and his deputy, that he asked what about files, that she is not sure if she used the expression about the files and that she does not recollect Miss Macphail interrupting her while she was telephoning. Miss Macphail was making it clear to her that she was not inviting the Inspector to come. She had suggested to Miss Macphail that the Inspector come over and see her, feeling that if she had a conversation with him she would be more impressed with his honesty of purpose.

Allan S. Randolph was the first witness called at Kingston. He is managing director of the LaSalle Hotel. He identifies account card for room 504 from April 5th to April 9th, 1934, charged against Inspector Dawson. He was charged with 65 cents for breakfast on April 8th and for no other meals that day. He identifies check No. 1198 showing a charge of 50 cents to the Inspector for lunch on April 9th, and in his opinion that lunch was served between 1.30 and 1.45 p. m.

William J. Sands, a guard at the penitentiary and the only person of that name there,



gave evidence to the effect that he did not take Dr. Hall to the administration building on April 9th, 1934.

Wilfred Bezan, a guard, swore that on April 9th, 1934, he took Dr. Hall from the visiting cage at the north gate to the administration building for an interview with Inspector Dawson, and that after the interview he took him back and that he was there approximately twenty minutes. He states that he took Dr. Hall to the administration building about 11.30 a. m.

William H. Godwin, censor at the north gate, swore that he received a telephone call shortly after eleven o'clock asking him to get Dr. Hall to the north gate, that he telephoned to the Keeper's Hall and asked that he (Hall) be sent up, that Hall was brought up by Guard J. L. Marshall and put in the cage and that shortly after Guard Bezan took him from the cage but he does not know to where he was taken. After his lunch Dr. Hall was brought back and put in the cage again and he received a telephone message from Colonel Megloughlin that Inspector Dawson would see him later in the afternoon and to keep him in the cage. He remained in the cage until some time after one o'clock. Bezan took him out somewhere and he was there when Bezan brought him back and put him in the cage. Some three or four weeks prior to June 11th, 1935, the Warden, in the presence of Mr. Millard, the warden's secretary, asked him if he had any statement to make regarding a visit with Dr. Hall and Inspector Dawson, and when he said he had Mr. Millard took it down. It is exhibit 85.

He telephoned Mr. Millard a few minutes later and told him he had made a mistake in the statement. He made another statement on June 8th filed as exhibit 24. Later he saw Inspector Dawson who told him he did not agree with his report, and he let it go at that, telling the Inspector that on the way in ques he, the inspector, was wearing a grey suit, this to emphasize that he remembered the occasion. In exhibit 24 he told the warden that he wished to change the statement in exhibit 25 to the effect that the Inspector did not see Dr. Hall in the north gate cage, that Dr. Hall was brought to the north gate by Guard Marshall and some minutes after 11.30 was taken out of the cage by Guard Berant.

Mr. R. M. Allan, present warden of the penitentiary, gave evidence. He has had twenty-two years' experience in penitentiary work, in Saskatchewan penitentiary, British Columbia penitentiary, headquarters at Ottawa, Collins' Bay penitentiary and Kingston penitentiary. He became warden of the latter on June 16th, 1934, having previously acted as warden in the Saskatchewan and British Columbia penitentiaries. He states that when an inspector is directed by the superintendent to inspect a penitentiary and the inspection is completed he reports direct to the superintendent. Then the superintendent may inform the warden the result of the inspection, the superintendent having the decision as to what is reported to the warden. The warden has no jurisdiction over an inspector. He is senior over the inspector, so

far as seniority goes in the service, but he has nothing whatsoever to do with the inspector nor has an inspector anything whatsoever to do with him, in the way of jurisdiction.

Mr. L. H. Millard, senior clerk who assists the warden in the administration of his office in the administration building, gave evidence. He telephoned to the north gate censor's office to have Dr. Hall brought up to the cage for Inspector Dawson. This was between eleven and eleven-thirty a.m. on April 9th. He went to lunch about 11.30 or 11.35 and when he returned about one o'clock he was informed that Dr. Hall had been returned to the prison. Dr. Hall was not in the administration building when he returned nor was Inspector Dawson.

Rev. Major W. E. Kidd, Protestant chaplain of the penitentiary gave evidence. He recalls an interview with Dr. Hall on or about April 9th, 1934, in the afternoon. Dr. Hall was quite excited and referred to the question of soft ball which was a much discussed question in the penitentiary. The interview lasted fifteen or twenty minutes and he has no recollection of Miss Macphail's name being mentioned. He has no recollection of the language being used which Dr. Hall alleges was used by Inspector Dawson concerning Miss Macphail. The conversation was all about baseball. The whole baseball issue was in a very unsatisfactory condition at the time and he felt that whatever Inspector Dawson had said to Dr. Hall relative to baseball was not serving any good purpose. No person was

present at the interview except Dr. Hall and he.

