

“What Is Not Justice Is Not Law”:
Patterns of Crime and Law Enforcement in Victoria, British Columbia, 1922-1940

by


Robert William Beck
B.A., University of Toronto, 1987
B.Sc., University of British Columbia, 1996

A Thesis Submitted in Partial Fulfillment of the
Requirements for the Degree of

MASTER OF ARTS

in the Department of History


We accept this thesis as conforming to the required standard.



Dr. Eric Sager, Supervisor (Department of History)



Dr. Peter Baskerville, Departmental Member (Department of History)



Prof. Gerry Ferguson, Outside Member (Faculty of Law)



Dr. Bill McCarthy, External Examiner (Department of Sociology)

© Robert W. Beck, 1997
University of Victoria

All rights reserved. This thesis may not be reproduced in whole or in part, by photocopy or other means, without the permission of the author.


Supervisor: Dr. Eric Sager


ABSTRACT

Crime rates are related to economic conditions, police and judicial practice, and political context, among other factors. Police and court records produced in Victoria, British Columbia during the 1920s and 1930s were used to examine this relationship and the characteristics of individual accused. Aggregate data produced between 1922 and 1940 show that rates of property crime increased significantly with the onset of the Great Depression. Rates were strongly correlated with indicators of economic hardship. Individual arrest records compiled from 1928 to 1933 show that gender, race, and occupation were significant predictors of the offences with which individuals were charged. Arrest and conviction rates, particularly for offences for which police could use discretion in making an arrest, suggest that correlations of crime with hardship cannot be explained by greater official vigilance or punitiveness. A survey of local newspapers suggests that there was no local “moral panic” which might have pressured police and the courts to become more vigilant or punitive.

Examiners:


Dr. Eric Sager, Supervisor (Department of History)


Dr. Peter Baskerville, Departmental Member (Department of History)


Prof. Gerry Ferguson, Outside Member (Faculty of Law)



Dr. Bill McCarthy, External Examiner (Department of Sociology)

Table of Contents

Abstract	ii
Table of Contents	iii
List of Tables	iv
List of Figures	v
Acknowledgements	viii
Introduction	1
Chapter 1: Property Crime and Poverty	46
Chapter 2: The Characteristics of the Accused	64
Chapter 3: Police Practice and the Political Context	89
Conclusion:	121
Graphs and Tables	126
Bibliography	189

List of Tables

Table 1.1: Correlation coefficients: conviction rates (Class II and Class III offences) as reported by Dominion Bureau of Statistics, with economic indicators for the same year, Victoria, 1922-1940	151
Table 1.2: Correlation coefficients: prosecution and conviction rates (Class II and Class III offences) as reported by Victoria Police Court, with economic indicators for the same year, Victoria, 1922-1940	152
Table 1.3: Correlation coefficients: prosecution and conviction rates (crimes against property) with economic indicators for the same year, Vancouver, 1922-1940	153
Table 2.1: Police Court Book totals (1929-1933) and Mugbook totals (May 1928-July 1933), by class of offence	68
Table 2.2: Chi-square test of age distribution, Mugbook arrestees	167
Table 2.3: Job classifications and job represented in the Mugbook	168-169
Table 2.4: Contingency table, Mugbook charges by job classification	170-171
Table 2.5: Contingency table, Mugbook job classifications compared to Victoria profile	172
Table 3.1: Correlation coefficients: numbers of officers, police budgets, and numbers of arrests per officer, with economic indicators for the same year, Victoria, 1922-1940	185
Table 3.2: Correlation coefficients: vagrancy charges, convictions, and conviction ratio, with economic indicators for the same year, Victoria, 1922-1940	186
Table 3.3: Correlation coefficients: “disorderly house” charges, convictions, and conviction ratio, with economic indicators for the same year, Victoria, 1922-1940	187
Table 3.4: Correlation coefficients: “gaming house” charges, convictions, and conviction ratio, with economic indicators for the same year, Victoria, 1922-1940	188

List of Tables

Table 1.1: Correlation coefficients: conviction rates (Class II and Class III offences) as reported by Dominion Bureau of Statistics, with economic indicators for the same year, Victoria, 1922-1940	151
Table 1.2: Correlation coefficients: prosecution and conviction rates (Class II and Class III offences) as reported by Victoria Police Court, with economic indicators for the same year, Victoria, 1922-1940	152
Table 1.3: Correlation coefficients: prosecution and conviction rates (crimes against property) with economic indicators for the same year, Vancouver, 1922-1940	153
Table 2.1: Police Court Book totals (1929-1933) and Mugbook totals (May 1928-July 1933), by class of offence	68
Table 2.2: Chi-square test of age distribution, Mugbook arrestees	167
Table 2.3: Job classifications and job represented in the Mugbook	168-169
Table 2.4: Contingency table, Mugbook charges by job classification	170-171
Table 2.5: Contingency table, Mugbook job classifications compared to Victoria profile	172
Table 3.1: Correlation coefficients: numbers of officers, police budgets, and numbers of arrests per officer, with economic indicators for the same year, Victoria, 1922-1940	185
Table 3.2: Correlation coefficients: vagrancy charges, convictions, and conviction ratio, with economic indicators for the same year, Victoria, 1922-1940	186
Table 3.3: Correlation coefficients: “disorderly house” charges, convictions, and conviction ratio, with economic indicators for the same year, Victoria, 1922-1940	187
Table 3.4: Correlation coefficients: “gaming house” charges, convictions, and conviction ratio, with economic indicators for the same year, Victoria, 1922-1940	188

List of Figures

Graph 1-1: Charges and convictions per 1000 population, offences against property with violence, Canada, 1922-1939	126
Graph 1-2: Charges and convictions per 1000 population, offences against property with violence, British Columbia	127
Graph 1-3: Charges and convictions per 1000 population, offences against property with violence, Vancouver	128
Graph 1-4: Charges and convictions per 1000 population, offences against property with violence, Victoria	129
Graph 1-5: Charges and convictions per 1000 population, offences against property with violence, Canada, BC, Vancouver and Victoria	130
Graph 1-6: Charges and convictions per 1000 population, offences against property without violence, Canada	131
Graph 1-7: Charges and convictions per 1000 population, offences against property without violence, B.C.	132
Graph 1-8: Charges and convictions per 1000 population, offences against property without violence, Vancouver	133
Graph 1-9: Charges and convictions per 1000 population, offences against property without violence, Victoria	134
Graph 1-10: Ratio of regular placements to registered applicants, Victoria office, Employment Service of Canada, 1922-1940	135
Graph 1-11: Ratio of unplaced applicants, month end, to applicants registered	136
Graph 1-12: Unemployment indices, Victoria, 1923-1940	137
Graph 1-13: Value of building permits over \$100,000 (current dollars), Victoria, 1923-1939	138
Graph 1-14: Per capita charitable, unemployment relief expenditures (current dollars), Victoria, 1930-1939	139
Graph 1-15: Charges/summary convictions per 1000 population, "stealing," Victoria, 1914-1940	140
Graph 1-16: Percentage of persons charged with theft sent for higher-court trial, Victoria, 1914-1940	141
Graph 1-17: Charges/summary convictions per 1000 population, "auto, attempted, and miscellaneous theft," Victoria, 1914-1940	142
Graph 1-18: Charges/summary convictions per 1000 population, "auto, attempted, and miscellaneous theft," Victoria, 1914-1940	143

Graph 1-19: Percentage of persons charged with false pretenses sent for higher-court trial, Victoria, 1914-1940	144
Graph 1-20: Charges/summary convictions per 1000 population, non-violent property offences (excluding “general theft”), Victoria, 1914-1940	145
Graph 1-21: Charges/summary convictions per 1000 population, Class III offences, Victoria, 1914-1940	146
Graph 1-22: Charges/summary convictions per 1000 population, breaking and entering, Victoria, 1914-1940	147
Graph 1-23: Charges/summary convictions per 1000 population, breaking and entering, 3-year running averages, Victoria, 1914-1940	148
Graph 1-24: Charges/summary convictions per 1000 population, Class II offences, Victoria, 1914-1940	149
Graph 1-25: Persons sheltered and held for safekeeping, Victoria Police Department, 1923-1940	150
Graph 2-1: Arrestees by class of Offence, Victoria, May 1928-July 1933	154
Graph 2-2: Cases in Police Court by class of offence, Victoria, 1929-1933	155
Graph 2-3: Cases in Police Court by class of offence, Victoria, 1929-1933	156
Graph 2-4: Ages of arrestees, 1928-1933	157
Graph 2-5: Ages of Victoria residents, 1931	158
Graph 2-6: Ages of Vancouver residents, 1931	159
Graph 2-7: Frequency distribution, ages of all arrestees	160
Graph 2-8: Frequency distribution, ages of male arrestees	161
Graph 2-9: Frequency distribution, ages of female arrestees	162
Graph 2-10: Female arrestees by class of offence, 1928-1933	163
Graph 2-11: Male arrestees by class of offence, 1928-1933	164
Graph 2-12: Male Caucasians by class of offence, 1928-1933	165
Graph 2-13: Male Asians by class of offence, 1928-1933	166
Graph 3-1: Numbers of officers and annual expenditures, Victoria Police Department, 1923-1940	173
Graph 3-2: Numbers of arrests and arrests per officer, Victoria Police Department, 1923-1940	174
Graph 3-3: Numbers of summons and summons per officer, Victoria Police Department, 1923-1940	175

Graph 3-4: Charges and convictions per 1000 population, vagrancy, 1923-1940	176
Graph 3-5: Ratio of convictions to charges, vagrancy, 1923-1940	177
Graph 3-6: Charges and convictions per 1000 population, “disorderly house” offences, 1922-1940	178
Graph 3-7: Ratio of convictions to charges, “disorderly house” offences, 1923-1940 .	179
Graph 3-8: Charges and convictions per 1000 population, “gaming house” offences, 1922-1940	180
Graph 3-9: Ratio of convictions to charges, “gaming house” offences, 1923-1940 . . .	181
Graph 3-10: Numbers of police officers per 1000 population, Victoria and Vancouver, 1923-1941	182
Graph 3-11: Convictions per 1000 population, offences against property with violence, Victoria and Vancouver, 1922-1939	183
Graph 3-12: Convictions per 1000 population, offences against property without violence, Victoria and Vancouver, 1922-1939	184

Acknowledgements

I am greatly indebted to my advisor, Dr. Eric Sager, whose help in approaching the topic, advice on methods and secondary readings, and not least, suggestions for staying focused were invaluable. Credit is due Eric for such merits as this effort may possess. Responsibility for errors and omissions, of course, is mine. Thanks also to Peter Baskerville for an enjoyable and stimulating seminar course, and to both Peter and Eric for much-needed employment during my time at UVic. John McLaren's comments on an early draft of this thesis were most helpful, and Judy Nixon's administrative assistance, provided with patience and humour, was absolutely essential.

Ash "Blackbeard" Olesen provided technical support. Rheostatics and Tom Waits supplied the music. Catering was courtesy of Nirvana Restaurant and Zaccary's Pizza. Refreshment will be courtesy of the Shaftebury Brewing Company.

Finally and foremost, all my thanks and love to Maria Buttedahl, for support, encouragement, and patience absolutely beyond the call.

Introduction

Canadians like to consider themselves a moderate, tolerant, law-abiding people. Yet it has been said of Canadians that they have so little experience of disorder that they fear it above all else.¹ Therefore it is interesting to examine how legal institutions and the general public respond when apparently threatened with disorder and disobedience by other parts of the public, for example in times of great privation and inequality. At the same time it is essential to examine the experiences, or at least the characteristics, of those doing the threatening. Many Canadians believe that crime results not so much from poverty or economic insecurity as from individual moral breakdown, lack of home discipline and loss of respect for the law.² Meanwhile, particularly in hard times such as during the Great Depression of the 1930s, the poor have been made to feel, by both the powerful and the general public, criminal by definition.³

The attitudes and experience of the powerful and the powerless are bound

¹ Lorne Tepperman, *Crime Control: The Urge Toward Authority*. Toronto: McGraw-Hill Ryerson, 1977: p. 26. Press, political, and popular reactions to many contemporary demonstrations and protests lend some support to Tepperman's claim.

² *Ibid.*, p. 99.

³ See for example Barry Broadfoot's *Ten Lost Years*, in which a survivor of the Depression is quoted as saying, "I never so much as stole a dime, a loaf of bread, a gallon of gas, but in those days I was treated like a criminal. By the twist in some men's minds, men in high places, it became a criminal act just to be poor, and this percolated down through the whole structure until it reached the town cop or the railway bull and if you were without a job, on the roads, wandering, you automatically became a criminal. It was the temper of the times." Broadfoot, *Ten Lost Years 1929-1939: Memories of Canadians Who Survived the Depression*. Toronto: Doubleday Canada Ltd., 1975: p. 17.

together in a relationship which is complex but explicable. In this thesis I propose and test some hypotheses bearing on this relationship. Most of my source material is taken from the institutions where the clash of rulers and ruled has been, in this century, perhaps at its most stark, namely the criminal justice system during the 1920s and 1930s. The particular context, however, is that apparently most conservative and law-abiding of Canadian cities, Victoria. In this section I survey the methods and conclusions of some historians who have studied the relationship among poverty, crime, and the legal system, describe briefly my primary source materials, and set out the hypotheses which I test in later chapters.

Some students of the criminal law have described it as a “vast machine,”⁴ arguing or implying that it ought to be studied in its totality. Others point out, however, that most study has treated elements of the criminal justice system in isolation.⁵ Interpreting the criminal law as a machine could be misleading, if it meant studying the law as a collection of separate parts rather than as a complex relationship.

Most historians and criminologists agree, however, that poverty at least complicates this relationship. Although their methods and interpretations overlap and complement each other, historians studying the interrelated phenomena of crime, the criminal justice system, and economic hardship have taken some distinguishable

⁴ Ibid., p. 1-3.

⁵ See the introduction to R.C. MacLeod, ed., *Lawful Authority: Readings on the History of Criminal Justice in Canada*. Toronto: Copp Clark Pittman, 1988: p. 1.

approaches. Some have looked for associations between indicators of poverty, such as unemployment and price indices, and police and court statistics of offences, arrests and convictions, particularly for crimes against property. Most of these accounts are careful to place quantitative analysis in legal, political, economic and social context.⁶

A second and related approach studies the “construction” of crime and crime control, associations between economic inequality and legal punitiveness, and such phenomena as the “moral climate” of a society, which strongly influences and is influenced by such inequality and punitiveness. In this view the class biases, ideologies, and discourses of the criminal law are of as much concern as levels of actual crime, if not more so. According to some accounts, such levels are not reasonably knowable.⁷ These two approaches make the most use of quantitative methods, often to illuminate official procedure, rather than criminality itself. Still other histories have focused on some particular aspect of the legal system such as the police, courts, or prisons as a point of departure. In some cases these are structural and substantive, concentrating on law as a relatively autonomous system, in others more cultural, seeing law more as an evolving social relation.⁸ Finally there are social histories written by scholars who concentrate on

⁶ See in particular J.M. Beattie, *Crime and the Courts in England 1660-1800*. Princeton: Princeton University Press, 1986; and “The Pattern of Crime in England 1660-1800,” *Past and Present* 62 (1974), pp. 47-95.

⁷ See, for example, Steven Box and Chris Hale, “Economic Crisis and the Rising Prisoner Population in England and Wales.” *Crime and Social Justice* 17 (Summer 1982), pp. 20-35.

⁸ Graham Parker, “Canadian Legal Culture,” in L.A. Knafla, ed., *Law and Justice in a New Land: Essays in Canadian Legal History*. Vancouver: Carswell, 1986: pp. 3-29.

criminality and criminal “sub-cultures,” sometimes taking a “life-cycle” approach and working at the micro level, and who tend to rely less on quantification.⁹ Many works, of course, partake of all these approaches and others.

For many scholars concerned with the relationship between crime and economic distress, the Great Depression of the 1930s (sometimes designated by sociologists “the quasi-experiment”¹⁰) has had a natural attraction. Compared to the nineteenth century, fairly complete statistics were kept and reported by police forces, the courts, and the prisons, and many analyses and accounts of all sorts were written, if not published, at the time. The Depression, with its social and political unrest, is also an obvious choice for those concentrating on legal practice or structure, or legal-political discourse. Similarly the “micro-study” methods of social historians seem appropriate to examining the provenance and meaning of the written records produced by the criminal law system, and discovering something about the individuals processed by the “vast machine.” Many studies, however, have been based on aggregated figures. Few historians writing about the Depression have done much individual-level analysis, in the local and particular context of a municipal police force and police court, and none has done so for Victoria.

⁹ See for example Judith Fingard, *The Dark Side of Life in Victorian Halifax*, Porters Lake, N.S.: Pottersfield Press, 1989; and “Jailbirds in Mid-Victorian Halifax” in R.C MacLeod, ed., *Lawful Authority*, pp. 64-80.

¹⁰ Tepperman, *Crime Control*, p. 176.

The literature of criminology, rather than history as such, is voluminous, and this thesis does not attempt to do it justice. Much of it, perhaps, is less relevant to the examination of links between historical crime and the economy than to the prediction and reduction of crime in the present and future.¹¹ Nevertheless, criminologists have contributed many important definitions, distinctions, and interpretive categories.

The first term needing definition is, of course, “crime.” The definition could become an open-ended moral and philosophical question. For clarity and brevity I adapt the narrow, technical criminological definition. Crime is any behaviour that violates the criminal law. This definition, as the historian Eric Monkkonen points out, has the advantage of precision and of avoiding the larger, possibly intractable, moral issues involved with defining crime as behaviour which violates human rights.¹² Nevertheless, we cannot accept this definition so easily. We are not obliged to assume, for example, that every official record of an arrest or a conviction is a straightforward indication that an offence took place. (For example, because much policing is proactive rather than

¹¹ Thorsten Sellin wrote in 1938 that “Science has abandoned the search for “final” causes. It has practically abandoned the concept of cause except to denote a functional relationship between or among elements or facts....we understand by the ‘cause’ of crime merely the necessary antecedents or conditions of criminal conduct.” Sellin wished in this monograph to provide a scientific basis for contemporary sociological research, and this book is generally treated as the founding document of the “cultural conflict” school of criminology. My concerns differ from (and are less ambitious than) Sellin’s. Nevertheless it is important to keep this nuanced view in mind when considering some of the other extant literature, below. Sellin, *Culture Conflict and Crime*. New York: Social Science Research Council, 1938: pp. 16-17.

¹² Eric Monkkonen, *Police in Urban America 1860-1920*. New York: Cambridge University Press, 1981: p. 15. Monkkonen does not consider, however, whether the decision to avoid moral issues itself has moral implications.

reactive, behaviour that is tolerated one week may be punished the next). Nor does it suffice merely to accept, as Monkkonen proposes, that “to know what crime is in a specific society, [it suffices to] go to the law books and see what the system calls crime.”¹³ This approach passes over the vital question of how law is applied as a practical, day-to-day matter, and how its application changes over time. Therefore I use the terms “crimes” and “offences” as shorthand for reports of, or official responses to, alleged offences, implying particular and changeable applications of the law.

Criminologists are generally agreed that a legal definition of crime is the only workable one for any “scientific” theory. They are less agreed on the question of the relationship between economic deprivation and crime. A literature survey conducted by the Vera Institute of Justice distinguishes between economic explanations of crime and sociological/ anthropological ones.¹⁴ Economic models are further divided between a human-capital or “individualistic” approach, which sees people (especially the poor) as choosing crime based on a rational weighing of costs and benefits, and a “structural” view, according to which the poor stay poor, and sometimes turn to crime, because of the “segmented” nature of labour markets.¹⁵ Sociological and anthropological thinkers

¹³ Ibid.

¹⁴ J.W. Thompson et al, *Employment and Crime: A Review of Theories and Research*. Washington: National Institute of Justice, 1981: pp. 9-10.

¹⁵ Ibid., pp. 17-21.

criticize both these views as being too narrow, leaving out other critical factors.¹⁶ This overview of the criminological debate, though concerned with contemporary issues such as avoiding recidivism, provides another piece of context to a survey of the historical literature, since many historians appeal to one or another economic model of crime, often without making the model explicit.

Most criminologists accept, at least in principle, that official records of criminality are not transparent and unproblematic reflections of actual criminality. A. Oosthoek wrote in 1978:

Until recently ... many of the researchers who used official crime data began by expressing a number of doubts about the accuracy of the data and then proceeded to use this [these] data as if they were close enough to the real world to measure the concepts and reflect the conditions in which they were interested...¹⁷

As Oosthoek points out, for many types of crime, differences in police practices over time and from place to place mean shifts in the “demarcation points” at which complaints become officially certified as crimes, so that “it is clear that official data are counts not of behavioural events but of decisions about behavioural events.”¹⁸ First there is the public’s decision to invoke “formal social control”, or to involve the police in a

¹⁶ Ibid., p. 10.

¹⁷ A. Oosthoek, *The Utilization of Official Crime Data*. Ottawa: Solicitor General of Canada, 1978: p. 4.

¹⁸ Ibid., p. 49.

particular case; second, the willingness of the police to lay charges, which Oosthoek suggests depends on particular police departments' conceptions of their mandates; and third, the degree of public dependency on the police, or the "degree of normative consensus" in the community.¹⁹ In this work Oosthoek concentrates on the theoretical issues surrounding the contemporary use, for purposes of crime prediction and control, of data collected under the Uniform Crime Report (UCR) system. He does not undertake any historical or empirical examination of the more detailed and specific records kept by police forces. Nevertheless the issues he raises are relevant to such a study. Historians frequently discuss the extent to which official reports of crime reflect police practice as opposed to "real" crime, but often without the relative conceptual precision of criminologists, which it will be helpful to recall later.

Radical or "revisionist" interpretations often stress the "social construction" of crime. W.K. Greenaway traces sociological explanations of crime through the development of "urban ecology," "differential association," "labeling," and "structural-functionalist" theories.²⁰ He argues that such approaches have accepted the "common-sense" notion of crime as mostly a lower-class phenomenon, rather than

¹⁹ Ibid., p. 52.

²⁰ W.K. Greenaway, "Crime and Class: Unequal Before the Law," in John Harp and John R. Hopley, *Structured Inequality in Canada*. Scarborough: Prentice-Hall of Canada, Ltd., 1980. pp. 247-265.

questioning how the data supporting this contention are produced.²¹ As his title implies, he breaks with such views in favour of an examination of the class base of law, arguing that

[the] relationship between class and criminality is largely spurious. The definition of some behaviours as criminal while other socially harmful acts are not so defined is, in large part, if not totally, a function of class domination. Thus, the preponderance of poor folk among law violators occurs in part *by definition*.²²

Such revisionist views have been criticized for being as “deterministic” as positivist interpretations, according to which the development of the police and the criminal law were natural, inevitable, progressive process.²³ Nevertheless the revisionist account of the criminal law provides a fuller explanation of why the working class and racial and ethnic minorities are often overrepresented in arrest statistics, jails and prisons.²⁴ Also, most scholars have seen the examination of police and judicial discretion, one of Greenaway’s major concerns, as being particularly important to an

²¹ Ibid., p. 251.

²² Ibid., pp. 256-259; p. 261.

²³ Greg Marquis, “Power from the Street: The Canadian Municipal Police.” Police Powers Symposium, University of Alberta, 1991: p. 3.

²⁴ Thompson et al, *Employment and Crime*, p. 30. Until fairly recently there was little serious attempt to explain why women are generally under-represented in criminal statistics. See Rita J. Simon and Jean Landis, *The Crimes Women Commit, The Punishment They Receive*. Toronto: Livingston Books, 1991.

understanding of criminal law in the Canadian context, a theme I return to below.

In Canada, the sociologist Lorne Tepperman has produced an important study which examines criminality and the crime-control system together. As he writes, “both behaviour and certification are needed to ‘create’ a crime and both factors are socially organized.”²⁵ Tepperman is generally in sympathy with class-conflict interpretations of the criminal law. Canadian institutions, he argues, have been relatively punitive and authoritarian (compared to those of Western European nations), but largely because Canadians have wanted it this way:

We appear mean-spirited in times of socioeconomic turmoil; at such times, we press that overgrown bullyboy of a vast machine into service against immigrants and poor people...²⁶

Dividing judicial options (ranging from the suspended sentence to capital punishment) into categories of punitive and non-punitive, Tepperman argues that declining economic prosperity has been accompanied by greater official punitiveness, while judicial discretion, when it has been available, has worked against the poor.²⁷ Tepperman claims that both phenomena were particularly evident during the Great Depression. Although there may have been a real increase in criminality, it is possible to

²⁵ Tepperman, *Crime Control*, p. 18.

²⁶ *Ibid.*, p. 26.

²⁷ *Ibid.*, p. 159.

view all conviction rates as “mere measures of official punitiveness,” and it is certain that convicted robbers were more likely to go to penitentiary, receive long sentences, and be flogged than before or since.²⁸

Tepperman’s study largely synthesizes previous work rather than testing hypotheses through micro-study. He contends that “it is impossible to analyze the cause of change in crime rates from official statistics as long as these statistics are contaminated by an ill-understood set of official procedures.”²⁹ This somewhat contradicts his citation of the testimony collected by Barry Broadfoot in *Ten Lost Years* to show that crime actually did increase during the Depression, since these reminiscences seem no less likely than official documents to be “contaminated.”

Nevertheless, a familiarity with Tepperman’s work is useful to any discussion of the Canadian criminal and criminal-law scene. Tepperman is careful to conceive of the relationship of crime and the criminal law not as a clash of things but a complex dialectic. Avoiding ahistorical theorizing, he sets the issues of inequality, judicial punitiveness and discretion in their specifically Canadian context.

Turning now to historical treatments of crime, punishment, and the economy, the important work done by J.M. Beattie on the seventeenth and eighteenth centuries in England has influenced several other scholars. In a *Past and Present* article (the subject

²⁸ Ibid., p. 176; p. 89.

²⁹ Ibid., p. 25.

of which he later treated in much greater depth and detail in the book *Crime and the Courts in England 1660-1800*), Beattie studied the pattern of indictments in the assize courts and quarter sessions in two English counties for several sample years between 1660 and 1800.³⁰ He looks for trends in indictments for crimes against persons, the peace and property, considers these indictments in light of judicial practices and public attitudes toward the reporting and punishment of crime, and then suggests associations between these trends and economic indicators. Beattie discusses problems associated with the use of indictments as measures of real criminality. One is the “dark figure” of unreported and undetected crime, another the artificiality of legal criteria, which means that many very different offences are lumped together under a broad category like “crimes against the person” or even under a supposedly specific one like “assault.”³¹ Despite such cautions Beattie suggests that there was a rising level of violence in rural Surrey in the late 17th and early 18th centuries, although he admits that increases in indictments may have resulted from more victims of crimes turning to criminal than civil action, and increased repression from apprehensive authorities.³² Turning to property crime, Beattie argues that the rate of property crime was similar at the end of the eighteenth century to that a century

³⁰ J.M. Beattie, “The Pattern of Crime in England 1660-1800.” *Past and Present* No. 62 (1974), pp 47-95. See also *Crime and the Courts in England 1660-1800*, Princeton: Princeton University Press, 1986.

³¹ *Ibid.*, p. 53, p. 60, pp. 62-63.

³² *Ibid.*, p. 70, pp. 71-72.

before, but finds a “huge peak” in such crime in the late 1730s and early 1740s “associated with the dearth and high prices of those years.”³³ He qualifies this by observing that grand-jury indictments became a less accurate indicator of crime as more offences were dealt with summarily, and that practices formerly regarded as perks of rural life, such as the pilfering of firewood, were increasingly criminalized. Despite these qualifications, Beattie writes, “there is so frequently a close tie between the indictment level and indicators of economic conditions that a great deal of such crime seems explainable in terms of necessity.”³⁴ To support this he compares indictment levels for property crimes in various parishes with indices of the prices of several foods and other goods, and suggests associations not just between crime and poverty, but between crime and the dislocation associated with demobilization at the end of wars.³⁵

Despite qualifications, Beattie’s conclusion that

crimes against property in the eighteenth century arose primarily from problems of unemployment, wages and prices; that they increased when men found themselves squeezed by rising prices or lower wages or lack of work and declined when they were squeezed no longer³⁶

³³ Ibid., p. 78.

³⁴ Ibid., p. 85.

³⁵ Ibid., p. 85-93.

³⁶ Ibid., p. 95.

is unequivocal. There are, however, difficulties with using Beattie's methods on twentieth-century Canadian sources. Beattie's data (aggregated, not individual) are not complicated by the activities of a police force, since victims made their complaints directly to magistrates and prosecuted their cases themselves. Of the "dark figure," Beattie writes that "modern opinion inclines to the view that the most reliable sample of actual crime is that obtained as early in the process as is possible."³⁷ However, such "samples" are taken from a largely unknown population, at least in the context of modern policing.³⁸ Also, Beattie does not eliminate—and, he admits, cannot eliminate—the possibility that changes in levels of prosecution result largely or primarily from changes in public opinion and judicial procedure.³⁹ Nevertheless, Beattie's work provides an excellent example of how to establish the social context for quantitative analysis, and the approach he articulates and develops at length in *Crime and the Courts*, of observing trends in prosecution and then trying to discern the circumstances that give rise to the patterns, is sound.

³⁷ Ibid., p. 54.

³⁸ As Douglas Hay put it, "crimes known to the police are not independent events in the statistical sense: they have in common the fact that they are reported to, and recorded by, a bureaucracy with central direction, special attitudes, and uniform policies which may also change in uniform fashion throughout large jurisdictions." Hay, "War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts," *Past and Present* 95 (May 1982), pp. 117-160; p. 151.

³⁹ For example, it is possible that in turbulent times reporting and prosecution increases, as a direct response to greater fears of disorder and "breakdown," and quite apart from any real changes in levels of crime, a possibility I wish to explore.

The work of Douglas Hay, much of it also based on English sources, has also been influential.⁴⁰ In another study of eighteenth-century England, Douglas Hay discusses indictments for theft in Staffordshire, with the aim of “[giving] them what has been called a simple-minded “positivist” reading, and then to consider the main criticisms to which such a reading is open.”⁴¹ Rather than relying on price indices, Hay constructs an index of the number of destitute families, then shows that hard years produced both more indictments and increased numbers of non-professional kinds of theft, as we might expect from suddenly needy families.⁴² Hay also discusses the social usefulness of war in “mopping up excess labour [which] was greatest in years of dearth and trade depression.”⁴³ As to what levels of indictments actually measure, the evidence favours the conclusion that the indictment series reflects changes in the behaviour of the poor, rather than changes in the “organization of control.”⁴⁴ Rejecting the presuppositions of “uncritical” criminology, Hay also rejects the argument that criminal statistics reflect only

⁴⁰ Marquis, Greg. “Vancouver Vice: The Police and the Negotiation of Morality, 1904-1935.” *Essays in the History of Canadian Law, Volume VI: British Columbia and the Yukon*. Toronto: Osgoode Society/University of Toronto Press, 1995.

⁴¹ Hay, “War, Dearth and Theft,” p. 122.

⁴² *Ibid.*, pp. 134-135.

⁴³ *Ibid.*, p. 141.

⁴⁴ *Ibid.*, p. 150.

official behaviour, and that the attempt to see through them to criminality itself is untenable:

Unless one proves that control is overwhelmingly, irresistibly determinant of indictment levels (and the fact is not established for this period), then officially recorded crime must be the net result of both the behaviour of those subject to the law and those controlling it. In short, if changes in levels of behaviour likely to be prosecuted are said to be unknowable, then the causes of sequential changes in the legal response (or precipitant) are also unknowable. To study “control” as a thing in itself is as futile a strategy as to pretend to study “crime” as something wholly independent of the law. In less abstract terms: the poor make history too, even the history of the criminal law, and without them we cannot understand it.⁴⁵

This conclusion is another necessary reminder to interpret crime and control only in relation to one another, not separately. Nevertheless, Hay’s methods are not necessarily universally applicable. He argues here, for example, that doubts about contemporary sources are not relevant to studies of eighteenth-century records, which may reflect more accurately the behaviour of the prosecuted.⁴⁶ The decision to record and prosecute a crime is now made by a centralized bureaucracy, and of all the reasons why people fail to report crimes, lack of confidence in the police may be most important.⁴⁷ But in the eighteenth century, as Hay and Beattie point out, prosecution was

⁴⁵ Ibid., p. 158.

⁴⁶ Ibid., p. 120.

⁴⁷ Ibid., p. 151.

a private matter.⁴⁸ Moreover, while Hanoverian judicial statistics were “accidental,” contemporary ones are “intentional,” produced with particular ends in mind.⁴⁹ We therefore must approach modern records with great caution.

The work of Hay and Beattie, and of historians influenced by them, supports several conclusions which are particularly important for the study of crime and poverty. One can discern a relationship between property crime and economic need, provided several caveats are borne in mind. To establish that there was widespread economic need requires not simply ratio-level economic indices, but some indication of how much of the population was badly off in any given year (or as Hay puts it, “a more intuitively obvious measure of relative pressures than... price levels⁵⁰). In the twentieth-century context, with the beginnings of a welfare state and the predominance of urban wage labour, unemployment levels and relief expenditures would seem to provide such measures. Changes in prosecution levels must not simply be accepted at face value, but examined carefully in the context of changing popular attitudes and judicial procedures, particularly when policing and prosecution are conducted by a centralized state bureaucracy subject to political pressures and institutional changes.

⁴⁸ This, of course, could be considered a point in favour of modern police and court statistics, since public prosecution means that one need not be wealthy to pursue a complaint through the courts.

⁴⁹ Hay, “War, Dearth, and Theft,” p. 122.

⁵⁰ *Ibid.*, p. 131.

Jim Phillips, one of several historians partly influenced by the approaches of Beattie and Hay, is also one of several who have studied the administration of a particular law or laws in its economic and social context.⁵¹ Using city prison records, he examines the application of vagrancy laws in nineteenth-century Halifax, in particular sentencing practices, rates of incarceration, the ethnic, geographical, and religious characteristics of those sentenced, and official and popular reactions to vagrancy.⁵² He notes that throughout North America, the “problem” of vagrancy was apparently discovered by authorities in the context of the depression of the 1870s, and that in Halifax as elsewhere, the rate of incarceration for vagrancy corresponded closely with the performance of the local economy.⁵³ (“Vagrants” were defined as persons without “visible means of supporting themselves,” and sweeping vagrancy statutes applied to many sorts of persons, from gamblers to prostitutes to those simply poor and homeless). Among the incarcerated, Irish immigrants, Catholics, and blacks (all generally poorer than other Haligonians) were over-represented, and while men somewhat outnumbered

⁵¹ Others include the contributors to the series *Essays in the History of Canadian Law*, in particular Volume V, *Crime and Criminal Justice*, Toronto: Osgoode Society/University of Toronto Press, 1994. See in particular Phillips, “Women, Crime and Criminal Justice in Early Halifax, 1750-1800”; Constance Backhouse, “Prosecution of Abortions under Canadian Law, 1900-1950”; Carolyn Strange, “Patriarchy Modified: The Criminal Prosecution of Rape in York County, Ontario, 1880-1930”; and Helen Boritch, “Crime and Punishment in Middlesex County, Ontario, 1871-1920.”

⁵² See “Poverty, Unemployment, and the Administration of the Criminal Law: Vagrancy Laws in Halifax, 1864-1890,” in Jim Phillips and Philip Girard, eds., *Essays in the History of Canadian Law, Volume III: Nova Scotia*: Toronto: Osgoode Society/University of Toronto Press 1990: pp. 128-162.

⁵³ *Ibid.*, p. 134.

women during the entire period under study, women were incarcerated in greater numbers in summer, possibly because of the greater presence and visibility on the streets of prostitutes.⁵⁴ Somewhat surprisingly, the law apparently did not discriminate against transients from out of town or out of province, a substantial minority of convicted vagrants being from Halifax.

Phillips is equally concerned with official and public attitudes toward vagrancy, the local “moral climate.” He finds that, as in other North American cities of the period, vagrants were commonly believed to be a dangerous element in need of careful scrutiny, control, and occasionally severe treatment. The local stipendiary magistrate commonly imposed harsh sentences on convicted vagrants. Relief schemes attempted to distinguish between the “deserving” and the “undeserving,” or “shiftless” poor, prison and poor-house work and discipline were toughened to deter those looking for shelter and support without the necessity of work, and public and private charities used the “labour test” to enforce conformity with a middle-class work ethic.⁵⁵ Press opinion, while self-congratulatory and even complacent about the peaceful, law-abiding nature of Halifax, was harsh on vagrants, depicting them as dishonest and threatening characters. Phillips’ study provides a detailed and specific illustration of the workings of vagrancy laws and the characteristics of those exposed to them, and of the ideology of law and the

⁵⁴ Ibid.

⁵⁵ Ibid., p. 143 ff.

public opinion that supported it.

Emphasizing social over legal history, Judith Fingard provides a “humanistic” or “life-cycle” perspective on habitual offenders in Victorian Halifax. Fingard argues that a class-conflict interpretation explains relatively little about such individuals, and criticizes the “[dismissal of] their criminality merely as a by-product of the rise of industrial capitalism.”⁵⁶ Finding that a small group of offenders was disproportionately responsible for recorded offences, Fingard focuses on the lives of a few individuals. Some “revisionist” histories, she argues, have overlooked the significant ways in which repeat offenders both resembled each other and differed from the society around them. Among other things she demonstrates (as Phillips noted in his study of vagrancy) that many people in the nineteenth century used the jails as a refuge from unemployment, winter, or their enemies.⁵⁷

For an earlier Canadian period, John Weaver has studied crime and public order in the context of rapid urbanization, massive immigration and canal and railway construction, in one district of early- to mid-nineteenth century Upper Canada.⁵⁸ Weaver looks at committals to the Gore District Jail for public order offences, offences against

⁵⁶ Judith Fingard, “Jailbirds in Mid-Victorian Halifax,” in Macleod, ed., *Lawful Authority*: p. 64.

⁵⁷ *Ibid.*, p. 79.

⁵⁸ John Weaver, “Crime, Public Order and Repression: the Gore District in Upheaval, 1832-1851,” in Macleod, ed., *Lawful Authority*: pp. 22-48.

property and against persons, and suggests explanations for rates of committal by examining official and public attitudes, indications of prosperity and dearth, and immigration. He finds that unlike offences against the person and property, committals for public-order offences in the Gore district curved steadily upward between 1832 and 1851, and attributes this to a combination of increased immigration and decreased tolerance for the behaviour (and background) of the mostly Irish immigrants.⁵⁹ The rates of crimes against the person and against property were related to economic distress.⁶⁰ According to individual data recorded in jail ledgers, a disproportionate number of prisoners were labourers and Irish. Despite Upper Canadian fears of a “dangerous class,” there was no particular overlap between major and minor offenders, and no evidence that repeat offenders “slid” into serious crime.⁶¹

Weaver uses time series, but also discusses individual cases at length. He uses the later to draw a profile of the population of the Gore District Jail (using country of origin, sex, literacy and occupation) for comparison to the general population, and to test the hypothesis that the weight of official and public opinion came down strongly against

⁵⁹ Ibid., pp. 25, 30, 34.

⁶⁰ Ibid., pp. 25-28.

⁶¹ Ibid., p. 38.

public-order offences by Irish immigrants.⁶² He thus provides a useful illustration of the class, gender and ethnic biases of the nascent criminal justice system. While Hay and Beattie (and Phillips, in a work I discuss below) see war and demobilization as complicating factors, Weaver, with Phillips, reminds us of the close historical associations among immigration, disorder and repression. They also demonstrate that when studying these phenomena in the context of industrial, or industrializing, democratic societies, one must pay close attention to “moral climate.” In such societies public influence on policing and prosecution, whatever the extent of literacy and the franchise, is presumably much greater than in the seventeenth- and eighteenth-century settings studied by Beattie and Hay. Such influence may be particularly strong in times of rapid economic change, when public anxiety is heightened by fears of newcomers and transients.

Particularly in recent years with the rise of feminist and women’s history, several scholars have studied the evolution and enforcement of prostitution laws, the lives of prostitutes, and social attitudes toward both prostitution and regulation. Much of their work examines prostitution in the context of late nineteenth- and early twentieth-century moral reform campaigns. Major studies include those by Ruth Rosen, on the early twentieth-century United States, and Judith Walkowitz on Victorian England. Rosen’s study is particularly relevant to Canadian conditions. Among many other matters, she

⁶² Ibid., pp. 33-39.

discusses how Progressive-era moral-reform campaigns against prostitution led to the closing of previously tolerated red-light or “segregated” districts of prostitution in many American cities in the 1900s and 1910s, and to a consequent increase in streetwalking and the influence of pimps rather than madams over prostitution. Lori Rotenberg has studied prostitutes and the legal and social response to them in early twentieth-century Toronto.⁶³ She used such sources as the records of the Industrial Refuge, a workhouse for the “reformation” of prostitutes, and the report of the Social Survey Commission, established in 1913 to investigate “the problem of the white slave traffic, existing vice and social disease in the City of Toronto.”⁶⁴ Despite the contemporary ascription of prostitution to individual naivete, ignorance, “feeble-mindedness,” or “licentiousness,” the evidence shows that many women, particularly immigrants and domestic servants, felt forced by poverty to take up prostitution, sometimes initially on a part-time basis.⁶⁵ The moralistic and naive approach of reformers contrasted with the more pragmatic response of the police, who tended to see their task more as one of regulation.⁶⁶ These important themes recur in the literature.

⁶³ Lori Rotenberg, “The Wayward Worker: Toronto’s Prostitute at the Turn of the Century,” in *Women at Work: Ontario, 1850-1930*, Toronto: Canadian Women’s Educational Press, 1974.

⁶⁴ *Ibid.*, p. 62.

⁶⁵ *Ibid.*, 38-39, 43.

⁶⁶ *Ibid.*, p. 59.

Deborah Nilsen has studied prostitution in Vancouver between 1900 and 1920, the era of the most intense moral-reform campaigns and of major changes in prostitution laws, which she also summarizes.⁶⁷ Despite strict new laws adopted in 1913, newspapers and minutes of Police Commission meetings reveal that, as in Toronto, police preferred the containment and regulation of prostitution to attempting its elimination. Meanwhile local citizenry, unsympathetic to prostitutes, pressured police to rid their neighbourhoods of the “blight” of brothels and streetwalkers, and police in response carried out occasional “moral crackdowns.”⁶⁸ These were ineffective, resulting only in prostitution being dispersed somewhat uniformly throughout the East End of the city by 1915. Prisoner’s Record books kept in the Vancouver Jail reveal something of the prostitutes themselves. Nilsen’s sources reinforce Rotenberg’s findings, showing that a preponderance of accused prostitutes gave their occupation as some form of domestic service. Economic marginality, again, was a primary factor in explanations of prostitution. In a book-length, more wide-ranging study, Carolyn Strange has recently studied the moral alarm and suspicion that accompanied the great influx of young, single working women to Toronto in the late nineteenth and early twentieth centuries, and the

⁶⁷ Deborah Nilsen, “The ‘Social Evil’: Prostitution in Vancouver, 1900-1920,” in Barbara Latham and Cathy Kess, eds., *In Her Own Right: Selected Essays on Women’s History in B.C.* Victoria: Camosun College, 1980.

⁶⁸ *Ibid.*, p. 208.

experience of the women themselves.⁶⁹ Although she writes about many more subjects than prostitution, she provides a detailed and multi-dimensional discussion of the ideological and moral rhetoric surrounding prostitution.