He says that he did not say to Warden Megloughlin that Dr. Hall had told him that Inspector Dawson had made the remarks alleged to have been made concerning Miss Macphail. He at first absolutely contradicts Colonel Megloughlin on that. He later stated that he had no recollection of saying this to Colonel Megloughlin.

In answer to questions by me Major Kidd said that he had absolutely no recollection that Dr. Hall told him on the afternoon of April 9th, 1934, that Inspector Dawson had said that Agnes Macphail had made a God damned fool of herself in the House, and he said that if Dr. Hall had made such a statement to him he thinks he would have remembered it. He also said that he had no recollection of telling Warden Megloughlin that he had heard that Inspector Dawson said to Dr. Hall on April 9th, 1934, that Agnes Macphail had made a God damned fool of herself in the House of Commons. He further said that if he had made that statement to Warden Megloughlin he would not have forgotten making it.

Rev. Doctor Wilfred Kingsley, Catholic chaplain at the penitentiary for about twelve years also gave evidence. He met Inspector Dawson in the administration building, and the Inspector said to him, "Well I have just come from interviewing the biggest liar and the most notorious, most dangerous criminal we have in the penitentiaries of Canada." He said this was Baynes. Dr. Kingsley replied, "Well, I think that I have seen you just now in conversation with some person who

is infinitely more dangerous than Baynes, that is Dr. Hall." There was some further conversation as to Baynes being tubercular and the impression the Imperator made on him was that he did not want any suggestions or cooperation, that he was right along the line of his chief, full of conceit and self-opinionated, and of opinion that experience was not necessary in the conduct of the penitentiary. Colonel Magloughlin in his presence warned the Inspector about the two men, Baynes and Hall, that because of their cleverness he should be on his guard.

I have no hesitation in finding on the evidence that Dr. Hall on April 9th, 1924, was brought from the visiting cage at the north gate of the penitentiary to the administration building for an interview with Inspector Dawson by Guard Bezzant, who took him back to the penitentiary after the interview. This fact is amply proven by the evidence of guards William J. Sands and Wilfred Bezzant, and William H. Godwin, censor at the north gate. Dr. Hall had sworn that he was brought over by Guard Sands, but I do not believe his evidence on this point.

Nor have I any hesitation in finding that the interview in question did not last for two hours and fifteen minutes as sworn to by Dr. Hall. The evidence clearly proves that the interview began about 11.40 a. m. and was completed before one o'clock.

Colonel Megloughlin swore that on the afternoon of April 9th Inspector Dawson told him he had no lunch that day and that he took the Inspector to his house for tea. I see no reason why the Inspector should make this statement as his evidence, and that of Mr. A. S. Randolph, managing director of the LaSalle hotel, Kingston, establishes beyond doubt that Inspector Dawson on that day did have lunch at the LaSalle hotel between 1.30 and 1.45 p. m. My opinion is that Colonel Megloughlin has confused April 8th with April 9th, because I find on the evidence that on April 8th Inspector Dawson met Colonel Megloughlin in the afternoon, was told by the latter that some female prisoners desired to interview him, that he then told Colonel Megloughlin he had no lunch and that Colonel Megloughlin asked the head matron to prepare lunch for him, which she did.

Colonel Megloughlin also swore that an inspector is supposed to report to the warden his finding after an inspection so that he could obtain the warden's opinion for presentation to the Superintendent of Penitentiaries. On the other hand Warden Allen swore that when an inspector is directed by the superintendent to inspect a penitentiary and the inspection is completed, he reports direct to the superintendent who may inform the warden the result of the inspection, the superintendent having the decision as to what is reported to the warden. This seems to me the more reasonable

course, and I prefer to believe the evidence of Warden Allen to that of Colonel Megloughlin because of his years of experience in penitentiary work -- about twenty-two years as compared with the experience of Colonel Megloughlin which covered from October 1932 to June 12, 1934. Before October, 1932, he had no experience whatsoever in penitentiary work.

Colonel Megloughlin further swore that on the afternoon of April 9th Rev. Major Kidd, Protestant chaplain, told him of the unrest in the institution which, in his opinion, was due solely to the interview that had taken place that day between Dr. Hall and Inspector Dawson, and that Major Kidd had told him that he had heard that Inspector Dawson had made to Dr. Hall the remark that "Aggie had made a God damn fool of herself in the House but when we are through with her she will never be able to lift up her head in the House again." On the other hand Major Kidd flatly contradicts Colonel Megloughlin evidence as to this. He later on said he had no recollection of telling Colonel Megloughlin this, and that if he did make the statement to him he would not have forgotten making it. I prefer to believe the evidence of Major Kidd and find that he made no such statement to Colonel Megloughlin.