John McLaren has also studied the 1913 law reform as well as patterns of prosecution and the campaign against prostitution in the period 1900-1920. He describes the time as “the greatest period of moral and social unease about prostitution and its exploitative aspects — colourfully described as ‘white slavery’ — in Canadian history.”⁷⁰ Originating as a moral crusade in Britain in the 1880s, anti-prostitution and anti-white slavery agitation took on social science methods, albeit in distorted forms, when imported into the United States. The campaign in Canada, carried on by a combination of women’s rights organizations and social gospel church organizations, was tactically inspired by both these models.⁷¹ Federal criminal statistics show a great increase in convictions for bawdy-house offences in Toronto, Calgary, and Vancouver in the three years after the legal reform, attributable to the climate of concern and political pressure. Although there were differences in prosecution patterns among the three cities, Prisoner Record Books show that almost none of those arrested had the stereotypical

⁶⁹ Carolyn Strange, *Toronto's Girl Problem: The Perils and Pleasures of the City, 1880-1930*. Toronto: University of Toronto Press, 1995.

⁷⁰ John McLaren, “White Slavers: The Reform of Canada’s Prostitution Laws and Patterns of Enforcement,” in *Criminal Justice History VIII* (1987): pp. 53-119.

⁷¹ *Ibid.*, p. 109.

characteristics of the “white slaver.” Most of those charged with exploitative offences were women. Men arrested for these offences apparently worked at low-wage, low-status occupations, their activities showed no signs of international coordination, and few pimps or procurers were arrested.⁷² Even in the wake of new, repressive legislation and strong pressure to enforce it, police (and courts, which generally handed out fines rather than jail sentences) preferred a policy of toleration and regulation to one of repression. McLaren’s study illustrates well how popular agitation affected legislation and political rhetoric, but also how far removed the practice of enforcement could be from that rhetoric.

Two conclusions from the literature on prostitution are particularly relevant to this study. As the study of individuals shows, prostitution was (and presumably still is) clearly related to poverty or, at least, to the need for an alternative to the marginal work which was all that was available to most women. Early twentieth-century reformers’ explanations of prostitution in terms of either individual moral failings or unwitting recruitment by white slavers are not supported by the historical evidence. In addition, the literature demonstrates that patterns of legislation and enforcement were often more closely related to moral climate, or even moral panic, than to actual levels of prostitution. Following the approaches of these authors, I test whether relationships between crime and the economy on the one hand, and crime and moral panic on the

⁷² Ibid, p. 102.

other, were particularly strong during the Great Depression of the 1930s. Other important themes in the literature are the unintended changes in the nature of prostitution resulting from attempts to suppress it, and the tension between public disapproval and official tolerance of prostitution.

There are many studies of the Great Depression, although relatively few concentrate on Canadian cities.⁷³ Daniel Gallacher's study surveys the economic, political and social impact of the Depression on Victoria. While it was not his goal to look specifically at crime and policing, Gallacher examined Assize (Supreme Court) indictments and found evidence of an increase in property crime, and a change in the sorts of property crime tried at the Assizes.⁷⁴ He was, however, forced to work from a small and possibly unrepresentative sample, since the vast majority of cases were dealt with by the Police or County Courts.

Using the records of the city Police Court, Thorner and Watson have examined crime levels in Calgary for the period 1875 to 1939.⁷⁵ During the 1920s, they report,

⁷³ An exception is Barry Broadfoot's oral history, *Ten Lost Years 1929-1939: Memories of Canadians Who Survived the Depression*. Toronto: Doubleday Canada Ltd., 1973. This book and James Grey's history of Western prostitution, *Red Lights on the Prairies* (Toronto: Macmillan of Canada, 1971) are important background readings for anyone researching these subjects. They are, however, more anecdotal and less comprehensive than most scholarly works.

⁷⁴ Daniel Gallacher, "City In Depression: The Impact of the Years 1929-1939 on Greater Victoria, British Columbia." M.A. Thesis, University of Victoria, 1969: p. 151.

⁷⁵ T. Thorner and N. Watson. 'Patterns of Prairie Crime: Calgary, 1975-1939,' in Louis A. Knafla, ed., *Crime and Criminal Justice in Europe and Canada*. Calgary Centre for the Humanities/Wilfrid Laurier Press: Waterloo, 1981: pp. 219-255.

there was a popular belief in Calgary that the city was in the middle of a crime wave, some observers blaming “slackers” who had avoided going to war, while others blamed members of the “criminal classes” who had gone off to war with other soldiers, returning to their old ways when repatriated.⁷⁶ Records indicate, however, that there was a steady decline in prosecutions of most offences until 1925, then an abrupt increase through the end of 1930.⁷⁷ This increase was observed in several classes of offences, including theft, fraud, assault, drunkenness, and vagrancy, while prostitution (“bawdy-house”) offences followed a different pattern, peaking in 1920, decreasing through 1925, and increasing only slightly to 1930. During the Depression, conversely, while there was civil strife in the form of clashes between police and unemployed demonstrators, the number of cases in Police Court decreased sharply. Overall numbers began decreasing in 1930, while numbers of prosecutions for property crimes, which leveled off in 1931, decreased significantly thereafter.⁷⁸ The authors’ tentative explanation for this decline, that cases of theft and fraud may decrease during economic depression because there are fewer opportunities for their commission, seems unconvincing, as it apparently rests on the assumption that depressions affect rich and poor alike. The study, however, makes the familiar but important point that popular attitudes toward crime are frequently at odds

⁷⁶ Ibid., p. 230.

⁷⁷ Ibid., p. 232.

⁷⁸ Ibid., p. 234-235.

with the best available data, a discrepancy which needs exploration and explanation.

In a *BC Studies* article James Huzel addresses the fears of contemporaries that Vancouver was in the grip of a “crime wave.” He asks whether crime increased, if it is possible to determine which types of crime were most sensitive to economic downturn, and how crime levels in the 1930s compared with those of earlier times.⁷⁹ Using Vancouver’s Police Court Monthly Reports, supplemented with data from the Dominion Bureau of Statistics, Huzel constructs trend graphs for crimes against the person, the peace and property from 1907 to 1937, and finds that while the overall crime rate fell during the 1930s, the rate of “general theft,” measured by prosecution and conviction rates, rose between 1929 and 1934, and then declined through 1937. General theft rates also corresponded closely with other depression years, such as 1908, 1913-15, and 1920.⁸⁰ Trends in property crime were less clear-cut. General theft rates were highly correlated with economic indicators such as the value of building permits and per capita relief expenditure, although not with the employment index or the percentage of trade union unemployment.⁸¹ Turning to offences known to the police, as published in their annual reports, Huzel finds great increases in the Depression in rates of stolen property,

⁷⁹ James P. Huzel, “The Incidence of Crime in Vancouver During the Great Depression.” *B.C. Studies* 69-70 (Spring-Summer 1986): pp. 211-248.

⁸⁰ *Ibid.*, p. 230.

⁸¹ *Ibid.*, p. 232.

breaking and entering, robbery with violence, and violent theft, and again high correlations between these and economic indicators.

Huzel, unfortunately, was unable to find annual reports for the years 1928 and before, leaving open the possibility that the apparent rise in the 1930s of crime known to the police was not anomalous. Like Thorner and Watson, he is also somewhat uncritical of sources and contemporary accounts. It is not his purpose, in this article, to consider whether newspaper headlines such as “Crime Wave Sweeps Vancouver” provide evidence of a moral panic, or how changing police priorities and judicial practice might have affected prosecution and conviction rates. Nevertheless, like Hay, he uses “intuitively obvious” measures of destitution and economic stagnation, and outlines important hypotheses which I test using the Victoria sources. These are, first, that there was a clear association between indicators of economic distress and rates of prosecution and conviction for crimes against property; and second, that this association cannot be explained either by an increase in police efficiency, or by political pressure on the police to clean up the city. Unfortunately, numbers of offences known to the police, which might provide a better indication of real crime rates than would numbers of arrests, are not available for Victoria.

The somewhat more theoretically inclined literature on the social construction and control of crime is large. Douglas Hay’s “Property, Authority and the Criminal

Law” remains a major introduction to this genre.⁸² Hay sets out to explain why eighteenth-century England saw both a vast increase in the number of capital offences (with the introduction of the new “bloody code”) and a relatively low, relatively constant number of death sentences actually carried out. He also asks why, since contemporaries were convinced the policy of judicial terror was inadequate to deter crimes against property, the system remained unreformed for so long. He argues that in the absence of a police force and a large standing army, the criminal law, designed to uphold a radical division of property, had a complex ideological function to fulfill. “[The law] combined the terror worshipped by [Timothy] Nourse with the discretion stressed by [Archbishop] Paley, and used both to mold the consciousness by which the many submitted to the few.”⁸³ Justice was impressive enough to rule, but not so brutal as to destroy its mystique, its appearance of majestic impartiality.

Recently Douglas Hay has examined “law’s violence.”⁸⁴ He addresses the question of how and why this violence changes over time, and whether it is possible to find any correlation between the violence of law and social inequality. Measured by its tendency to prosecute and punish, he argues, the violence of law in England over the

⁸² Douglas Hay, “Property, Authority and the Criminal Law,” in Douglas Hay et al, eds., *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*. London: Allen Lane, 1975: pp. 17-63.

⁸³ *Ibid.*, p. 26.

⁸⁴ Hay, “Time, Inequality and Law’s Violence,” in Austin Sarat and Thomas R. Kearns, eds., *Law’s Violence*, Ann Arbor: University of Michigan Press, 1992.

17th, 18th and 19th centuries was determined by its need to contain substantial social inequality.⁸⁵ As for the twentieth century, statistical analysis is incomplete, but Hay argues that, in Canada, the Great Depression of the 1930s saw the most punitive use of the criminal law up to very recent times.⁸⁶ He concedes that the connections between law's violence and social inequality are complex, and does not argue for a simple "instrumentalist" view according to which police and courts are purely and simply a tool of the ruling class. But he suggests that when the legitimacy of law appears threatened, when for example there is an increase in people more likely to commit crimes (young, ethnic males in particular) a sense of crisis ensues, and the punitiveness of law is likely to increase.⁸⁷ He also discusses "law's silence," its tendency to silence the dissenting voice of the lawbreaker, and to exalt the image of "high justice," of the measured, ceremonial jury trial, for "low justice," the summary, often arbitrary, sometimes violent system or machine in which the vast majority of cases are "processed."

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Two English sociologists, Steven Box and Chris Hale, have demonstrated how this hypothesis might be tested. (See Box and Hale, "Economic Crisis and the Rising Prisoner Population in England and Wales." *Crime and Social Justice* 17 (Summer 1982), pp. 20-35). They find strong correlation in support of their hypothesis that frequency of imprisonment varies positively with unemployment, and weaker support for the hypothesis that severity of imprisonment so varies. As they sum up, "prisons are *believed* to play an important part in disciplining and containing problem populations, and irrespective of the truth-value of this belief, it has real consequences, particularly during periods of economic depression when the size of the surplus labor force rapidly expands." Their method is complex, however, and using it to test their hypotheses for 1920s and 1930s Canada is beyond my scope here.

Several historians have taken up the theme of the interrelation of punishment and judicial discretion.⁸⁸ Jim Phillips' study of the operation of the royal pardon in colonial Halifax is an important example in this field.⁸⁹ The pardon, he argues, was an essential part of the administration of the death penalty, because executing all those condemned to death would have provided juries with a disincentive to convict. Although the pardon rate was roughly comparable to that in rural counties in England in the same period, and there was an absolute decline in numbers of persons executed after about 1790, soldiers and sailors apparently received pardons at a greater rate than civilians. Phillips ascribes this trend to the governance of Halifax by a temporary, mostly military elite concerned above all with keeping the loyalty of enlisted men. Phillips' study, like Hay's on the connections among war, dearth, and theft, illustrates something of the connections between the justice and military systems.

A thesis by Nancy Parker, dealing with Victoria between 1862 and 1892, draws partly on Hay's notion of "majesty, justice and mercy" in formulating an "explanation of how law maintained its authority in an urban milieu."⁹⁰ Drawing three themes in

⁸⁸ See, for example, Carolyn Strange, ed., *Qualities of Mercy: Justice, Punishment, and Discretion*. Vancouver: UBC Press, 1995.

⁸⁹ Jim Phillips, "The Operation of the Royal Pardon in Nova Scotia, 1749-1815." *University of Toronto Law Journal*, Volume XLII, Number 4 (Fall 1992); pp. 401-449.

⁹⁰ Nancy Kay Parker, "The Capillary Level of Power: Methods and Hypotheses for the Study of Law and Society in Late Nineteenth Century Victoria, British Columbia." M.A. Thesis, University of Victoria, 1987: p. ii.

particular from the historiography—”the tension between legal formalism and discretionary power[,] the regularization of disciplinary mechanisms[,] and the role of ideology in maintaining law’s authority”—the study integrates legal-history and social-history approaches. Parker first examines the local elements of the legal system (the police magistrate’s court and the local police, over which the city gradually established control). Quantitative analysis of the backgrounds of B.C. Justices of the Peace and of convicts in the Victoria Jail establishes the class distance between those operating the legal system and its “victims.” Published crime reports indicate the concerns and preoccupations of different levels of government, and the frequent contradictions between rhetoric and the statistical record. Finally, analysis of samples of police-court chargebooks and magistrates’ bench books from 1881 and 1891 illustrates the changing relationship between public and published perceptions of law, and how laws were actually enforced.

Parker is skeptical of attempts to learn anything about actual crime from official records, and does not look for associations between arrest or conviction rates and economic conditions. But she provides good evidence in support of several hypotheses, such as the argument that greater municipal control of policing brought greater police bureaucratization. An increase in the enforcement of city by-laws and in summoning rather than arresting “respectable” minor offenders, Parker contends, is an indication of this increased regularization, lending a more “democratic” cast to policing, an important element of its legitimating ideological function. Official pronouncements about

“criminal classes,” sometimes defined in racial or class terms, also served the function of legitimation. Parker demonstrates that despite the rhetoric of official published sources, neither Chinese nor transients were over-represented in the chargebooks, at least those produced by the more “professional” police force of 1891.⁹¹ Meanwhile, crime among women was defined in terms of morality, with most women in the records having been arrested for drunkenness or prostitution offences.⁹² The representation of Chinese, transients, and women in police and police-court records and the charges they faced are issues I examine in the context of Depression-era Victoria.

There is an extensive literature on police history. To date many police histories have concentrated on the early stages of establishment and “modernization” of the police, rather than their more “mature” phases. In his study of the establishment of American urban police forces, Eric Monkkonen argues that modernization followed a common and predictable pattern and should be seen as part of the growth of the modern centralized state.⁹³ Rejecting class-control interpretations of police forces, he explains changing arrest patterns as indicative of a change in emphasis from class control to crime control, as bureaucracies shifted “from class-based politics to liberal, pluralistic

⁹¹ Ibid., pp. 153, 158.

⁹² Ibid., p. 155.

⁹³ Monkkonen, *Police in Urban America 1860-1920*. New York: Cambridge University Press, 1981.

politics and professional urban administration ... [and] urban elites abandoned positions of power.”⁹⁴ A difficulty with this perspective is that one could not then examine adequately the possibility of a continuing, though perhaps less overt, class emphasis to legislation and policing, if not in intent then in impact. Also, Monkkonen’s assumption that the amount of crime in society, both detected and undetected, holds constant, seems counter-intuitive. Yet Monkkonen usefully calls attention to the major roles of the police force, and to the question of how and why these have changed over time. A question left open for the Canadian context is whether the process of “modernization” can be said to have been consolidated by 1920, or whether it continued through the inter-war period.

Eugene Watts responds to another study by Monkkonen, in which Monkkonen suggested that a century-long decline in so-called “public order” arrests could be explained by a rise in urban order. Studying the response of the St. Louis, Missouri police to both public order offences (particularly drunkenness, disorderly conduct, and vagrancy) and public morals offences (prostitution, gambling, narcotics and liquor-law violations), Watts begins by making a distinction between *proactive* arrests, made when police go out and look for order and morals offences, and *reactive* arrests, which they make in response to complaints from victims of crime.⁹⁵ It may be plausible to assume a nearly constant rate of morals and order offences, with police dipping into the pool more

⁹⁴ Ibid., p. 10.

⁹⁵ Eugene Watts, “Police Response to Crime and Disorder in Twentieth-Century St. Louis.” *Journal of American History*, Vol. 70 No. 2 (September 1983): p. 341.

or less from time to time. Arrests for major crimes against persons and property are reactive and less related to the willingness to punish. Watts argues that a better explanation for changing arrest patterns than more orderly cities is a shift from a social-control to a crime-fighting model of policing, a shift that occurred considerably later than Monkkonen argues. To test this Watts examines rates of release from city jails of those held “on suspicion,” with high rates showing heavy emphasis on police roundups and lower rates indicating a more reactive and rule-bound style.⁹⁶ Watts attributes a greater use of roundups in the early 1930s than during the 1920s to a period of intense police reform which emphasized proactive police action.⁹⁷ The distinction between proactive and reactive policing is a useful one which I adopt in my study. For example, while one could reasonably study such “public-order” and “morals” offences as vagrancy and prostitution simply in relation to economic hardship, I consider that since police treat such offences more proactively than they do property crimes, prosecution rates may provide a more sensitive indicator of police priorities and even “moral panic.”⁹⁸

In Canada, much police history has dealt with the Mounted Police rather than

⁹⁶ Ibid., p. 345.

⁹⁷ Ibid., p. 348.

⁹⁸ Of course, police treat prostitution reactively in the sense that they respond to general complaints about street prostitution or particularly disorderly houses, but such complaints can be more readily characterized as political pressure than can complaints about thefts and the like.

with municipal forces, and most of it has concentrated on the early days of the force. An article by Carl Betke on the role of the North West Mounted Police in prairie settlement emphasizes their service function. He argues that the N.W.M.P. in its early days, functioned far more as a welfare agency than a traditional police or military force, spending much, perhaps most, of its time and resources on “settlement services” such as quarantines and fire-fighting.⁹⁹ The social-welfare role of the force, Betke suggests, contributed not only to its popularity but to the later movement for and acceptance of the Canadian welfare state. S.W. Horrall’s study of the role of the R.N.W.M.P. in the suppression of the Winnipeg General Strike and the One Big Union takes a less benign view. The Mounties were not necessarily responsible for the federal government’s panicky misinterpretation of the strike as a Bolshevik-inspired attempt at violent revolution. But Commissioner Perry was very influential in the development of R.N.W.M.P. into a centralized, non-civilian, federal police and security force, in sharp contrast to the situation in Britain and the United States.¹⁰⁰ Together these two articles serve as illustrations of two important themes; the social-welfare role of Canadian police forces, and the relative willingness of Canadians, or at least the Canadian political culture, to accept centralized authority.

⁹⁹ Carl Betke, “Pioneers and Police on the Canadian Prairies, 1885-1914,” in Macleod, ed., *Lawful Authority*, pp. 98-119.

¹⁰⁰ S.W. Horrall, “The Royal North-West Mounted Police and Labour Unrest in Western Canada, 1919.” *Lawful Authority*, pp. 133-150.

Recent students of Canadian municipal police forces have argued that, although a class-control interpretation of the growth and modernization of police forces has considerable explanatory power, it must be tempered by the consideration that police forces have both punitive and benevolent roles, that both these roles have contributed to the process of their legitimation, and that police forces have played an active role in their own growth and change. An essay by Helen Boritch studies the growth of the Toronto police force in the nineteenth century.¹⁰¹ Boritch discusses the ostensible removal of police from political, or at least City Council control with the 1858 creation of a Board of Police Commissioners, the vested interests of police officials in struggling for autonomy on the part of police officials, and the nature of the growing police role which included the provision of some important social services.

A survey article by Greg Marquis, sketching the history of several municipal police forces, draws on these themes. Municipal control over police forces, rooted in a tradition of municipal autonomy, was often the ideal of local politicians. Marquis argues that despite the familiarity of the supposed line of descent of today's city police from the London Metropolitan Police, Canadian municipal police forces have had more in common with English borough forces, which were supervised by watch committees, than with the Met, which reported directly to the Home Secretary. "Municipal autonomy

¹⁰¹ Helen Boritch, "Conflict, Compromise and Administrative Convenience: The Police Organization in Nineteenth-Century Toronto." *Canadian Journal of Law and Society* 3 (1988), pp. 141-174.

had a profound impact on Canada's police 'system,'" Marquis writes.¹⁰² However the impact of different reporting systems (direct city council control versus the police commission system) was more on the style than the content of policing, with arrest patterns not differing significantly between cities where the two systems prevailed. The most sustained criticism of the police occurred in the period 1900-1920, when "social gospels" and other reformers argued that police were not aggressive enough against prostitution, drinking, and gambling, and when police work was newly complicated by juvenile courts and the greater use of suspended sentences and probation.¹⁰³ The "new police" were faced with the several functions of general order-keeping, crime control and detection, and the "service/regulatory" function, particularly during the Great Depression when city jails sheltered many transients.¹⁰⁴ Turning to the relationship of police and the courts, Marquis suggests that it would be interesting to know just to what extent police practice has shaped lower-court procedure, rather than being molded by it, especially considering that "for many decades urban 'police courts' in large towns and cities operated as judicial assembly lines"¹⁰⁵ producing guilty offenders. Gene Howard

¹⁰² Marquis, "Power from the Street: The Canadian Municipal Police," p. 4.

¹⁰³ *Ibid.*, p. 8.

¹⁰⁴ *Ibid.*, pp. 9-13.

¹⁰⁵ *Ibid.*, p. 23.

Homel's sketch of Colonel George Denison's Toronto Police Court dramatically illustrates this point.¹⁰⁶

Marquis has also illustrated how the early twentieth-century Toronto police force maintained the social-service function established in the nineteenth century.¹⁰⁷ He points out that in an era before the conception of the welfare state and the growth and specialization of social-service agencies, the poor and the working class were not merely subject to police authority, but frequently clients of its social-welfare function. Three services the Toronto force provided were its Morality Department (a domestic-complaints and informal legal-aid bureau whose clients were mostly working-class women), the temporary shelter it provided to the homeless unemployed, and its women police officers, who were in effect uniformed social workers. A further article by Marquis on the policing of "vice" in Vancouver between 1904 and 1935 discusses in detail the unofficial police tolerance of gambling, prostitution, and liquor offences and the (apparently ill-founded) accusations of police corruption that resulted, usually voiced by moral reformers or city politicians pressuring the police to "crack

¹⁰⁶ Gene Howard Homel, "Denison's Law: Criminal Justice and the Police Court in Toronto, 1877-1921," in Macleod, ed., *Lawful Authority*, pp. 167-179.

¹⁰⁷ Greg Marquis, "The Police as a Social Service in Early Twentieth-Century Toronto." *Histoire Sociale/Social History*, November 1992, pp. 335-358.

down” on vice or “clean up” the city.¹⁰⁸ Despite recurring inquiries into corruption such as the famous 1928 Lennie inquiry, it appears police were not systematically corrupt, but rather engaged in an ongoing system of tacit negotiation over crimes they considered not particularly serious, aiming at containment and control rather than time-wasting and futile attempts at eradication.¹⁰⁹

Two studies of the interpretation and enforcement of particular laws in Western Canada will complete this sketch of legal history. Elizabeth Langdon’s article “Female Crime in Calgary, 1914-1941” discusses attitudes toward female crime and particularly legal attitudes toward prostitution before examining charges laid against female offenders in the first three years of each World War. Langdon demonstrates that the traditional equation of female crime with prostitution was outdated by the early years of the Second World War, when over half the charges laid were for non-prostitution offences.¹¹⁰ She also discusses the changing age structure and sex ratio of Calgary as

¹⁰⁸ Greg Marquis, “Vancouver Vice: The Police and the Negotiation of Morality, 1904-1935.” *Essays in the History of Canadian Law, Volume VI: British Columbia and the Yukon*. Toronto: Osgoode Society/University of Toronto Press, 1995.

¹⁰⁹ *Ibid.*, 267. According to an official history of the Vancouver Police Department, “while nothing of any illegal nature was alleged against [then-Chief] Long he was rightly criticized for allowing the state of affairs in the downtown area to continue.” Meanwhile, the Lennie inquiry soon made it “evident that the vice in the city was being controlled by two men. The ‘King of the Gamblers’ was named as Shu Moy, the ‘King of the Bawdyhouses’ as Joe Celona.” See Joe Swan, *A Century of Service: The Vancouver Police 1886-1986*. Vancouver: Vancouver Historical Society and Centennial Museum, 1986.

¹¹⁰ Elizabeth Langdon, “Female Crime in Calgary, 1914-1941,” in Knafla, ed., *Law and Justice in a New Land*, pp. 293-309: p. 304.

factors in the relative “decline” of prostitution, and points out that an important change involved the use of the Venereal Diseases’ Prevention Act to arrest prostitutes.¹¹¹

Langdon’s study is relatively uncritical, in that she does not examine the police role in enforcement. But her paper provides an important discussion of the gendered nature of such wide-ranging and vaguely-worded laws as the law on vagrancy, and recalls a point made by Marquis, that vagrancy charges were frequently used by the police as a way of dealing with “likely” criminals.¹¹² Finally, Terry Chapman’s article on laws against male homosexuality reinforces both Parker’s point about Canadian legal preference for English law, and the general impression that Canadian justice has maintained punitive forms longer than its English model, and has sometimes been more punitive.¹¹³

To summarize, crime is best understood as a social or cultural construction, or as a complex relationship between authority and society. While we can discern class, gender, and racial biases in the operation of the criminal law, the law should not be understood simply or crudely as a repressive or punitive force, as the historical involvement of police departments in providing social-welfare services demonstrates. Similarly, to view criminals either as helpless victims of legal repression, or as a class

¹¹¹ Ibid.

¹¹² Marquis, “Power from the Street,” p. 11.

¹¹³ Terry Chapman, “Male Homosexuality: Legal Restraints and Social Attitudes in Western Canada, 1890-1920,” in Knafla, ed., *Law and Justice in a New Land*, pp. 277-292.

apart, completely unrelated to the rest of society, would be as unenlightening as to assume that official data are straightforward and objective indicators of the actual level of crime in society. What seems clear, however, is that there is a relationship between prosecution and conviction rates, on the one hand, and economic conditions, police and judicial practice, and the political context in which the police and courts operate, on the other. In this thesis I study police and police-court records produced in Victoria during the 1920s and 1930s, a period in which economic conditions worsened drastically and in which, therefore, this relationship could be expected to be most evident. In Chapter 1, using police-court reports, I test the hypothesis that prosecution and conviction rates for offences against property were correlated with unemployment and homelessness. Of course, such statistics represent only that proportion of cases in which police were able to make an arrest or secure a conviction, and by themselves they give no information about accused individuals, nor any indication of the political and institutional context in which the data were collected. Therefore in Chapter 2, I use prisoner descriptions to test further hypotheses, such as that “female crime” and prostitution were essentially synonymous, that the working class and ethnic minorities were in general over-represented in the records, and that young males were disproportionately accused of violent crimes. Finally in Chapter 3 I ask whether apparent increases in property crime during the Depression might be explained by a greater police presence on the streets, greater judicial punitiveness, or pressure on the police to make arrests, originating from the public’s sense of fear or moral panic. My sources here are federal

and city data on police-force strengths and budgets, prosecution rates for such “morals” offences as gambling and vagrancy (which I use as a measure of proactive policing and thus of police vigilance), and newspaper editorials which give some indication of contemporary views of law and order and of the police. In passing I touch on other themes such as the police role in the social welfare system, the politics of the police and the struggle over autonomy, and what Douglas Hay has called “law’s silence.”

Chapter 1: Property Crime and Poverty

I begin my inquiry by examining aggregate-level data, and subsequently tighten the focus by moving to individual-level information. In this section I test the hypothesis, derived from James' Huzel's study, that rates of prosecutions and convictions for property crimes in Victoria were correlated with economic indicators, particularly those indicators relating to widespread unemployment and hardship during the 1930s.¹ I begin my time series in 1922 and continue until approximately 1940, both to provide a comparison with more normal economic years and because it is only from 1922 on that I have been able to calculate an unemployment index.² Data in this chapter are derived partly from Dominion Bureau of Statistics (DBS) reports of criminal statistics, but mostly from the first of my two major primary-source databases, the Victoria Police Department's Police Court Book for 1914-1937, supplemented by typewritten "Annual Statistical Statements" for 1938 and 1940.³

The Police Court Book, in the archives of the Victoria Police Department, is a volume containing a series of handwritten monthly reports, for the years 1914-1937,

¹ James Huzel, "The Incidence of Crime in Vancouver During the Great Depression," *BC Studies* 69-70, Spring 1986.

² See page 51, below.

³ The "Police Court Book" is actually untitled, but was designated "Statistics 1914-1937 (Police Court)" by the Victoria Police Department archivist about 1984.

showing numbers of cases in police court (broken down by race, as “All but Indians and Chinese,” “Indians,” and “Chinese”); numbers of persons of “unsound mind” and kept for “safekeeping”; numbers convicted, sent for trial and discharged; and certain other statistics such as money received from drunks, numbers of wagon runs to hospitals, and the like. Year-end summaries list numbers of convictions, sent for trial and discharges, by charge and race; monthly and yearly totals of convictions, sent for trial and discharged, by race; and monthly and yearly totals of persons arrested, summoned, of unsound mind or held for safekeeping. (From 1922 on, the volume also lists fines and costs collected in police court, by charge and race). For this introductory survey of the data I analyze numbers taken from the year-end summaries from the 1920s and 1930s, and consider charges and summary convictions for various property crimes, in light of such indicators of economic distress as I can construct for the period.

Before studying this locally produced data, I summarize some aggregate-level data on property crimes published by the DBS, in their series *Annual Reports of Criminal Statistics*. On the principle that information is in some way “lost” as it moves from lower to higher levels in a bureaucracy, and important distinctions blurred, one might choose to ignore regional or national figures on arrests and convictions for property crimes, and look strictly at local conditions. However, a brief summary of the national, provincial, and Vancouver patterns of prosecutions provides a general background, and in some ways establishes Vancouver’s and Victoria’s local particularity all the more. These numbers should be regarded with some caution, since neither the sources of the data nor their

method of collection are described explicitly in the series. Also, methods of reporting and presenting data changed during this period, so that figures for some years are missing. For example, after 1929 only numbers of convictions, not the numbers of persons charged, were summarized for judicial districts (i.e., cities and large towns), although they continued to be reported for the nation and the provinces.

The DBS reports listed indictable offences and summary convictions separately. Indictable offences (which could nevertheless be tried summarily, and frequently were) were classified as follows:

Class I: offences against the person;

Class II: offences against property with violence;

Class III: offences against property without violence;

Class IV: malicious offences against property;

Class V: forgery and other offences against the currency; and

Class VI: other offences not included in the foregoing classes.

Assuming that rates of offences against property, with or without violence, are the most strongly correlated with changes in economic conditions, I confine my summary of DBS data to offences in Classes II and III.

For offences against property with violence, about the only clear trend that emerges is that charge and conviction rates were considerably higher throughout the

whole of the 1930s than in the 1920s.⁴ For the nation as a whole, rates began to increase about 1929, but remained approximately constant for a few years, increasing only in 1936 and subsequent years (graph 1-1). For the province, rates peaked in 1931, declined thereafter (although still above pre-1929 levels) and reached a second peak, slightly lower, in 1938 (graph 1-2). Vancouver, which contained a large fraction (about one-third) of the provincial population, was obviously the major contributor to this trend (graph 1-3). In Victoria, numbers peaked in 1932-33 (exceeding even Vancouver's), declined nearly to pre-1929 levels by 1936, but then soared again to unprecedented heights in 1938 and 1939 (graph 1-4).⁵

It is worth noting that conviction rates in Vancouver and Victoria frequently exceeded national and provincial rates (graph 1-5). Explanations for this are not obvious at this point. However, I can rule out the possibility that the Vancouver rate, for example, appears falsely high because the in-migration of transients led to under-estimation of city population in the 1930s. For the years 1930 to 1939, inclusive, there were on average 364

⁴ Population figures for Canada and BC were obtained from DBS Revised Annual Estimates of Population, published in 1968. Population figures for Vancouver and Victoria were obtained by taking figures from the Censuses of 1921, 1931, and 1941 and carrying out straight-line interpolation between them. The method is admittedly crude, and of course cannot take account of such factors as migration of the jobless and homeless to Vancouver and Victoria during the Depression, but reliable figures on civic populations between census years are not available.

⁵ An important caveat is that the per-capita crime rate for Victoria would be lower, and possibly more realistic, if it were based on the total population of Victoria and its bedroom communities. I have elected to base the rate on the Victoria city population in an attempt to simplify comparisons with Vancouver, which also has bedroom communities, and to simplify comparisons with Victoria Police Department totals. Annual summaries published by the DBS do not specify whether Victoria totals refer to the city of Victoria only or to the metropolitan area. In a more detailed study it would be necessary to clear up this ambiguity.

convictions per year for Class II offences in BC (not counting 1934, for which no figures are available). On the average the provincial population was about 733,000, for a rate of 0.50 convictions per thousand persons. In Vancouver, the mean number of convictions was 223 in a population averaging 257,000, for a rate of 0.87 per thousand. For Vancouver to have a true rate of 0.50 per thousand it would have needed a true average population of 446,000, which is unlikely.

In offences against property without violence (which in all cases greatly exceed violent property crime), there was a steady increase in national rates beginning, arguably, somewhat before the Depression, reaching an early peak in 1931, leveling off until 1935 and then climbing steadily again until 1939 (graph 1-6). The pattern is similar in BC as a whole and Vancouver, except that a plateau was reached in 1935 (graphs 1-7 and 1-8). Finally the Victoria rates show considerable fluctuation, with peaks in 1931 and 1938 and a pre-1929 low in 1935 (graphs 1-9).

These patterns could admit of several explanations. Some of these fluctuations may be explainable by a rise in police activity, as indicated, for example, by numbers of constables on the force or on the beat. These data, considered in light of conviction rates and changes in sentencing patterns, might in turn suggest that police forces became more vigilant and the judiciary more punitive in response to a perceived breakdown of law and order.

Initially, however, I calculate simple correlations between property crime convictions in Victoria and economic indicators or “misery indices,” using Huzel’s

methods as a model. Huzel used annual averages of unemployment as reported by trade unions, employment indices (both taken from the *Labour Gazette*), the value of building permits, and per capita relief expenditure. Unfortunately trade-union unemployment averages and employment indices were not compiled for Victoria. I have therefore constructed an unemployment index for Victoria, using the monthly reports of the Employment Service of Canada, published in the *Labour Gazette*. From October 1922 on, each of about 65 offices in the country provided numbers of the following:

vacancies reported during the period (i.e. the month);

vacancies unfilled at the end of the period;

applicants registered during the period;

applicants referred to vacancies;

applicants placed, both in "regular" and "casual" positions;

applicants unplaced at the end of the period; and

regular placements during the same period in the previous year.

These figures, though they might constitute only an incomplete and crude survey of the employment situation in any particular period, are probably the best available. Of course some assumptions are necessary, and the figures may be misleading. One assumption is that job-seekers were more likely to turn to the ESC the greater the scarcity of jobs. Another is that straight-line interpolation between the population figures reported Censuses of 1921, 1931 and 1941 gives a reasonable estimate of the population (aged 15 to 64) in each year. Again, there is probably no reliable way to estimate in-migration or

other fluctuations between census years. When jobs were plentiful, some would-be workers would likely have avoided the ESC office altogether and sought work directly from employers. The number of applicants registered would therefore under-represent the true number of unemployed, perhaps suggesting, ironically, that the local economy was in better shape than was actually the case. The ratio of “regular placements” to registered applicants, however, gives some indication of changes in the employment situation (graph 1-10). There is a reasonably regular pattern in the 1920s, with the ratio typically climbing in the summer and falling in the winter (even after seasonal adjustment, which incidentally accounts for some of the figures being less than 0), but a drastic change in 1929/30, when it falls and does not approach its 1920s average until nearly the end of the decade, with the exception of two unexplained spikes in 1931 and 1934.

A potentially more serious problem with these figures, however, is that it is not clear how they were kept. If both numbers of applicants registered during the period and numbers unplaced at the end of the period were kept on a strictly month-by-month basis, it would clearly be impossible for there to be more unplaced applicants than were actually registered with the office. Therefore the ratio of unplaced to registered applicants would never exceed 1.0. However the ratio did exceed 1.0 in many months between 1922 and 1940 (graph 1-11). Clearly the figures as reported do not represent precisely what they seem to. Possibly the figure for “applicants registered during period” is too low, if we assume the figure includes both first-time registrants and those who had been registered. The figure might indeed only indicate new registrants, repeat applicants being carried on

the books for one or more months without showing up in this column. Alternatively, the figure for “applicants unplaced at end of period” may be too high, possibly amounting to a running total which included individuals unplaced in the previous one or more months. It is noteworthy that between 1924 and 1929/1930, this ratio climbs over 1.0 only during certain winter months, when we would expect to see the most unemployment. And, of course, these figures alone give no reason to suppose that records were kept in a uniform way throughout the period. Descriptive summaries included in the ESC Monthly Reports are unfortunately not forthcoming about the methods used, or about whether the various offices might have done things differently.

These concerns aside, ESC figures provide a picture of unemployment that strikingly resembles what we would expect based on the experience of other cities and the nation as a whole (graphs 1-12 and 1-13). (Seasonal variations in the number of job seekers, and those left unplaced, are removed by calculating yearly averages). Although there are years in which these unemployment indices move in opposite directions, they move roughly in parallel, reaching a peak in 1931. This was presumably the worst year of the Depression in Victoria. The percentage of unplaced job-seekers then drops sharply until 1935. In isolation this might suggest a steadily improving economy. However, the percentage of registrants shows only a slow decline throughout the 1930s, and never drops below its 1928 level, suggesting that, in common with the rest of the province and the nation, Victoria’s economy remained sluggish throughout the entire decade.

Incidentally, the problem with the data first illustrated in Graph 10 reappears for

the years 1938-1940, namely the seeming impossibility of more job-seekers unplaced by the ESC than were actually registered with it. Before attempting to correlate these numbers with prosecution/conviction data, therefore, I test them against a reasonably independent measure of hardship and destitution. The *Annual Reports of Criminal Statistics* include a section on police statistics. One such number is that of persons given shelter during each year by local police forces. During the 1920s (in the years for which figures are available), the average number in Victoria was 54, with a high of 99 and a low of 11. During the 1930s, the average was more than twice as high at 113, with a high of 227 and a low of 41. Clearly such numbers, even more directly than “unemployment” figures, indicate something about the level of desperation experienced by people suffering the effects of the Great Depression. However, the numbers of persons sheltered are almost identically correlated, in a moderate to strong degree, with the percentage of adults registered with the ESC, on the one hand, and with the percentage unplaced by the ESC, on the other.⁶ This method, therefore, provides no way of deciding which is a truer measure of hardship.

The values of building permits issued in each year peaked in 1927, hit a higher peak of nearly \$4 million, then plunged and remained under \$1 million throughout the 1930s (graph 1-13). The use of this statistic assumes that a decrease in the value of new construction will be correlated with an economic contraction, or at least a period of

⁶ R = 0.681 for percentage registered; R = 0.691 for percentage unplaced.

slower growth, and therefore with an increase in the unemployment rate. As an economic indicator this is probably less reliable than the ESC figures, however, for at least three reasons. Judging by these numbers, it was only in the years 1923 and 1927-1930, inclusive, that significant building (with a value greater than \$1,000,000) took place in Victoria. The figures refer only to projects with a value greater than \$100,000, which would have excluded most housing construction, and perhaps a significant fraction of all construction at the time. Finally, the figures for the 1930s may be artificially low because of Depression-era deflation.

Finally, annual figures for city expenditure on charities and unemployment relief are presented on a per-capita basis in graph 1-14, together with absolute totals of relief expenditure.⁷ I assume, with Huzel, that increases in relief expenditure closely followed increases in unemployment, and that therefore if unemployment and prosecution levels were correlated, relief and prosecution levels were as well. Considering the slow and inadequate responses of nearly all governments to the miseries of the Great Depression, the first part of this assumption may be doubtful. It is worth noting that only relief costs, not monies earmarked for charities, showed significant fluctuation during the 1930s. Also, according to the city's *Annual Reports*, nothing at all was spent on unemployment relief in the years 1922 to 1929 inclusive, with the exception of a mere \$7564.00 in 1924. Thus it is impossible to construct a series for the same period covered by the Police Court

⁷ Source: Daniel Gallacher, "City In Depression."

Book data or the ESC numbers.

According to DBS figures, convictions for Class II offences were moderately correlated with percentage of adults registered with the ESC (Table 1.1). This correlation, moreover, is significant only at the 90% confidence level. There is a slightly stronger and more significant correlation between convictions and percentage of adults unplaced by the ESC. As for Class III offences (crimes against property without violence), there is a similarly moderate correlation between convictions and percentage registered. Again, the correlation is stronger and more significant between Class III convictions and percentage unplaced.

As for the value of building permits, based on Huzel's example, I would expect to find a negative correlation between the value of permits issued and convictions for property crimes. For class II offences there is indeed a negative correlation, but only a weak and statistically insignificant one. For class III offences the correlation is even weaker and less significant. Finally, there is a moderate to strong correlation between rates of Class II and III convictions, and relief expenditures.

In my discussion of Police Court Book annual totals which follows, I use the same categories as Huzel, who breaks down property crimes into the broad areas of "general theft," "non-violent crimes against property," and "violent crimes against property." First, however, I examine numbers of the doubtless quite varied offences that were grouped by the police under the headings of particular charges. Graphs generally show both rates of prosecutions (which included summary convictions, committals for trial, and

dismissals/withdrawals of charges) and of summary convictions (that is, police-court convictions) for various offences or classes of offences.

For simple theft, or as the Police Court Book had it “stealing,” no particular association between rates and the Depression is immediately evident (graph 1-15). Although the per-capita rate in 1931 is approximately double that of the previous year, it had been higher yet in 1927, while the prosecution rates had been higher yet in 1919-1920. Nor, from these data, is it obvious that the police-court magistrate was more inclined to make an example of accused thieves in the Depression period by sending them to higher court. The percentage of persons charged with theft who were committed for trial at County Court or the Assizes is only particularly high in 1936, which was not a year of a high charge rate (graph 1-16). This apparent outlier needs investigation by reference to other sources, but may indicate a small number of thefts of more valuable items, or the operation of an organized ring, either of which would be expected to bring a more vigorous response from the police and judiciary.

Other offences listed in the Police Court Book that fall under Huzel’s heading of “general theft” include auto theft, attempted auto theft, and miscellaneous theft such as the theft of post-office letters. Rates of these offences, lumped together, were considerably higher in most years of the 1930s than the 1920s (graph 1-17). The greater numbers of auto thefts, of course, may simply have been a function of a greater number of autos.

Rates for the “false-pretense” category of offences show their highest peaks in

1929-1932, 1936, and 1939, although rates begin to increase in 1927, not 1929 (graph 1-18). (The DBS used the general category of “false pretenses,” but these offences were broken down in the Police Court Book as obtaining, variously, money, goods, credit, or combinations thereof by false pretenses. Graph 16 shows prosecution and conviction rates for offences referred to collectively (by the DBS) as “false pretenses,” but broken down in the Police Court Book as variously obtaining money, goods, credit or combinations thereof by false pretenses. Precisely what these offences consisted of is of course not clear from annual totals. However in the “Mugbook,” or Prisoner Description Book, the charge “obtaining money by false pretenses” is frequently elaborated under “Remarks” as “passed worthless cheque” at such-and-such a business. It is also worth noting that it was only in years of a sluggish economy (1919-1920, 1922, and 1930-1933) that a significant proportion (greater than 10%) of chargees were committed for higher-court trial (graph 1-19). The figures for 1930, incidentally, are probably outliers. In that year, according to newspaper reports, local police broke up a large fraud ring centred on a local car dealership. Twenty-four persons were eventually committed for trial on the charge of “conspiracy to defraud,” and a number of these also faced false-pretenses charges.⁸ (Of course, the fact that this was an organized ring does not preclude the possibility that many of its members were driven by the same sort of desperation that drove others to forge cheques or break into houses on a more free-lance basis).

⁸ Victoria Police Department Prisoner Description Book, 1928-1933; and *Daily Colonist*, Mar. 15, 1930.