Dr. Hall had sworn that on the afternoon of April 9th he had told Major Kidd that Inspector Dawson had made to him the remarks mentioned above about Miss Macphail. On the other hand Major Kidd swore that he had no recollection that Dr. Hall had made any such statement to him and if Dr. Hall had

made such statement he would have remembered it. I prefer to believe the evidence of Major Kidd on this point to that of Dr. Hall, and in my opinion no such statement was ever made by Dr. Hall to Major Kidd.

A great deal of time was taken up both in the giving of evidence and in argument in connection with a telephone conversation from Miss Macphail's room between Miss Cummings and Inspector Dawson, and while I do not think the evidence adduced cast any reflection on Inspector Dawson's integrity I think it well to comment on it. The evidence of Miss Macphail, Inspector Dawson, Mr. Gardiner, M. P., and Miss Cummings all differs in some particulars. There is no doubt in my mind that Miss Macphail was not seeking the interview with Inspector Dawson and so told Miss Cummings. On the other hand Inspector Dawson might easily reply from Miss Cummings' statement to him that Miss Macphail might be seeking the interview. Miss Cummings having told Inspector Dawson that Miss Macphail would see him. Miss Cummings had suggested to Miss Macphail that the Inspector come over and see her.

Dr. Hall is educated, clever and has spent much time in penal institutions. He did not make a good impression on me in the witness box. He is very talkative and fond of argument. He is the type of men who would be an agitator, is fond of publicity and was evidently preparing a campaign, to be launched on his release, against the government and its conduct of penitentiaries generally. He had no



the higher officials, the Minister and Deputy Minister of Justice, the superintendent of penitentiaries or the inspectors.

Colonel Megloughlin then warden on May 20th, 1934, wrote a letter to the superintendent of penitentiaries, in which he stated among other things the following:

"At the outset I would like it distinctly understood that I do not believe the statements of convict Hall as, in the past, I have found him to be a liar. I consider this convict to be one of the most dangerous agitators in this institution. He is educated, clever and capable of diverting suspicion from himself. Six months ago I decided that no private interview would be given to Hall, for any reason, unless a witness was present, as it is my experience that every statement made by a warden would be misquoted by him, if it was his desire to do so, in order that meanings to serve his purpose might be taken from it."

Now that was Colonel Megloughlin's considered opinion of Dr. Hall on May 20th, 1934, and while he attempted to somewhat qualify it when giving evidence still in my view his opinion of Dr. Hall was not very far from the truth.

It must be remembered also that when Colonel Megloughlin gave evidence he was no longer in the

institution, had a strong antipathy to the superintendent of penitentiaries and was somewhat critical of Inspector Dawson.

Then again it will be remembered that Dr. Kingsley, Catholic chaplain, told Inspector Dawson that he saw him talking to some person infinitely more dangerous than Baynes when the Inspector told him he had been interviewing the biggest liar and the most notorious, most dangerous criminal in the penitentiaries of Canada -- Baynes -- and that that person was Dr. Hall. It is true that Dr. Kingsley has not a very high opinion of Inspector Dawson as an inspector of penitentiaries because, in his opinion, he lacked experience, was like his chief, full of conceit, self-opinionated and of opinion that experience was not necessary in the conduct of the penitentiary. This was Dr. Kingsley's opinion after a short conversation with the Inspector, and while I have no doubt it was sincerely given it does not in any way reflect on the Inspector's veracity.

Inspector Dawson made a good impression on me in the witness box. He impressed me as a man who was telling the truth. There may have been a few unimportant discrepancies in his evidence, but it is difficult after eleven or twelve months to remember every detail of conversations and interviews. It was argued that he, before and during the course of the inquiry, should not have obtained written statements from employees of the penitentiary concerning their

knowledge of Dr. Hall's visit to interview him in the administration building. I do not see anything improper in this, in fact I think it was what any sensible person would have done under like circumstances. He did not obtain the statements himself but asked the warden or his secretary to obtain them. The employees were not forced to make any statements; they made them voluntarily and no suggestion was made to them as to what their statements should contain.

On the whole, having carefully considered all the evidence, having carefully given attention to the demeanour of the several witnesses in the witness box, and having considered Dr. Hall's past record and the many misstatements of fact in his evidence, I have come to the conclusion that on April 9th, 1934, at an interview in the administration building of Kingston penitentiary, or at any other time, Inspector Dawson did not say to Dr. Hall in referring to Miss Macphail, "Aggie made a God damned fool of herself in the House but when we are finished with her she won't lift up her head in the House again."

It is my opinion that no language was used by Inspector Dawson which could bear any such interpretation and that, in fact, the name of Miss Macphail was never mentioned in the interview. In other words I find that Dr. Hall's statement as to this portion of the interview is false and that Inspector Dawson's version of it is true.

The evidence taken at the inquiry and the argument are already in your possession and I am making them part of this report.

I have the honour to be, sir,

Your obedient servant,

(Sgd) E. J. Daly

Judge of the County Court of the

County of Carleton - Commissioner.

Ottawa, Ontario,

July 23rd, 1935.