The apparent sudden increase in the 1930s in offences designated by Huzel “non-violent crimes against property” (including all false-pretense offences, and attempted offences, receiving or retaining stolen property, fraud, and forgery) looks less sudden when the “fraud-ring” incident of 1930 is discounted (graph 1-20). Considering only summary-conviction rates, there is only a slight increase with the onset of the Depression, although rates in 1931, 1936 and 1939 are relatively high. Reverting to the Dominion Bureau of Statistics classification, and considering all non-violent offences against property, there is an approximately 50% increase in charge rates between 1929 and 1930, but after 1932 rates fall to levels comparable to their 1920s values (graph 1-21).

Turning now to offences against property with violence, the DBS usually reported these simply under the two headings of “burglary, house and shop breaking” and “robbery.” The Police Court Book lists a wider variety of charges, including “breaking and entering,” “entering a dwelling house by night with intent,” “robbery from the person,” “highway robbery,” “robbery with violence,” “assault with intent to rob,” and “robbery while armed.” I have grouped these offences into the three categories of breaking and entering, robbery from the person (including highway robbery), and robbery with violence (including assault with intent to rob and robbery while armed). Of the three classes, the only one with enough incidents to graph is breaking and entering. The notable thing here is the approximately tenfold jump between in rates between 1930 and 1931, and the apparently higher average rates in the 1930s than the 1920s (graph 1-22). The

impression of higher rates is confirmed by plotting three-year running averages (graph 1-23). (Incidentally, a comparison of graph 1-24, which shows charge and conviction rates for all violent property crimes, with graph 2-22 serves to illustrate just to what extent breaking and entering and its variations dominated this category of offence in Victoria in this period).

Before considering correlations of property crime charge and conviction rates with economic indicators, it is worth mentioning another “misery index,” this taken from the Police Court Book itself. Year-end summaries give monthly and yearly totals of persons kept for “safekeeping.” Clearly the Victoria Police had some social-welfare function, as Greg Marquis found of the Toronto police force of the same period and as I discuss in Chapter 3, and sheltered some fraction of the homeless. These numbers, incidentally, greatly exceed the totals of “persons given shelter” reported by the DBS. However the correlation coefficient between them is a strong 0.92. It may be that the “sheltered” numbers refer to the number of individuals taken in at some point during the year, while “safekeeping” numbers record the number of occasions someone was sheltered, and include one-time and repeat “clients.” These show a gradual climb from 1928 to a peak in 1932, and then a falling off to approximately 1920s levels (graph 1-25).

Charge rates for Class III offences (non-violent offences against property) are moderately correlated with percentage of the population registered with the ESC, and strongly correlated with numbers of persons kept for safekeeping (Table 1.2). The strongest correlations of summary conviction rates are with numbers of persons sheltered,

as reported by the DBS, and with percentage of the population registered with the ESC.

The strongest correlations, however, are between economic indicators and charge and summary conviction rates for Class II offences (offences against property with violence). For example, there is a strong correlation between summary conviction rates and numbers of persons sheltered, as reported by the DBS; and an almost identical correlation between charge rates and numbers of persons kept for safekeeping, as reported by the Victoria Police.

For comparison with the situation in Vancouver as reported by Huzel, I reproduce in Table 1.3 the correlation coefficients he calculated from very similar source materials (Police Court Monthly Reports), using somewhat different economic indicators. All the strong and statistically significant correlations he found were stronger than those I have calculated for Victoria, but in addition he found strong correlations between misery indices and prosecution/conviction rates for general theft, which are not found for Victoria.

To summarize, prosecution and conviction rates for certain offences against property, both with and without violence, apparently increased significantly with the onset of the Depression in Victoria. Meanwhile the correlation between economic indicators on the one hand, and overall prosecution and conviction rates on the other, is quite clear and striking. In the category of property offences without violence, the rate for simple theft in the 1930s was almost identical to that in the 1920s, with the exception of a peak in 1931. Rates for auto theft (including attempted auto theft) and miscellaneous

theft, however, increased dramatically in the early 1930s over their previous peak in the mid-1920s. So did rates of “false pretense” offences, although as the case of the auto-dealership fraud ring in 1930 shows, Victoria rates, because of the city’s relatively small population, were quite sensitive to relatively small numbers of offenders.

Prosecution and conviction rates for offences against property with violence, principally breaking and entering or variations thereof, increased even more dramatically than auto-theft or false-pretense rates. While there was a notable increase in false-pretense charges in 1930, the increase in break-and-enter charges did not take place until 1931. These aggregate-level data give no indication why this might be so, but it may be that individuals were initially more reluctant to take the seemingly more drastic, dangerous step of breaking and entering than were others to write bad cheques, and that it took a longer period of unemployment and even desperation to break down this reluctance. Alternatively, the police might gradually have become aware of an increase in reported break-ins, and only after some time decided to divert resources to combating this more threatening sort of crime. Testing this possibility would require considerable individual-level study, using sources such as I examine in Chapter 2.

What is striking also is that rates for both violent and non-violent property offences were moderately to strongly correlated with unemployment and with numbers of persons given shelter by the police, but not with other indicators of economic depression such as the value of building permits or relief expenditure. This is almost exactly opposite to what has been reported for Vancouver, where rates of violent property crimes

were apparently not correlated with any economic indicators. It may be that levels of employment reported by employers and of unemployment reported by trade unions were simply not compiled in a rigorous enough way to be reliable. In this context, unemployment indices derived from Employment Service of Canada data, based on people known to be looking for work and unable to find it, may be of more use. Why Victoria building-permit values and relief expenditures are not correlated with crime rates is unclear. A more detailed tabulation of these figures would be appropriate. Finally, it should be noted violent property-crime rates in Vancouver, higher in the 1920s than those in Victoria, apparently fluctuated less throughout the 1930s. Thus we would expect less correlation with measurements, such as unemployment, that fluctuated considerably. Contemporary suggestions that Vancouver's 1920s "lawlessness" was due to the ills associated with rapid population growth, or that Vancouver police reorganization in the 1930s would result in criminals taking refuge in Victoria, may have had some basis in fact.⁹ What had less basis in fact was the belief — expressed complacently by Victoria observers and condescendingly by Vancouver ones — that Victoria was a strictly law-abiding, orderly city.

⁹ See Chapter 3.

Chapter 2: The Characteristics of the Accused

It is impossible to be definitive about the pressures that induced individuals to break the law, or about the extent to which police forces “constructed” crime statistics. It is possible, however, to contribute to an understanding of the conditions in which crime occurred, and for this the study of individuals is essential, providing a “magnified” view of the cases summarized in aggregate data. The Victoria Police Department’s Prisoners’ Description Book or “Mugbook” is an extremely rich source of data on some 600 individuals arrested by the Victoria Police Department. In this section I use Mugbook data to describe the relationships between peoples’ characteristics (age, gender, race, and occupation) and their charges. If the law does in a sense criminalize the poor, and in addition has racial and gender biases, then we would expect to find working-class and other disadvantaged persons, such as members of ethnic minorities, over-represented in the records, and female crime identified with prostitution. I also test the hypothesis that young males were disproportionately associated with violent crime.

The Mugbook, officially entitled “Prisoner Descriptions and Photographs, Victoria,” covers the period May 1928 to June 1933. It contains extensive information on each individual, both quantitative and qualitative or “literary.” As well as two photographs and a prisoner number, each entry contains the prisoner’s full name (and, in some cases, alias), date of arrest, name of arresting officer or officers, town or city of

residence, birthplace (“nativity”), occupation, and age. The section “Disposition” gives the date and place (for example City Police Court, County Court, Fall Assizes, etc.) of trial if any, outcome of the trial (e.g. fine and amount, jail sentence, dismissal, failure to appear, etc.), or recounts whether the prisoner was turned over to some other authority, usually another police force or the Immigration Service, but occasionally an institution such as the Essondale Mental Home. Disposition was sometimes recorded instead under “Remarks.” Generally, however, “Remarks” includes if anything a description of the offence (frequently including names of victims), lists of accomplices (by prisoner number), if any, mention of any previous record and/or later offences, and sometimes various other details ranging from the brutally simple (“assaulted his wife”) to the pathetic (“has syphilis” or “stole 50 cents from a drawer in a barber shop”) to, in some cases, the dramatic (“Communist-wears white sweater with Soviet emblem on it. Leads unemployed demonstrations & sings the ‘Red Flag’”).

An important consideration about the Mugbook, which was simply not used for everyday purposes, is that it is even farther removed than the Police Court Book from the so-called “dark figure.” If the Police Court Book represents a sample of real crime, the Mugbook provides a sample of a sample. For the five full years 1929 to 1933 inclusive, the Police Court Book records a total of 2559 arrests. However, as noted, only 600 individuals were entered in the Mugbook from May 1928 to June 1933. In all probability Police Court Book totals included repeat arrests of the same person, while the mugbook had one entry per individual. Earlier and later charges were commonly entered in the

“remarks” column, although for recidivists the notation “see card for record” (or “see card for long record”) frequently directs the reader to the offender’s Criminal Record Card.¹ Also, the mugbook almost never records drunk charges. In this five-year period there is one charge of “drunk” and four of “drunk in control of auto.” The arresting officer’s rank appears in fewer than 150 of the approximately 520 arrests made by Victoria Police, and was only specified if it was not Detective. Most of these cases evidently involved raids on brothels and gambling houses, often led by the Chief Constable. Therefore, it was probably usually used to record arrests by the Detective Department and other cases deemed “serious.” This impression is strengthened by the inclusion of about 80 arrests made by other police forces, with the Provincial Police, the R.C.M.P., and the Vancouver Police most prominent.

Under the federal Identification of Criminals Act, only those charged with an indictable offence could be photographed and fingerprinted.² Therefore the overall patterns of charges appearing in the Police Court Book and the Mugbook are sharply different. In both records Class VI offences were the most common type of charge, but while in the Mugbook they slightly outnumbered the second most common (Class III),

¹ Unfortunately, these cards are no longer extant. A senior Victoria Police Department officer reports that a large amount of archival material, probably including these cards and possibly including other Mugbooks, was discarded in the late 1960s or early 1970s. No charges were laid as a result of this crime against history.

² Greg Marquis, “Vancouver Vice: The Police and the Negotiation of Morality, 1904-1935,” in Hamar Foster and John McLaren, eds., *Essays in the History of Canadian Law, Volume VI: British Columbia and the Yukon*. Toronto: Osgoode Society/University of Toronto Press, 1995: p. 265.

in the Police Court Book they vastly outnumbered all other types of cases, making up some 85% of the total (Graphs 2-1 and 2-2). Class VI is an extremely heterogeneous category, including such public-order and “morals” offences as vagrancy, drunkenness, operating or being found in a “disorderly house,” and drug and gambling offences.

Offences against civic by-laws and particular provincial and federal statutes — given by name and hence evidently not Criminal Code offences — appear rarely, if at all, in the Mugbook, while traffic offences, with the exception of drunk driving, did not appear at all. Where they appeared in the Police Court Book I have included them under Class VI.

Not only does the Mugbook record exclusively indictable offences (most of which were nevertheless dealt with summarily in the Police Court), it records only a fraction of all indictable offences (see Graph 2-3, and Table 2.1, which compares Police Court Book and Mugbook totals for each class of offence).

Table 2.1: Police Court Book (1929-1933) and Mugbook (May 1928-July 1933)**Totals, by Class of Offence**

Class	Police Court Book	Mugbook
Class I	323	71 (22.0%)
Class II	138	55 (39.9%)
Class III	407	196 (48.2%)
Class IV	21	5 (23.8%)
Class V	40	16 (40%)
Class VI	5598	228 (4.1%)

In short, offenders were more likely to be featured in the Mugbook if they committed crimes against property for gain (whether violent, non-violent, or forgery offences), rather than “malicious” offences against property, or offences against the person. The Mugbook, whether alone or in conjunction with the Police Court Book, provides no evidence as to why this should be so. I surmise, however, that one reason was a division of labour between uniformed officers and detectives. Uniformed officers were probably more likely to deal with assaults and malicious damage, which in the case of drunken fights and the like called for a quick response, while detectives did the investigation needed to bring someone in on charges of burglary or fraud. Also constables and detectives perhaps used their discretion to create or update records of people they thought particularly dangerous or likely to re-offend, or believed to be “professional”

criminals. They probably reasoned that while common assault or vandalism might be an impulsive or isolated act, prostitution, smoking opium, or obtaining money by false pretenses were part of long-term behaviour patterns, while certain violent acts indicated an inherently dangerous character. (Individuals were occasionally entered in the Mugbook some time after they had been arrested — in at least one case, after they had been arrested, tried and sentenced).³

While it occasionally appears in the records, recidivism, and the laying of multiple charges against individuals, are issues I can only mention briefly in passing. In the Mugbook 55 individuals, 51 male and 4 female, were charged with more than one offence, or more than one count of the same offence, at one arrest. Typically this amounted to two or more charges of, for example, robbery with violence, or of obtaining goods and/or money by false pretenses. Occasional individuals were charged with as many as 7 or 8 counts, while one miscreant was charged with 15 counts of “robbery with violence, breaking and entering, etc.” For this general quantitative description, I leave aside multiple charges and exceptional cases. I count individuals facing multiple counts of the same charge simply as persons charged with assault, false pretenses, etc. For those charged with two or more different offences, I consider only the “primary” or most serious offence, as it was apparently ranked by the police or court.

³ For example, two men were sentenced in Police Court on January 7, 1931, for a shooting incident three days earlier. See *Daily Colonist*, Jan. 8, 1931, p. 2. They were entered in the Mugbook on January 8.

Before comparing these prisoners with the general population, I should point out that it is not obvious which general population to use. Just over half of these prisoners (325, or 54.2%) gave their residence as Victoria. Adding Esquimalt, Oak Bay, and Saanich, the municipalities of the future Capital Regional District, brings the total up to 358, or 60%, while 91 people were residents of Vancouver (and 45 had no fixed residence). Of course, even if all these prisoners were Victoria residents, they would not be a representative cross-section of the local population. The fact of their varied origins, however, would make it more difficult to say just how unrepresentative they are. Nevertheless, I compare them to the Victoria population for convenience.

Possibly the simplest point of comparison is age. Individuals in their twenties, thirties, and early forties are over-represented in this group. Graph 2-4 shows the prisoners' age distribution, using the intervals of the 1931 Census. (I use the intervals "19 and under" and "60 and over" because the youngest persons recorded in the Mugbook are 15, while the oldest are 75). Graph 2-5 shows the age distribution of the Victoria population in 1931. The distributions are significantly different (see Table 2.2).⁴ (For comparison, Graph 2-6 shows the age distribution of the Vancouver population in 1931). The mean age of all arrestees, male and female, was 31.5, with a standard deviation of

⁴ To be exact, in a chi-square test the null hypothesis — that the age distributions of the populations of arrestees and citizens of Victoria was not different — was rejected with a probability of less than 0.1%. Since the two populations were not independent — the assumption was that the population of prisoners was a sample of the city's population — a contingency table could not be constructed. Rather, the age distribution taken from the city census was used to calculate expected numbers of prisoners in each age range.

12.3. Age was however not at all normally distributed, as Graph 2-7 illustrates. The median age, a more meaningful statistic in the circumstances, was 28.

Gender is another characteristic that can be easily extracted from the records, probably a more significant one, and one that admits of straightforward description in statistical terms, whatever the difficulties of actual interpretation. Not surprisingly, males are over-represented in this sample of the population. While 51.5% of the Victoria population in 1931 was male, 86.3% (518 of 600) of the arrestees in the Mugbook were male. Males had a mean age of 32.1 and a median age of 28 (with a standard deviation of 12.6 and, again, a heavily skewed distribution, plotted in Graph 2-8). For females the mean age was 28.1 and the median was 23.5 (with a standard deviation of 10.1, and a skewed distribution, plotted in Graph 2-9).

The age difference between males and females is statistically significant, for the simple reason that they were charged with very different sorts of offences.⁵ Of the eighty-four women in the Mugbook (three aboriginal, three of African descent, three Asian, and the rest Caucasian), the majority (68, or 80.9% of the total) were charged with Class VI offences (see Graph 2-10 for the overall pattern). Of these 63 (or 75% of all women charged) were charged with prostitution offences. These were commonly for keeping or being found in a disorderly house, or for vagrancy — apparently meaning street prostitution, or used to harass or intimidate women suspected of it. This pattern

⁵ Specifically, in an unpaired two-group t-test, the null hypothesis — that the population means were equal — was rejected, with a two-tailed p-value of 0.0064, or at the 99% confidence level.

somewhat contrasts with the finding of Elizabeth Landon, who studied the charges laid against women in the periods 1914-1916 and 1939-1941 in Calgary, and reported a significant decline in the proportion charged with prostitution. While in 1914-1916 86% of women arrested were charged with prostitution offences, by 1939-1941 this figure had declined to 48%.⁶

Other charges laid against women included one charge of murder, two of producing or procuring abortions, one of defamatory libel, and a scattering of non-violent property crime charges (theft and fraud). Other Class VI charges included two were for possession of opium, one for drunkenness, and two for keeping liquor for sale. These records might tell us little about the true level of unlawful behaviour, but they leave little doubt that serious female criminality was understood by contemporaries to be synonymous with prostitution.

Incidentally, age data suggest that “madams” were mostly older than the women charged as prostitutes. Thirteen women were charged with being keepers of disorderly houses, while the remaining 50 were charged as found-ins or vagrants. The keepers had an average age of 33.4, while the found-ins and “vagrants” were generally younger, with an average age of 23.7.⁷ In a study of those arrested in Vancouver, Calgary, and Toronto a

⁶ Landon, “Female Crime in Calgary, 1914-1941,” in Knafla, ed. *Law and Justice in a New Land*, p. 302.

⁷ Again, the difference is statistically significant, with an unpaired two-tailed t-test p-value of 0.0001.

generation earlier, John McLaren found that the age ranges of those women charged as keepers on the one hand, and found-ins and vagrants on the other, were effectively the same, and the women were not distinguishable by other criteria such as occupation. He suggested that this belied the familiar view that brothel-keepers had “graduated to brothel keeping from the ranks,” and that the police used arbitrary classifications rather than laying charges according to an assessment of actual roles.⁸ Victoria Mugbook data, however, support the more conventional interpretation.

McLaren also found that of the women arrested in Vancouver between 1912 and 1917 for keeping disorderly houses, black women were over-represented (107 of 330, or 28.5%).⁹ Most of these (84) gave the United States as their place of birth. In Calgary, although only a very small number of keepers were black, Americans made up a similarly large proportion of the total. In Victoria, a similar proportion of those charged as keepers (3 of 13, or 23%) were “African” by race, with one giving the United States and two Canada as place of birth. McLaren ascribed the large proportion of Americans among arrestees in Calgary and Vancouver (as opposed to Toronto) to the “frontier” quality of these two cities, with their large immigrant and transient populations. This interpretation clearly does not apply to Victoria, where only one of the women charged with keeping and four of those charged as vagrants or found-ins were American by birth. The seeming

⁸ McLaren, “White Slavers,” p. 105.

⁹ *Ibid.*, p. 92.

over-representation of black women in this group is not easily explained, but may point to racial bias on the part of the police force.

The pattern of charges for males, not surprisingly, was significantly different (see Graph 2-11). Non-violent property crime was the most common kind of charge. Of the 516 men in the Mugbook, a plurality (187, or 36.3%) were charged with Class III offences. Another 160, or 30.9%, were charged with offences in the catch-all Class VI category, while 67 (13.0%) were charged with offences against the person (Class I) and 54 (10.5%) were charged with offences against property with violence.

A plurality of men charged with Class I offences (25 of 67, or 37.3%) were charged with some form of common assault. This was either “assault occasioning actual bodily harm,” “assault occasioning grievous bodily harm,” “assaulting police [or “peace] officer,” or “assault (wife).” Of the remaining 29 men, one was charged with murder, one attempted murder, and one rape. The remainder faced a wide variety of charges: indecent assault, threatening to kill or wound, living off the avails of prostitution, non-support of spouse, incest, or (one case) communicating venereal disease.

Men charged with Class II offences were usually charged with breaking and entering. Of 54 individuals in this category, 47 (87%) were charged with breaking and entering or attempted breaking and entering (or in one case “shopbreaking”). The remainder were charged with robbery or “attempted robbery with violence” (or in the case of one man with a diversified portfolio, “robbery with violence, breaking and entering, etc.”).

Just over half of men charged under the Class III category (95 of 187, or 50.8%) were charged with some form of theft (including attempted theft and auto theft). Another 65 (35.1%) were charged with various “false pretense” offences or attempts (involving goods, money, credit, lodging or some combination). The remainder were charged with receiving or possessing stolen property, or with fraud or conspiracy to defraud, with one charge of blackmail.

Finally, of the 160 men charged with “Class VI” offences, 64 (40%) faced vagrancy charges. This was variously recorded as “Vagrancy ‘A’,” “Vagrancy ‘D’,” or “Vagrancy (begging).” It is worth noting that only a very few (8 of 64, or 12.5%) gave their residence as Victoria, while 19 (29.7%) had no fixed residence. It seems likely that Victoria police used this charge to pressure and harass “undesirable” outsiders, thereby discouraging others from trying to make their way there. Thirty-six men (22.5%) were charged with various drug offences. In five cases these were described as selling or distributing opium (or “drugs”), and in the remainder “drugs in possession” or “found in opium den.” Thirty of the thirty-six were Chinese (including one man whose nativity was given as “Canada (Chinese)”). Ten men (eight Asian, that is Chinese, and two Caucasian) were charged as found-ins in “disorderly” houses. Since this was a charge usually faced by women; it seems anomalous that so many of the men who received it were Asian, and was possibly related to local fears of Chinese “white slavery.” Local concern with Chinese gambling, incidentally, which occasionally appeared in local newspapers (see Chapter 3), was not reflected in a large number of Mugbook entries. Only seven men in

the book, three Asian and four Caucasian, were charged with gambling offences.

Race, like gender, is strongly associated with age. The mean age for Caucasians (of both sexes) was 29.9 (median 26), for Asians 42.0 (median 40), for Africans 37.8, for Aboriginals 24.7, and for persons of unknown race 24.5. There are not really enough aboriginals (7) or Africans (8) in this source for meaningful statistics. However the difference in mean ages between the Caucasian and Asian sub-groups is statistically significant.¹⁰ Again, it is a simple matter to compare the sorts of charges faced by Caucasians with those faced by Asians in partial explanation of this age difference. Since the overwhelming majority of females arrested (73 of 82) were Caucasian, I focus on males in this discussion.

Of 516 male arrestees recorded in the Mugbook, 428, or 82.9%, were Caucasian. This is approximately the proportion to be expected from the 1931 Census, according to which 82.5% of all males in the city were of either the British or European "races." Graph 2-12 summarizes the charges faced by these men. Caucasians were over- or under-represented in certain specific charges such as opium-related charges, as I have discussed previously, but a comparison with Graph 2-11 shows the overall pattern to be remarkably similar, as one would expect with a group making up over 80% of a sub-population.

The pattern for Asian males, however, presented in Graph 2-13, was sharply

¹⁰ The null hypothesis was rejected with a p-value of 0.0001.

different. There were simply no Asian men arrested for Class II, Class IV, or Class V offences, while a clear majority (46 of 77, or 60%) were arrested for Class VI offences. In turn, a majority of these (31 of 46, or 67%) were arrested for various drug offences, in almost all cases for possessing or smoking opium or being found in an “opium joint,” with four cases of selling or “distributing” opium. As I discuss above, another 8 men were charged as found-ins in disorderly houses, and again a mere 3 were charged with gambling offences. At 14.9% of all males in the Mugbook, Asians were slightly underrepresented compared to the general population. (The Census gave the proportion of “Asiatics” among males in the city at 17.1%). However I have used the designation “Asian” here to include both Chinese and Indians, therefore possibly glossing over a potentially important distinction. Of the 77 “Asian” males in the Mugbook, one was born in Japan, and five in “Punjab — India.” The proportion of Chinese men in the male Mugbook population was 13.7%, compared to 15.8% in the city. To judge by the census figures, Aboriginal males were sharply over-represented in the Mugbook. The Census has only 2 “Indian” males living in the district, while 4 appear in the Mugbook. (Their places of residence were given as Sidney, Vancouver, Esquimalt and Koksilah, B.C. Two were charged with assault and wilful damage and one with breaking and entering, while the man from Sidney was held for the Provincial Police, who were to charge him with keeping liquor for sale and keeping a disorderly house). Presumably aboriginals were drastically under-counted in the 1931 Census. At least, the Victoria census district probably did not include those natives living on the Songhees reserve in Vic West.

The slight under-representation of Chinese in the Mugbook accords with what has been reported for the nineteenth century by Nancy Parker. Since political rhetoric and standing instructions from police officials had it that they constituted a “dangerous class,” Parker tested the hypothesis that Chinese would be over-represented in arrest statistics, particularly for vagrancy, a vague charge easily used for harassment. Data taken from police charge books and court bench books did not support this theory, however.¹¹ It seems certain, however, that natives were undercounted in censuses such as that of 1891.¹²

I conclude this description of the data by summarizing the class breakdown of Mugbook arrestees. Certain necessary assumptions will make any conclusions tentative at best. Two such assumptions are simply that arrestees told the truth about their trades or professions, and that the police recorded their answers faithfully. Some entries suggest that chargees and arresting officers did not always see eye to eye on this point. In the case of most of the women arrested for vagrancy or for being found in disorderly houses, “occupation” is given as “waitress,” “housekeeper” or the like. It seems unlikely that any of these women, unless she was already well known to the police, would identify herself as a prostitute and thereby encourage the local police to investigate her further, perhaps requesting more information from the Vancouver or Provincial Police. Yet two women

¹¹ Parker, “The Capillary Level of Power,” p. 144.

¹² *Ibid.*, p. 104.

were described under “occupation” as prostitutes, and two others as “waitress-prostitutes.” With only one of these four, however, was any reference made under “remarks” to a Criminal Record Card. It may be that the police responded to their ostensible occupations with skepticism or even scorn, and substituted what they assumed to be the true ones.

In classifying arrestees according to occupation I have used a simplified version of the occupation classifications used at the time by the Employment Service of Canada, and published in the Labour Gazette. The ESC used the 8 general categories of “manufacturing,” “logging,” “mining,” “communications,” “transportation,” “construction and maintenance,” “services,” and “trade.” “Manufacturing” was broken down into 18 sub-categories. I have combined some categories, added others (including agriculture, which was not used by the ESC), removed some others from the “trade” and “services” classes, and finally classified individuals according to the following twelve groupings: unemployed, no occupation (“none” in the Mugbook), or no occupation given; agriculture; fishing and trapping; logging; mining; manufacturing; transportation and communications; construction and maintenance; services; trade; military; professional and managerial. Lack of information about individuals has necessitated some possibly distorting simplifications. I have uniformly classed “labourers” under “construction and maintenance,” although the job title probably covered some farm labourers and the like. I have classed “seamen” under “transportation and communications,” although especially in the case of Esquimalt residents, they might be classed with soldiers and other military

personnel. "Housewives" might reasonably be grouped with "unemployed or none" on the grounds that they were unpaid, or with "housekeepers" under "services." I have chosen the latter, essentially to avoid the problem of classifying those women whose occupation was given as "housework." Table 2.3 summarizes the occupations listed in the Mugbook under the categories I have used.

Incidentally, if the police were skeptical about occupational descriptions their skepticism may have been justified. For the five-year period in question, including the worst years of the Great Depression, only 23 individuals, 20 of them male, can be classed under "unemployed or no occupation." Of these one was a 17-year old student, one (although only 47 years of age) was described as "retired," three were pensioners, and in the case of another "occupation" was simply left blank. (Usually the police wrote "none," and in one case only "unemployed"). This leaves 17 persons with no occupation at the time of their arrest. Meanwhile, in the case of some 45 individuals "residence" is given as "none fixed." Of these only one man had occupation listed as "none," while another was a "U.S. Army pensioner." (Of those with no occupation, incidentally, 13 of 23, or 57.0%, gave their residence as Victoria). It seems likely that most migrants were working only irregularly, perhaps at relief work, if at all. Evidently, and rather obviously, many people were travelling in search of work, while few (and almost none of the migrant workers) wished to admit being out of work. I assume that when asked their occupation, most of the unemployed gave the trade they had worked at, had been trained for, or wished to work at, were work available. It is, however, difficult to say much about contemporary

unemployment as such using these sources.

Passing over all these difficulties, however, there are some associations of charges with job classifications. Some job classes were significantly over- or under-represented in some charge classes, as Table 2.4 indicates.¹³ The unemployed, for example, were over-represented in the “fugitive” category, which includes individuals held for other police forces. This suggests that they were transient workers or perhaps itinerant con artists, but the record suggests a more complex reality. One of the four men (all Caucasian), described as “retired” at the age of 47, was originally from Australia, admitted to a long “bunco” record in Australia and California, and was eventually handed over to the Immigration Service for deportation. Two more, one of no fixed residence and the other local, were handed over to the Provincial Police on suspicion of obtaining money by false pretenses, while the fourth, a seventeen-year-old “student” from Vancouver, had allegedly escaped from the Boys’ Industrial School, in the company of an 18-year-old acquaintance who gave his occupation as “seaman.” Only the first of these four men, incidentally, was arrested in 1928, before unemployment became acute (and

¹³ The p-value for the entire contingency table is given with the summary statistics. For individual cells, so-called post-hoc cell contributions were calculated to identify which cells were responsible for the significant chi-square. An adjusted residual was calculated for each cell of the contingency table. This adjusted residual is determined from a standardized residual and is approximately normally distributed with a mean of 0 and a standard deviation of 1. Thus, an adjusted residual of 1.96 suggests that the deviation of the cell observed frequency from the cell expected frequency is significant at the 0.05 level.

I am aware that this table violates a common rule of thumb for contingency tables, namely that no expected frequencies should be less than 5 (Lawrence Hamilton, *Data Analysis for Social Sciences*, Duxbury Press, 1996, p. 225). However, even the construction of a contingency table from these data violates the more basic assumption that cases are randomly and independently sampled from the population, which we know to be untrue. Given these reservations, I use the table only cautiously, i.e. I look closely at individual cases.

chronic). The other three were arrested between March 1930 and March 1932.

Men in fishing, trapping, and logging occupations (there were no women reporting these jobs) were over-represented in Class VI offences. (There was only one trapper, a man from Montana; almost all of those in the fishing category were cannery workers). This is another expression of a pattern I have already described. Seven of the fourteen fishery workers were Chinese (the nativity of one being given as “Canada (Chinese)”), and of these six were charged with “morality” offences (one man was found in a gambling house and one accused of selling drugs, while the others were found in opium dens or in possession of opium). Most of the Class VI charges laid against other fishery and logging workers related to liquor or vagrancy (two of the six loggers had no fixed address). The over-all numbers may be too small for speculation, but perhaps these men simply had fewer opportunities for non-violent property crime than, for example, those who worked in trade.

Those who worked in transportation and communications, also all male and all but two Caucasian, were over-represented in Class II offences and under-represented in Class VI offences. The under-representation is accounted for by a relative lack of vagrancy charges (only 4), and by the absence of Asians. (As I discussed previously, vagrancy and drug charges together accounted for a majority (62.5%) of Class VI charges for males, while drug charges were mostly laid against Chinese. Also, prostitution-related charges, which made up a large proportion of all Class VI offences, were almost entirely dealt out to women). Presumably labour laws and nativism excluded Chinese males from

most of these jobs. Meanwhile, the vast majority of these men were from Victoria or Esquimalt, and therefore less subject to vagrancy charges.

As for Class II offences, all but one of these 12 charges were for breaking and entering (one man was charged with “robbery with violence, breaking and entering, etc.”). One man was from Vancouver, all the rest were from Victoria or Esquimalt, and except for two truck-drivers all were seamen, deckhands, or longshoremen, with one steamship porter. Why these men were more prone to commit violent rather than non-violent property crimes is not completely clear, but again most were probably not in a position to cash bad cheques or dream up fraud schemes. Also, their relative youth, active way of life, and tendency to spend time with others like themselves must have been contributing factors. These men were young (with an average age of 21.8, compared to 32.1 for all males in the Mugbook), and with three exceptions committed their crimes in pairs. Sometimes these were minor offences, in the nature of high-jinks. (For example, two men, albeit at 35 and 30 years old somewhat past their high-spirited youth, “stole a keg of beer from the Britannia Branch of the Canadian Legion.” Evidently they did not have previous records, and were given a suspended sentence). Other cases were more serious. The man charged with “robbery with violence, breaking and entering, etc.” had, with a partner, stolen three automatics with ammunition, and four autos, and “staged a number of holdups.” Pleading guilty to 15 charges, he received a sentence of four years and 15 lashes. This case was exceptional, however, and of the others, six got suspended sentences (or had charges dismissed or withdrawn), three were sentenced to two or three

months, and two to three years.

Again, workers in construction and maintenance were under-represented in Class VI offences. This is accounted for by the entire absence of women and the relatively small number of Chinese (only 13, eight of whom, however, were charged with opium-related offences). Twenty-seven vagrancy charges were, however, laid against men in this job class. All but seven of them gave their occupation as “labourer,” and only five were from Victoria, while ten had no fixed residence.

Service workers were over-represented in Class VI offences. This is the only category with a significant number of women (77 of 178, or 43.3%). The fact that most of these women faced prostitution-related charges, while 12 men were charged with drug offences (10 of them Chinese, and all Victoria residents) and 7 men with vagrancy (all Caucasian, and all residents of other cities) accounts for this over-representation. An interesting pattern in the prostitution charges is the different treatment accorded local and out-of-town women. Forty-four women were charged as keepers or inmates in disorderly houses. Of these all but 16 gave their residence as Victoria, while 13 of these 16 were from Vancouver. However, of those charged with vagrancy only 1 was from Victoria (six of the rest were from Vancouver, and others came from as far away as Montreal and Winnipeg). Perhaps this difference arose because local prostitutes had a better chance of being established in brothels, hotels, or rooming houses, while newly arrived women, at least initially, had to resort to streetwalking.

Finally, workers in trade sector (all but one male) were under-represented in Class

II and VI offences, and over-represented in Class III and V offences.

Under-representation in violent property crimes was probably partly a function of age.

While the sailors and longshoremen committing break-and-enters and robberies were considerably younger than the overall male average of 32.1, these men (mostly salesmen and the like) were generally older, with an average age of 37.1. The crimes they did commit were clearly a function of opportunity. Of their 32 Class III offences 19 fell into the false-pretense category, while there were 7 theft charges and four of conspiracy to defraud. These last arose out of an elaborate fraud ring, working out of a car dealership, that was broken up by local police in 1930. Six men were charged with various forgery offences, but since these mostly involved bad cheques it is not clear why they were not charged with obtaining money by false pretenses, as was usually the case. The lack of females and almost complete lack of Chinese males in this category explains the under-representation in Class VI offences. Of four Chinese men in this group two received drug charges, as did two Caucasians. Finally there were six vagrancy charges laid against people in trade occupations. Unusually, three went to local residents, but with such small numbers this is not likely to be significant.

A comparison of the occupations reported by Mugbook arrestees with those of the local population may have more statistical validity (see Table 2.5). In brief, this comparison suggests that the unemployed and those without a specified occupation, and those working in manufacturing, trade or professional occupations, were under-represented in the Mugbook, while those working in fishing, mining, construction

and maintenance, or services were over-represented. However this tabulation by itself may be misleading, since as I have pointed out only 60% of the individuals in the Mugbook gave their place of residence as Victoria or one of its surrounding municipalities. Also, the Census data used to calculate expected frequencies did not count the unemployed, but rather included the category “unspecified.” The over-representations may be partly explained by a greater propensity of individuals in some occupations to commit crimes due to greater need or opportunity, and partly by the presence of transients. A tabulation of reported occupation by reported residence could help establish the contribution of transients to the statistics.

To summarize, arrest data in the Mugbook contain recognizable patterns, which can be ascribed both to the class, ethnic and gender biases, or preoccupations, of the justice system, and to the sorts of problems and opportunities, or lack of opportunities, faced by individuals. Gender, race and occupation were all important predictors of the offence with which a person was charged. Women appearing in these records (greatly outnumbered by men) were usually charged with prostitution offences. This accords with what has been reported for Calgary in a somewhat earlier period.¹⁴ However, in contrast to Vancouver earlier in the century, women charged with keeping houses of prostitution and those charged as found-ins or vagrants were distinguished by age, not just by charge; the application of the law apparently reflected a real distinction. Asian (i.e. Chinese) men,

¹⁴ See Langdon, “Female Crime in Calgary.”

despite being regarded historically as a dangerous class, were not over-represented in the statistics. But some of this mistrust apparently lingered, expressed in the fact that those who were arrested were charged predominantly with opium offences. Whether there was any basis to the contemporary belief that, apart from gambling and opium-smoking, Chinese were law-abiding cannot be determined from these records, but certainly the Mugbook suggests that this characterization was a self-reinforcing one.¹⁵

There is also an association between charge and place of origin, to the extent that vagrancy charges were laid mostly against out-of-towners and migrants. Traditionally police saw a vagrancy charge as a flexible one, using it to hold a suspicious person until further evidence against them could be gathered, or as a means of intimidation.¹⁶

Some writers have speculated that such “public-order” offences, like “morals” offences, occur at a more or less constant rate, with police dipping into this “pool of criminality” more or less depending on their own changing priorities.¹⁷ While for opium smoking this seems plausible, the idea that neither vagrancy nor prostitution increase in real terms during economic depression is counterintuitive, and later I examine the

¹⁵ For a discussion of this view in the Vancouver context see Marquis, “Vancouver Vice,” p. 248. See also Parker, “The Capillary Level of Power,” pp. 151-159, for a discussion of the self-reinforcing character of notions of “criminal classes” in late nineteenth-century Victoria.

¹⁶ Marquis, “Police as a Social Service,” p. 346.

¹⁷ See, for example, Eugene Watts, “Police Response to Crime and Disorder in Twentieth-Century St. Louis,” *Journal of American History*, Vol. 70, No. 2 (September 1993), whose approach I discuss in Chapter 1. I have also borrowed the distinction between “proactive” and “reactive” arrests from Watts.

association. However, for such charges police certainly make “proactive” arrests; they go out and look for offenders rather than waiting for something to happen, as in “reactive” arrests for crimes against property and persons. Therefore, especially considering that respectable opinion, regardless of economic circumstances, associates such offences with the undesirable and shabby, we would expect arrest rates to be more sensitive to political pressure and moral panic than arrests for actual criminal acts. Property crimes, whether violent or not, and crimes against the person were the preserve of Caucasian males, younger on average than the general population and than the Chinese in the record, but older than the women. Certain types of crime were particularly strongly associated with males in certain occupations, particularly violent property crime (breaking and entering) with those in transportation (mostly seamen), and false-pretense and forgery offences with those in trade (mostly salesmen). Men working ships and dockyards were younger and presumably more active than salesmen, and presumably also had very different sorts of opportunities available to them.

Chapter 3: Police Practice and the Political Context

In this section I discuss tentative explanations for the apparent increases in certain types of crime, the correlations of crime rates with indicators of hardship, and the associations between charges and the ethnicity, gender, and occupation of the accused which I described in Chapters 1 and 2. The major hypothesis here is that crime rates and associations with unemployment and homelessness can be explained without reference to real crime rates, simply as indicators of changing police and judicial practice, and public fear or even panic about crime. I draw on evidence about the changing size, resources and practice of the police department, and about political and popular attitudes toward law and crime. In passing I also touch on some other themes from the literature, such as the social-welfare function of the police and the struggle of police departments for relative autonomy.

Several writers have held that changing levels of crime, as reported by the police or courts, are best explained by changing police priorities, tactics, or resources.¹ They have argued, for example, that apparent increases in crime during economic downturns should be understood as a reflection of a fearful citizenry pressuring police and politicians for more vigilance and judicial punitiveness. Two indicators of such pressure might be the police department's budget and size. With the beginning of the Great Depression

¹ See for example Eric Monkkonen, *Police in Urban America 1860-1920*. New York: Cambridge University Press, 1981.

Victoria police budgets did increase, in current dollars, as did the number of officers on the force (see Graph 3-1). There was generally a time lag between the budget increase or decrease and the increase or decrease in staff. Presumably this reflected the time needed to find and train suitable candidates. However, average numbers of arrests made by each officer, and total arrests made by the entire force, went *down* with the onset of the Great Depression, and throughout the 1930s remained well below their average values in the previous decade (see Graph 3-2). Later I discuss the implications of these figures in light of certain police personnel changes and organizational changes in the early 1930s. (It is worth noting that the numbers of summons per officer climbed sharply in the late 1930s, as the department took on more and more of a traffic-control function; see Graph 3-3). Initially they do not, however, give the impression of the police department resorting to roundups as a response to fears of a general breakdown of law and order.

Neither do the correlations presented in Table 3.1. Few of these are statistically significant, while the significant correlations do not necessarily mean that the police or other civic authorities were responding repressively to perceived “lawlessness.” The correlation of police budgets with numbers of people “sheltered” (DBS) or “held for safekeeping” (Jailer’s Book) could mean that the police, for lack of another agency, were taking on a social-welfare role in response to the worst miseries of the Depression (although this was not generally an argument used by police chiefs in requesting larger budgets, as I discuss below). The correlation of arrests-per-officer with persons sheltered is surprising, especially considering the negative (and insignificant) correlations of

arrests-per-officer with unemployment figures. It may, however, not be historically significant, reflecting only a simultaneous fall in numbers of persons sheltered and arrests per officer as police tactics changed.

On the subject of the police social-welfare role, it has been reported of several other Canadian cities, particularly Toronto and Montreal, that police, as a matter of unofficial policy, sheltered many homeless unemployed during the Great Depression, up to 30,000 in the case of Montreal.² In Victoria the numbers of persons given shelter increased dramatically in the early 1930s (see Graph 1-25). Also, the correlation between unemployment (whether expressed as percentage of adults registered with the ESC, or percentage of registrants unplaced by the ESC) and numbers of persons sheltered is both strong and statistically significant.³ There was little if any public discussion of this part of the police service function, either in mayor's or police-chief's annual reports (see below) or newspapers. It is apparent, however, from the numbers of persons of "unsound mind" listed in the Police Court book, that the police station served at least as a temporary way station for the mentally disturbed. A 1930 letter published in the *Daily Colonist* described the author's gratitude that (according to a report on police activities lately published in the paper) there were no "nerve, mental, or unsound mind cases [being] kept in jail for observation just [then] at the Fall time of the year," and called for the establishment of a

² For Toronto, see Marquis, "Police as a Social Service," p. 343; for Montreal, see Marquis, "Power from the Street," p. 17.

³ For percentage registered, $R = 0.604$, $p = 0.013$; for percentage unplaced, $R = 0.696$, $p = 0.003$.

“pleasant psychopathic hospital” as an alternative.⁴

Tracking certain specific charges, of the kind which reflect “proactive” policing, may shed more light both on police and judicial practice. Vagrancy charges, for instance, show an interesting pattern. Although there was an increase in the charge rate from 1929 to 1930, it fell off sharply thereafter (Graph 3-4). There were no charges at all laid in 1934, for example, and the rate did not climb back to 1920s levels until 1938. At the same time the Police Court magistrate was much more likely to convict in the late 1930s (Graph 3-5). Between 1930 and 1931 the vagrancy rate and the numbers of those sheltered or held for “safekeeping” move in the opposite direction (see Graph 1-25). This suggests a measure of tolerance or restraint on the part of the police, who perhaps realized that the homeless unemployed included many who wished to find work but could not, and simply gave them shelter instead of charging them. Probably they realized that convictions were by no means certain (see Graph 3-5). By the end of the decade, however, all or virtually all those charged with vagrancy were convicted. Either the police were applying this charge more selectively, or the magistrate’s patience with the unemployed was wearing thin. The strong negative correlation between unemployment and vagrancy charges provides some evidence for the “police tolerance” theory (see Table 3.2)⁵. Meanwhile, the ratio of convictions to total charges, which might provide a

⁴ *Daily Colonist*, Sept. 26, 1930, p. 4 (letter to the editor).

⁵ Greg Marquis has also reported that for the Toronto police between 1910 and 1940, there was an inverse relationship between numbers of vagrancy charges and numbers of persons sheltered (Marquis, “Police as a Social Service,” p. 345). The correlation here, however, is not significant.

measure of the police court magistrate's willingness to convict (or, perhaps, of how well the police prepared their cases or anticipated the judge's decisions) is not correlated with any index of hardship that I have been able to construct. This tends to refute the notion that the magistrate was acting more severely.

Prostitution or "disorderly house" offences show a quite different pattern to vagrancy charges, increasing markedly in 1931 and remaining higher throughout most of the 1930s than in the 1920s (see Graph 3-6).⁶ The conviction ratio was generally high, and was only low in years where there were few overall charges (Graph 3-7). Both the charge and conviction rates are strongly correlated with one unemployment measure, but with no others, while the conviction ratio is not correlated with any indicator (see Table 3.3). The correlation values are similar to those for property crimes, but it is important to remember that both property crime charge and conviction rates showed significant correlations with three or four indicators (see Table 1.2). This preliminary overview suggests, perhaps surprisingly, that prostitution was somewhat less sensitive to economic downturn than was property crime. It may be that in an era in which the paid workforce was overwhelmingly male, the unemployment indexes I have calculated are poor predictors of the effect of the Depression on women. In any case, the question here is

⁶ These figures include all "disorderly house" offences, whether the individual was charged as a keeper, an inmate, or a "found-in" (in the Mugbook, the only charge that was applied to males). I have lumped together these slightly different offences for convenience, since the distinction between "inmate" and "found-in" is already blurry in the records.

police and judicial behaviour, which again is not correlated with economic indicators.

Gambling charges (overwhelmingly laid against Chinese, according to the Jailer's Book) show a different pattern again, one almost opposite to prostitution. Numbers were much higher in the 1920s than in the 1930s, while no charges at all were laid in 1932 and 1938-1940 (Graph 3-8). As with vagrancy, the conviction ratio was generally higher in the 1930s (Graph 3-9). However, neither the charge rate, the conviction rate, nor the conviction ratio was correlated significantly with any economic indicator (Table 3.4). The comparison of the gaming-house charge rate with those for vagrancy (Graph 3-4) and disorderly-house offences (Graph 3-5) suggests that the police were not motivated by fears of general societal breakdown, but simply shifted their priorities in response to more conventional political pressures, which I discuss below.

There is little primary evidence available about Victoria Police Department policies and procedures in the late 1920s and early 1930s, other than the budget figures and numbers of constables I have already discussed. Directives and circulars from the chief and other high officers have not survived, while the minutes of the Police Commission are not extant for years after 1921. Until 1928 the Chief Constable's report was included with the City Annual Report, but this was usually rather general, including little more than a description of the major offences from that year and a condensed version of the data set out in the "Jailer's Book." Local newspapers are probably the best available source of information, if not on police practice as such, then at least on what the police understood their job to be, to the extent that they were quoted. They also give

some indication of the prevailing “moral climate,” the political context in which the police operated.

To judge by Victoria editorial pages between mid-1928 and mid-1933, there was no particularly great fear of or concern about crime in Victoria, and certainly no moral panic about supposed links between unemployment and crime.⁷ Papers commented rarely about local crime as such. Instead, when they touched at all on issues of law and order, they wrote about the lawlessness and corruption of Vancouver (and of Chicago)⁸, especially by comparison to orderly Victoria, and the fair play and impartiality of the British system of justice.⁹ The public-order issue that seemed of greatest concern to the *Colonist*, at least, was traffic and road safety. During this period the paper ran at least 40 editorial-page pieces (sometimes editorials proper, more often “Note and Comment”

⁷ My survey of editorial pages concentrated on the *Daily Colonist*, the morning and Conservative paper. The *Colonist* reported on and commented on police and law-and-order issues far more often than did its rival, the afternoon, *Liberal Victoria Daily Times*. This may be partly explained by the fact that Police Commission meetings were generally held in the afternoon or evening, which meant that it was the *Colonist* which could break the story. When the *Times* did write about such issues it generally took a similar position to the *Colonist*, with rare exceptions which I note below.

I surveyed each *Colonist* editorial page in the period covered by the Mugbook. In addition I surveyed *Times* editorial pages, and news pages in both papers, in periods corresponding to significant criminal-justice events, such as the spring or fall Assizes, or police raids or roundups reported in the Mugbook. For events earlier in the 1920s I relied on the clipping index compiled by the B.C. Legislative Library.

⁸ On at least one occasion the *Colonist* referred to Vancouver (with some geographical confusion) as “the Chicago of the western hemisphere” (*The Daily Colonist*, Jan 22, 1930, p. 4 “Note and Comment”).

⁹ The *Colonist*, while being careful to make clear that it stood for tolerance also weighed in frequently with pieces about the unenforceability and corrupting effects of American-style Prohibition. I have been unable to discover the *Times*’s view of the matter.

columns, written in a more jocular style by “R.B.D.”) on the subjects of excessive speed on the roads, danger to motorists and pedestrians, and the like.¹⁰

The *Colonists*'s frequent comments on Vancouver's “lawlessness” might be ascribed to local boosterism. Certainly the supposed chaos in Vancouver was contrasted, usually by implication but sometimes explicitly, with the calm orderliness of Victoria. The Lennie inquiry into Vancouver police corruption in the spring of 1928, which brought G.G. McGeer (later Mayor of Vancouver) to the fore, provided ample opportunity for such comment. In the 1930s both the *Colonist* and the *Vancouver Sun* would ascribe crime to the desperation born of unemployment.¹¹ But in the late 1920s the *Colonist* believed it was explained partly by rapid growth and a booming economy, and partly by what the paper delicately called Vancouver's “reputation” for legal laxness. A “Note and Comment” of May 1928 was typical:

One of the penalties of quick growth of cities is the impossibility of making a selection of the material which enters into its growth—and that observation is especially applicable to the growth of Western cities. When a city becomes celebrated for rapidity of growth all sorts and conditions of persons are attracted

¹⁰ This excerpt, from the *Colonist*'s “Note and Comment” for November 12, 1929, is typical:

“While [we were] standing on the corner of Broad and Fort Streets waiting for an opportunity to cross in safety one of the biggest trucks in service in the city, loaded with several tones of coal, making a noise like a speeding freight train, went by at a speed of certainly not less than twenty miles an hour. The driver of that truck was sitting serenely in his cab and tooting his horn, confident in the strength of his position. There was nothing on the street, on wheels or on foot, that dared to dispute his right of way. His position was evident.... It reminded us of Landmeer's celebrated picture of ‘Dignity and Impudence,’ because it was an equally splendid picture of ‘Arrogance and Impotence.’”

¹¹ James Huzel, “The Incidence of Crime in Vancouver During the Great Depression,” *BC Studies* nos 69-70, Spring-Summer 1986: p. 211.

to it. If at the same time a city gains reputation for a liberal or loose administration of the law, it immediately becomes the magnet of attraction for the lawless elements of every part of the continent.¹²

The assumptions were that crime was not home-grown, but that “professional” criminals came from elsewhere, and that their migration and activities were deterred by the reputation of an effective police force. When the new Vancouver police reorganized his force the following year, the *Colonist* wrote:

The consequence [of Vancouver police reorganization] is that Victoria may suffer to some extent from the effects of the late laxity of Vancouver.... We do not say Victoria needs a new broom, but it may be that the old broom of proved efficiency will have to sweep very diligently to keep the city clear of the criminal elements that are being swept out of or are fleeing in fear from Vancouver.¹³

Meanwhile the Victoria police force had “established itself as a terror to evildoers.” Combined with Victoria’s “advantageous physical situation” (unlike Vancouver, it was not a “dumping-off” place on the edge of a great continent”), this had spared the city Vancouver’s level of crime.¹⁴

The *Colonist* occasionally exhibited xenophobic attitudes, sometimes elaborating on the supposed connection between crime and migration, whether interprovincial or

¹² *The Daily Colonist*, May 5, 1928, p. 4 (“Note and Comment”). As late as November 1930, the *Colonist* was still writing: “The rapid growth of Vancouver has been one of the wonders of the world. The rapid increase in crime is the despair of the city police and the perplexity of the people of Vancouver who delight to do well.” *The Colonist*, November 20, 1930, p. 4 (“Note and Comment”).

¹³ *The Daily Colonist*, Feb. 17 1929, p. 4 (“Note and Comment”).

¹⁴ *The Daily Colonist*, Jan 22, 1930, p. 4 (“Note and Comment.”)

international. Convinced that current immigration policies favoured non-British, and hence undesirable, immigrants, the paper blamed an apparent jump in crime on such policies:

The period during which crime has been increasing unduly [i.e. from 1927 to 1928] is a period during which a foreign element has been introduced among our population larger than the element which we have been drawing from the British Isles. Possibly then the crime increase has been in part due to the trend of our immigration policy.¹⁵

The increase, however, appeared in national figures issued by the Dominion Bureau of Statistics, and this editorial did not refer to any supposed local or provincial increase. Occasionally also, the *Colonist* referred to, or ran letters about, the “Oriental Problem in B.C.”, but without explicitly linking Asians with crime.¹⁶ Referring to the Chinese Government’s cancellation of the extraterritoriality clauses in its treatment with foreign powers, the paper wrote that it presented

[a] unique opportunity of solving the Oriental problem in this province.... The demand can be made legitimately that, as a quid pro quo for the drastic action proposed by the Nationalist Government, the Chinese in British Columbia should be repatriated.¹⁷

¹⁵ “Increase in Crime”: *The Daily Colonist*, Dept. 13, 1929, p. 4.

¹⁶ For example, one reader wrote “Some persons think that they are saving money by patronising Orientals, but on the country, they are impoverishing the country and themselves and sending millions of dollars to the Orient. They [the “Orientals”] have a country of their own, let them stay in it and work for its advancement, like we have to do.” “The Oriental Question” (letter), *The Daily Colonist*, Nov. 30, 1929, p. 4.

¹⁷ The Oriental Problem in B.C.” (editorial), *The Daily Colonist*, Dec. 21, 1929, p. 4. The same editorial commented that the Chinese government’s action “[offered] an opportunity of bringing about a final solution of the Chinese problem in our midst, just as it does in the case of Chinese in any other part of the British Empire.” The *Colonist* repeated this call in an editorial of Feb. 15, 1930.

Such attitudes, however, hardly translated into hysteria about crimes supposedly committed by the *local* Chinese population. At most, in this period, the paper did not want the “social vices peculiar to China introduced into this country.”¹⁸ This, however, was written in the context of a fulmination against gambling only, one that made no mention of other familiar bogeys such as opium or white slavery. While describing the “patient, plodding, industrious, mind-mannered, kindly and courteous” local Chinese as addicted to gambling and as the chief local promoters of the practice (and not altogether to be condemned for doing so, since “gambling in many forms is [already] prevalent in this country), the *Colonist* proclaimed:

The gambling that has been carried on in the Chinese section of Victoria has not materially affected the white portion of the population. Our immunity from that taint is due principally to the vigilance of our police force.¹⁹

Somewhat later (in the early 1930s), there was considerable debate in Victoria as to just how active the police ought to be against Chinese gambling, as I discuss below. (At this point the *Colonist*, whose views were not monolithic or exactly predictable, took a tolerant stand, quite different to that just quoted and even critical of the local police). It

In a later “Note and Comment,” admitting to his initial surprise and discomfort at dealing with a “Hindu” wood merchant, “R.B.D.” remarked drily, “Although the British people are undoubtedly the most tolerant people in the world, probably because they have traveled into many lands and met all sorts and conditions of men, we are not sure that they are completely destitute of racial prejudice....” *The Daily Colonist*, March 24, 1932, p. 4.

¹⁸ “Note and Comment,” *The Daily Colonist*, May 22, 1928, p. 4.

¹⁹ *Ibid.*

may be that local fears and distrust of the Chinese and other immigrants were so widespread as to be taken for granted, and therefore were thought to require no comment in the newspapers. But it remains striking how relatively seldom they were mentioned, and how seldom such comment was expressed as recommendations to or demands of the police and other local authorities.²⁰

If the *Colonist* did not express particular alarm about the local presence of Chinese-born immigrants, or about their pernicious criminal habits, neither did it evince great worry about local hardship resulting from the depression that began in 1929/30. Even when it admitted that times were hard in Victoria as elsewhere, it did not raise the spectre of the desperate unemployed turning to crime. The *Colonist's* phlegmatic attitude might be partly explained by its support for the policies of R.B. Bennett's Conservative government, or by the afore-mentioned local boosterism, or simply by the insulation of most editors and journalists from true misery in hard times. Whatever the reason, the *Colonist* took a fairly consistent line: "Victoria seem[ed] immune from the business ills which affect[ed] her neighbours." The supposed contrast with the misery in Vancouver be explained by the proverb "the bigger they are the harder they fall": "The bigger the town

²⁰ One exception was an editorial in the *Times*, a paper which in some respects took a stricter line on crime and punishment than the *Colonist*, calling for a return to flogging of convicted criminals, for example ("Thugs and the Lash" (editorial), *Times*, Feb. 18, 1930). Applauding the strict sentence meted out at the 1928 Fall Assizes to a man convicted of selling drugs, the *Times* wrote that all foreigners (i.e. Chinese) who committed such offences should receive the maximum penalty, followed by deportation. "Serves Him Right" (editorial), *Victoria Daily Times*, Nov. 9 1928, p. 4.

the harder the people of that town are hit in seasons of depression.”²¹ The paper admitted that “it is hardly possible that there are not some households here whose circumstances have fallen below that standard to which they have been accustomed,” and later

While the hard times were felt less severely in Victoria than in most other parts of the world, we did not entirely escape the penalty of our own sins or the sins of others. When the explosion came we felt the effects of it, and a little time passed before we began to recover from the consequences of the shock.²²

Even at this juncture (April 1931) the *Colonist* assumed that the worst was over:

Now something is happening which has often happened before. When the times are hard, Victoria begins to enter upon what may be termed a constructive era.²³

Of course, no editorialist or politician could have foreseen the length and depth of the Depression, and doubtless to many it seemed initially part of the normal business cycle.²⁴ It may be that local journalists’ relatively rosy view blinded them to the possibility that long-lasting dearth might lead to an increase in crime or even to a generalized breakdown in law and order. The fact remains that they neither predicted such an outcome, nor pressured police and courts to be more vigilant and punitive in

²¹ “Note and Comment,” *The Daily Colonist*, June 25, 1930 and Nov. 25, 1930, p. 4.

²² “Note and Comment,” *The Daily Colonist*, April 21, 1931, p. 4.

²³ *Ibid.*

²⁴ Indeed, the *Colonist* editorialized in January 1931 that “the twelve months just past were no worse a period of time in the way of depression than 1893; we have not passed and are not passing through any more serious economic era than prevailed in 1920-1921.” “1930 & 1931” (editorial), *The Daily Colonist*, Jan. 1, 1931.

anticipation of it.

All of this aside, policing and the police force were very much at issue in Victoria during this period. In no case, however, was controversy inspired by the police department's handling, or supposed mishandling, of crimes against persons or property. Rather, the regular scandals involving charges of corruption, incompetence, or improper methods on the part of the police, and accusations of arbitrary decision-making or unwarranted interference on the part of elected Boards of Police Commissioners, all originated in concern for so-called "morals" offences, chiefly gambling, the sale of liquor, and prostitution. If Victoria lacked the charges of massive police corruption and the subsequent spectacular public inquiry and rapid turn-over of police officials experienced by Vancouver, the police and their methods were still, if only periodically, very much a local political and press concern.

Much of the political controversy stemmed from the efforts of moral-reform campaigners and their sympathizers to "clean up" the police department in the 1920s and early 1930s. For example, there was the campaign of self-styled "radicals" Joe North and Dr. Ernest Hall, elected Police Commissioners in 1921. Announcing at their inaugural meeting in March that "Victoria enters to-night upon a new phase of law enforcement," they announced a number of sweeping changes, of which the most controversial was the promotion to Chief of Acting Deputy Chief (Sergeant) John Fry, over the head of Deputy

Chief Thomas Palmer.²⁵ Their motivation was apparently their belief that the detective squad was winking at the sale of bootlegged alcohol. Their method effectively deprived outgoing chief J.M. Langley of his pension, whereupon Langley's lawyer Frank Higgins went public with a denunciation of their "underhand methods."²⁶ The controversy dragged on for weeks. In another "reform" move, North tried, at the behest of the so-called Welfare and Citizen League, to have the entire detective department dismissed, on the grounds of their alleged incompetence and acceptance of protection money from Chinatown gambling places. He failed on his first attempt, but succeeded in September 1921 in firing four detectives and abolishing the office of Deputy Chief, still held by the unfortunate Palmer.²⁷

Boards of Police Commissioners throughout the 1920s and early 1930s, incidentally, were relatively unruly. Quite often the two elected members overruled the mayor, and passed some measure which proved to be unpopular with the police force, the council, or some segment of local public opinion. This contrasted sharply with Vancouver, where the provincial government, influenced by moral reformers, had ended

²⁵ *Victoria Daily Times*, March 28, 1921, p. 3. The Commission was normally chaired by the Mayor, but in this case it was explained that "Mayor Power was too ill to attend, and that Acting Mayor Todd had refused to become identified with the body in that capacity." This pattern of two commissioners taking action over the objections of the mayor was to be repeated at intervals over the next eleven years.

²⁶ "Alleges Serious Offence Committed," *The Daily Colonist*, April 7, 1921, p. 5.

²⁷ "Officers to Go at Year's End," *The Daily Colonist*, September 21, 1921, p. 1.

municipal control of the police in 1904 and created a board of commissioners, whose mostly appointed members generally deferred to the mayor.²⁸ Direct control of the police force by elected politicians was to continue in Victoria until 1932, as I discuss below.

Still another reform move of North and Hall was to organize a “moral reform squad” with the motto “Prevention and Uplift,” under the command of Victoria’s first police woman, Miss Wark.²⁹ The squad, its sponsors, and their supporters in the Welfare League (a body of “men of irreproachable character” which supposedly formed a “citizens’ auxiliary of the police department”) was ridiculed by then-Mayor Porter, whose views were given extensive coverage by the *Colonist*:

By the way some people talk, you would think Victoria was a Sodom and Gomorrah, and apparently my fellow-commissioners have been listening to a lot of stories spread by people who can only see the worst in everything, and who are looking around for evil motives in all that happens.... As a matter of fact, Victoria is the best-behaved city on the continent, if records count for anything. We have less crime than any other city, and the morals are on a particularly high plane.³⁰

Hall and North earned the strenuous opposition of the *Colonist* with their suggestion that the police begin to make use of “stool pigeons.” The paper consistently

²⁸ Marquis, “Vancouver Vice,” p. 245.

²⁹ “Mayor Ridicules Moral Squad Idea,” *The Daily Colonist*, Aug. 5, 1921, and “Moral Department Passes Commissioners’ Meeting,” *The Daily Colonist*, Aug. 11, 1921, p. 5.

³⁰ Mayor Ridicules...” *Colonist*, Aug. 5, 1921, p. 3. The *Colonist*, no supporter of the so-called reform movement, attacked their tactics as immoral: “We have never believed in the doctrine, so closely espoused by many would-be reformers, of ‘doing evil that good may ensue.’” “Female ‘Stool Pigeons’” (editorial), *Colonist*, July 26, 1922, p. 4.

opposed the use of undercover agents in police work, and even threatened to expose them if they were used:

The employment of "stool pigeons" is an underhand, deceitful and criminal way of detecting crime, for it makes these emissaries of the law themselves criminals in their sleuthing activities.... The calibre of mind which gives rise to the suggestion that crime should be employed to circumvent crime argues a belief that two wrongs make a right and is opposed to the whole moral law upon which social well being depends.³¹

The new policy of employing "stool pigeons" and the new morality squad shortly combined to create a fresh controversy, and exposed a rare division in local press opinion (on police matters, at any rate). Two young women, Marie Macaulay and Doris Jones, were employed by Miss Wark's Morality Department to enter the Savoy Rooms on Fort Street and buy liquor illegally.³² The seller, Zeora Courtney, was charged both with selling liquor and "attempting to procure." The charges were dismissed, because the police court magistrate did not find the witnesses credible, but the daily papers took somewhat different views of the matter. The *Colonist*, opposed to undercover agents in general, found it doubly outrageous that "girls of tender age" were being so employed.³³ For the *Times*, which noted that "even the ethics of Scotland Yard do not bar [the] employment [of undercover agents]", the objectionable part of the affair was simply the

³¹ "Criminal Methods" (editorial), *The Daily Colonist*, April 13, 1921, p. 4.

³² "'Stool Pigeons' Case Magnet for Curious Crowd," *Victoria Daily Times*, July 28, 1922, p. 1.

³³ "Female 'Stool Pigeons'" (editorial), *The Daily Colonist*, July 26, 1922, p. 4.

choice of “young girls” to gather evidence.³⁴ In other cases where the choice of undercover agent did not arouse protective feelings, differences in opinion were more stark. In a 1922 case, the Vancouver police used a “stool pigeon” to purchase cocaine from a “Chinaman,” who confessed his guilt to the informant while they waited in a holding cell. The Court of Appeal ruled that the normal duty of a police officer to warn a suspect that his confession could be used against him did not devolve on a police agent, and the confession was admissible. The *Colonist*, whose fear of the “Oriental problem” was apparently a lower priority than its admiration of “British justice,” editorialized:

We have no hesitation in saying that [this] is not justice; and in the long run we have enough faith in British institutions to believe that what is not justice is not the law.... If the time-honoured traditions of British justice demand that an accused person must be warned before he is listened to by the policeman, how much more imperative must it be that the accused must not be entrapped by the secret spy?³⁵

The *Colonist* was to maintain this stance throughout the entire period under study.

The *Times*, on the other hand, when later police commissioner Andrew McGavin proposed to eliminate the use of “stool pigeons” entirely, took a more utilitarian position:

Undoubtedly the “stool pigeon” system is nasty business, but at least it can be controlled easily by its employers. Crime on a large scale is a nastier business and cannot be easily controlled. It is not pleasant, perhaps not even ethical, to have to descend to the gutter to catch criminals and secure evidence with which

³⁴ “Police Methods” (editorial), *Victoria Daily Times*, July 26, 1922, p. 4. Marie Macaulay was described as a “social service worker” (age not given), while Doris Jones was described as a “young girl of twenty-one.”

³⁵ “Justice and Fair Play” (editorial), *The Daily Colonist*, July 2, 1922, p.4.

to convict them, but unfortunately it must be done, because criminals can do much greater damage to society from the gutter than is done by any means employed by the police to put an end to them.³⁶

Even the *Times*, however, felt it necessary to defend the practice by reference to British institutions, arguing that it was an ancient method, invented in England and used there for centuries, and used currently by Scotland Yard.³⁷

Despite the 1921/22 Police Commissioners' energy and apparent determination to reform Victoria, they were apparently sensitive to attacks from those more activist than themselves. When the B.C. Baptist Union called on the Police Commission for support in its fight against the "open Sunday" and for "higher public morals in [the] Province," Commissioner North, as the *Colonist* put it, "made such a protest that no attempt was made to do more than receive and file the communication":

"This city is one of the cleanest in the West [North said], and I hate to have anyone interfere with public business. I resent the insult to Victoria and the insinuation that we need to be cleaned up."³⁸

Meanwhile one of the reformers' pet projects, the Morality Department under Miss Wark, had a difficult history. On the matter of "stool pigeons" she was publicly contradicted by Chief Fry, who denied all knowledge of any plans to use them, and

³⁶ "Police Methods" (editorial), *Victoria Daily Times*, Oct. 25, 1928, p. 4.

³⁷ *Ibid.*

³⁸ "Moral Clean-up Is Urged In Victoria," *The Daily Colonist*, August 11, 1922, p. 5.

eventually (in 1925) she was fired and her department was disbanded.³⁹ A replacement police woman was finally appointed two years later, apparently as the result of a steady agitation campaign by the Local Council of Women, a moral-reform group.⁴⁰

There were further occasional scandals throughout the 1920s and early 1930s, usually involving charges against individual officers rather than allegations that the entire force or portions of it were corrupt. In late 1922, for example, Sergeant-Inspector Heatley received a two-day suspension, apparently because he failed to charge a motorist with driving to the common danger, as ordered by Chief Fry.⁴¹ In a more spectacular incident in 1928, Detective Phipps was “cleared” of the allegations made by two Vancouver journalists that he had taken protection bribes from a local brothel-keeper. The journalists, Robert Bracken and Edward Marshall, were found guilty of criminal libel at the fall Assizes.⁴² Ironically, in 1931 Heatley was promoted to chief upon the forced retirement of Chief Fry (see below), while Phipps was fired for allegedly having stolen a

³⁹ “Policewoman Wark Publicly Contradicted,” *The Daily Colonist*, Sept. 13, 1922, p. 1; “Chief’s Conduct Scored by Women,” *Colonist*, Feb. 12, 1925, p. 1.

⁴⁰ Ibid; “Want Policewoman in Victoria Again,” *Victoria Daily Times*, Sept. 14, 1926, p. 1; “City Will Have a Policewoman,” *Colonist*, July 30, 1927, p. 1.

⁴¹ “Orders Suspension of Police Official,” *The Daily Colonist*, Oct. 24, 1922, p. 1; “Heatley Punished With Suspension,” *Victoria Daily Times*, Oct. 25, 1922, p. 1.

⁴² “Assize Court Clears Victoria Police Officer,” *The Daily Colonist*, Oct. 27, 1928, p. 1.

roll of bills from the pocket of a murder victim in 1928.⁴³ Finally, in 1930 Chief Fry and Inspector Boulton were served with notice of a \$10,000 lawsuit for wrongful arrest, by a man arrested in a raid on the “Two Jacks’ Dope” pool hall and tobacco shop.⁴⁴

However, the “reformers” responsible for the dismissal of Phipps and Fry eventually brought down upon themselves the wrath of civic and municipal politicians, the press, and apparently much of the public, all of which resulted in the end of the “political” police board system and its replacement by an appointed body. (Although the issues were rather different, the process was somewhat similar to the one that took place in mid-nineteenth century Toronto.⁴⁵) The episode illustrated the reformer’s weakness and ineffectuality, at least relative to their counterparts in Vancouver who were able to bring about the Lennie inquiry. In early 1931, incoming Police Commissioner Dorothy North, wife of earlier Commissioner Joe North, and Commissioner Andrew McGavin passed a resolution that Chief John Fry be “superannuated,” Mayor Anscomb strongly dissenting.⁴⁶ Asked for her reasons, Mrs. North (with, the *Colonist* reported, frequent glances at her husband) would say only that Chief Fry was “inefficient.” Newspapers

⁴³ “Moves for Resignation Of Detective M. Phipps At Commission Meeting,” *The Daily Colonist*, Feb. 7, 1931, p. 1.

⁴⁴ “Chief Fry and Insp. Boulton Being Sued,” *Victoria Daily Times*, Aug. 15, 1930, p. 1.

⁴⁵ See Boritch, “Conflict, Compromise and Administrative Convenience.”

⁴⁶ “Mrs. Joe North Carries Out Her Promise to Force Retirement of Chief J. Fry From Police Force,” *The Daily Colonist*, Jan. 16, 1931, p. 1.

ridiculed this “act of injustice” in familiar terms (“it is an axiom of British justice that no man should be condemned unheard”), and the *Colonist* made plain its opposition:

Under the Fry administration there was no outbreak of violence and crime in Victoria. Compared with other cities on the coast or anywhere else, either in Canada or the United States, during the Fry regime the city was free from crime, and disorders were summarily suppressed. The sole charge laid against the chief was that he was inefficient, and that charge has been amply refuted by the facts.⁴⁷

The *Times* chimed in to like effect, saying there was “nothing in the record of Chief Fry’s service” to warrant such action, insisting that at least the Police Commission could have conducted an investigation into alleged police “inefficiency,” and pointing out that Joe North had been “largely responsible” for Fry’s promotion to chief in the first place.⁴⁸

Incoming Chief Heatley promptly announced a “reorganization” of the police force, the chief features being the abolition of Chief Fry’s four-year-old traffic squad (traffic to be supervised by beat cops during the day), and “an equal number of police officers on duty twenty-four hours of the day [with] each member of the force [having] an equal distribution of duty.”⁴⁹ Meanwhile, controversy about the police board’s action

⁴⁷ “An Act of Injustice” (editorial), *The Daily Colonist*, Jan. 16, 1931, p. 4; “Note and Comment,” *Colonist*, Jan. 18, 1931, p. 4.

⁴⁸ “Victoria’s Police Affairs” (editorial), *Victoria Daily Times*, Jan. 16, 1931, p. 4. The papers agreed that Joe North was acting as “Commissioner by proxy,” and Mrs. North herself admitted, as paraphrased by the *Colonist*, that she was “not going to play the game of [police] reform with her own bat.” “Note and Comment,” *Colonist*, Apr. 22, 1931, p. 4

⁴⁹ “Reorganization of Police Force Announced by Chief,” *The Daily Colonist*, Jan. 31, 1931, p. 1.

again rumbled on for weeks, with the mayor even threatening to put the city under the administration of the provincial police until an entirely new kind of police board could be created. As an alleged infringement upon city autonomy, this met strenuous opposition from public meetings and editorialists:

...this [takeover] would be justifiable only as an emergent measure such as would be demanded by the failure of the local police to protect the Victoria public from rampant lawlessness, through either gross incompetency or corruption. In the absence of such a condition intervention by the provincial government would be a reflection, to put it mildly, upon the people of this city, who pay for their police force, elect commissioners to control and are entirely responsible for it.⁵⁰

It was not until the spring of the following year (1932) that the system of elected Police Commissioners was finally ended by the provincial government. Police Court Magistrate George Jay complained to the Attorney-General, R.H. Pooley, that Commissioners McGavin and North had “interfered unduly” with the court and police force.⁵¹ (They had allegedly instructed Chief Fry not to execute a warrant, previously issued by Jay, to search the premises of the Victoria Hospitals Club for illegal lottery tickets and related files). With astonishing speed (within a week), the Attorney-General drafted and passed legislation quashing the Victoria Board and replacing it with an appointed and presumably more tractable commission, composed of the mayor, the police court magistrate, and a county court judge. Editorialists approved of this move, which

⁵⁰ Editorial, *Victoria Daily Times*, Jan. 18, 1931, p. 4.

⁵¹ “Magistrate Jay Makes Grave Charges,” *The Daily Colonist*, April 8, 1932, p. 1.

they believed would bring both “permanency” and requisite legal knowledge to police administration, but on this issue at least there was some division in public opinion; a public meeting attended by 1200 people (as estimated by the reporter present) passed a resolution opposing the “injustice” of government action without the involvement of local citizenry.⁵² Regardless, it is difficult not to conclude that the inexperience and poor political judgement of the elected police commissioners were largely to blame for the demise of the system.

In the background of all this extraordinary political controversy, there were more regular and conventional discussions of police budgets and requests for more or different resources. It is striking that, while Victoria and other local police chiefs spoke of overwork on the part of their officers, they did not couch their requests in terms of danger to the public, or of a local crime problem out of control. In early 1929, then-Chief Fry asked for six new constables so that “more protection [could] be given on the 11 p.m. to 7 a.m. relief in outlying districts, which require better protection than can be given with the present staff.”⁵³ (This request undoubtedly accounts for the significant increase in the police budget for 1929; see Graph 3-1). However, according to Fry, staff were stretched thin not because of Vancouver-style increases in crime, but because of “the ever increasing traffic in the city, together with ferries and steamboats, and the necessity of

⁵² “Police Administration” (editorial), *The Daily Colonist*, April 8, 1932, p. 4; “Police Move Disapproved,” *Colonist*, April 15, 1932, p. 5.

⁵³ “Increase In Police Staff Is Requested,” *The Daily Colonist*, Jan. 11, 1929, p. 3.

detailing men from the regular staff in order to handle this traffic.” This was in spite of Fry’s creation two years earlier of a squad dedicated only to traffic. In other words, traffic seemed such a significant problem that officers were taken off other duties to handle it.

A request the same week from Esquimalt Reeve James Elrick that two or three more officers be hired for the following year included a remarkable description of police duties in that municipality:

The duties of the Esquimalt police consist of general work, including the enforcement of by-laws, provincial and Dominion statutes, attending to all complaints, visiting vacant and unoccupied premises, patrolling the district, making returns and reports to the police commission, the Liquor Control Board, the motor branch of the Provincial Police, the Dominion Bureau of Statistics and provincial fire marshal, answering fire calls and attending to fires. Besides these they act as pound keepers, replace broken and burnt-out street lights, collect trades licences, road taxes, poll tax, dog tax and assist the medical health officer by checking up on all hospital records and do clerical work in keeping records and statistics in connection with all activities.⁵⁴

In short, at least in Esquimalt, police as late as 1929 still had quite general and diverse civil-service duties. But their political advocates did not complain that it was the level of crime as such that made these duties so difficult to discharge. Both requests, of course, were made before the major economic downturn of late 1929.

To summarize, while local social-reform and social-purity sentiment had some effect on police administration (by way of the election of “reformist” police commissioners who discredited themselves as often as not), it was confined to “morals”

⁵⁴ “More Police Badly Needed in Esquimalt,” *Victoria Daily Colonist*, Jan. 20, 1929, p. 5.

offences only, and did not translate into criticism of police handling of violent or property crime, still less into hysteria about levels of such crime that might have resulted in greater police vigilance or judicial punitiveness. For the entire period 1921 to 1933 I have been able to locate only three incidences of press criticism of police practice, only one of which referred to “serious” crime.

A *Colonist* editorial of Feb. 1930 criticized the tendency of police in Vancouver (a city which was “earning an unenviable reputation for crimes and often crimes with violence”) not to release details or even news of hold-ups to the press. The paper claimed that criminals “[knew] that where [publicity] prevails entire communities [were] arrayed against them and... all eyes [were] on the watch to bring them to justice.”⁵⁵ Of Victoria the editorial claimed “only a few of the housebreaking thefts of recent months have come to the ears of the public.” This mild criticism of “law’s silence” was not repeated, however, nor was it followed by any editorial elaboration on these housebreakings or other serious crimes. The following year the *Colonist* (in the course of an editorial praising a Victoria constable for the chase and prompt arrest of two men who were quickly convicted of illegal discharge of a firearm) wrote:

We have always believed that, taking one consideration with another, the constabulary duties of the Victoria police force have been promptly and efficiently discharged. Compared with other cities along this Coast or in any part of the continent, Victoria has been remarkably free from crime of either a major or a minor nature. If the police force is not entitled to credit for that

⁵⁵ “Police and Publicity” (editorial), *The Daily Colonist*, Feb. 15, 1930, p. 4.

condition of affairs, to what or to whom is such a satisfactory condition of affairs to be attributed?⁵⁶

The *Colonist's* strongest criticisms of the police force were reserved for its treatment of Chinese gambling. It agreed with incoming Police Commissioner McGavin in early 1930 that raids on Chinatown gambling houses were unjust, futile, and served only to raise revenue for the city at the expense of fair law enforcement. In unusually strident tones, the paper wrote:

The Victoria police force is undoubtedly a most efficient machine for the collection of revenue from Orientals and Occidentals, from the Orientals whose fastnesses are battered down by battleaxes in the hands of the Chief Constable or pried down by crowbars in the hands of ordinary constables, and from Occidentals who may be momentarily confused in mind.... The treatment of the Chinese of this city by the police force cannot be called by any other name than the ugly name of persecution, and we are glad that Commissioner McGavin has had the courage to declare an end must be made of it.⁵⁷

Commissioner McGavin, incidentally, was Mayor of Victoria from 1937 to 1940, during which time there were practically no gambling charges laid (see Graph 3-8).

As for the *Times*, it too believed that police were withholding information, but its criticism was limited to the familiar issue of traffic control:

The *Times* is informed that the city police have been instructed to withhold information on motor-car accidents from the press.... We would point out to the police authorities that it is more important in the public interest to give out

⁵⁶ "Police Force and Crime" (editorial), *The Daily Colonist*, Jan. 8, 1931, p. 4.

⁵⁷ "Note and Comment," *The Daily Colonist*, Jan. 18, 1930, p. 4. Neither McGavin's nor the *Colonist's* objections had much immediate effect on arrest patterns; the police, although they made fewer "gaming house" arrests in 1930 than in 1929, made more in 1931 than in either previous year (see Graph 3-8). But for the rest of the 1930s, under new Chief Heatley, the number of arrests was much reduced.

information concerning motor-car accidents than it is to report raids on Chinese gambling-houses.⁵⁸

If there is no evidence that police were more vigilant or the judiciary more punitive, and no evidence of a great fear of local crime or a general sense of “moral panic” that might have induced them to be so, what accounts for the afore-mentioned strong correlations between property crime and unemployment (in several cases stronger and more significant than those reported by James Huzel for Vancouver)? Evidently they are either artifacts of inaccurate or misleading economic statistics, or they express a real historical connection between the Great Depression and crime.

A partial explanation for the difference with Vancouver (if not for the correlations as such) might involve the quality or reliability of the indices with which prosecution and conviction data have been correlated. It is possible, for example, that numbers of persons sheltered by the police, data not used by Huzel, constitute a more reliable indicator of the desperation that led individuals to turn to crime than trade union unemployment or a city-wide employment index. Similarly the *Labour Gazette*, from which Huzel obtained this employment index, did not elaborate on how it was drawn up, and it may have involved estimates and methods of counting that made it somewhat less accurate than ESC figures.

The difference between Vancouver and Victoria correlations of crime with the value of building permits is puzzling. It may be that because of Vancouver’s rapid growth

⁵⁸ “Foolish Instructions” (editorial), *Victoria Daily Times*, June 27, 1928, p. 4.

during the 1920s, this value was more closely correlated with unemployment there than in Victoria. (As I have noted above, Victoria editorialists frequently remarked on this rapidity during the 1920s). This correlation seems more plausible considering that these values, taken from the *Canada Year Book*, included projects worth \$100,000 or more, projects which were likely concentrated in Vancouver, the provincial centre of business and industrial growth. A comparison of the value of *all* building permits issued in Victoria and Vancouver during these years would be illuminating. Similarly the relief expenditures of the two cities could be compared year by year. It may be that Vancouver, quicker to experience serious unemployment than Victoria, was also quicker to institute civic relief, and more generous about it. This seems unlikely, however, in light of Mayor G.G. McGeer's well-known views on unemployment and the unemployed, and the frequent protests of the unemployed against relief administration.

It is possible that part of the difference between Victoria and Vancouver figures can be explained by greater police efficiency, or perhaps by more police per capita in Victoria. Assessing police efficiency as such would be difficult, but would require, at the very least, data on the numbers of arrests per officer for Vancouver. In the absence of such data, the fact that Vancouver consistently had more officers per capita than Victoria tends to refute this interpretation (see Graph 3-10).⁵⁹

⁵⁹ The drop in officers per capita in Vancouver from 1928 to 1929 is explained by civic expansion. With the annexation by Vancouver of South Vancouver and Point Grey the population increased from about 149,000 to about 240,000, or 61%, while the number of police officers increase from 263 to 340, or 29%.

The possibility remains that there was a real difference between the two cities in crime rates, and in particular that individuals in Victoria were more vulnerable to hardship and more likely to turn to crime in desperation. It should be remembered, however, that according to DBS figures Victoria and Vancouver experienced comparable rates of property crime from the early 1920s to the late 1930s (see Graphs 3-11 and 3-12).⁶⁰ Of course, these data are for convictions only (the Dominion Bureau of Statistics did not publish figures for prosecutions by city after 1929), and they lump together many quite different kinds of offences (the “armed hold-ups” which, according to Victoria editorialists, were endemic to Vancouver, are compared to the housebreaking thefts of Victoria). Research in the Vancouver equivalent to the Jailer’s Book, the Police Court Calendars used by James Huzel, would allow a closer comparison of the kinds of charges laid by police in both cities.

Prosecution and condition rates for crimes against property with violence were more strongly correlated with unemployment in Victoria than were rates for non-violent property crimes (Table 1.2). This might be explained by a greater willingness to prosecute violent crimes on the part of both victims and police. It seems likely that local residents felt more threatened and offended by housebreaking than the bad-cheque offences that made up so many of the Class III offences in the Mugbook (and it was

⁶⁰ While not strictly applicable to such time-series data, unpaired t-tests carried out on these data produced interesting results. For violent property crime, the difference between Victoria and Vancouver in average annual condition rates was not significant ($p=0.23$), while for non-violent property crime, the difference was significant ($p=0.0001$).

housebreaking offences that, claimed the *Colonist*, had recently increased as of the winter of 1930, and that police were attempting to keep quiet). They were almost certainly more afraid of the type of men associated with such crimes (young seamen, labourers and the like, presumably single, although the Mugbook does not elaborate on this point) than of the older, more settled men generally accused of false-pretense and other non-violent property offences (see Chapter 2). Furthermore it is likely than many non-violent, “white-collar” offences never got as far as the police or courts, if the offender made restitution (a more likely prospect in the case of a bad cheque than in the case of a break-and-enter), or if the individual or business involved wanted to avoid publicity. Investigating such possibilities would require more individual-level study, perhaps at the level of court records, although such transactions and decisions likely left few traces in any record.

To summarize, there is little evidence from arrest numbers, or from arrest and conviction patterns for “proactive” offences, that Victoria police were more vigilant or the local judiciary more punitive during the Great Depression than previously. Nor is there available evidence of a local climate of fear or “moral panic” about crime which might so influence police or judges. On the contrary, if newspapers are a reliable guide, Victorians were generally satisfied that the level of crime in their city was not excessive, and that their police force was competent. Aggregate figures and correlations show, however, that overall crime rates were comparable with those in Vancouver, and were in addition sensitive to economic downturn. The apparent confidence of local editorialists

that Victoria was weathering the depression without serious impact, and that crime was generally confined to “lawless” Vancouver, was at best misplaced, at worst disingenuous.

Conclusion

Much more could be written about crime and law enforcement in 1920s and 1930s Victoria, based solely on the two primary-source databases I have relied on here. However, this thesis has shown that a simple class-control interpretation of policing and law enforcement, while it has some power to explain the interrelated phenomena of crime, policing and economic hardship, must be supplemented by other approaches if it is to do justice to their complexity.

Aggregate data taken from the Police Court Book show that rates of certain offences against property, notably auto theft, obtaining money and other items by false pretenses, and breaking and entering, increased in Victoria with the onset of the Great Depression. While the question of the correlation of crime and hardship continues to be debated, it has been reported that they were strongly correlated in Vancouver in the same period.¹ To test the hypothesis that they were correlated in Victoria I first constructed an index of unemployment, using data reported by the Employment Service of Canada. Numbers of people kept for “safekeeping,” as reported by the Victoria Police Department, provided a measure of homelessness. Offences against property, both with and without violence, were significantly correlated, in moderate to strong degree, with these measures of privation. A striking difference with Vancouver, with its reputation for

¹ Huzel, “The Incidence of Crime in Vancouver during the Great Depression.”

armed hold-ups and the like, is that violent property crime, not correlated with unemployment in Vancouver, was correlated in Victoria in even stronger degree than was non-violent property crime.

Such correlations, of course, could reflect an increase in real crime, or an increase in police vigilance, perhaps accompanied by greatly increased public fear of crime, or some combination of these phenomena. To be able to say more about the historical rather than simply statistical meaning of the correlations, it was necessary both to look at the individual characteristics of those arrested, and at the institutional context of policing and police-court justice, with its surrounding political context. The characteristics of the prisoners described in the "Mugbook" disclose something of the class, gender and racial preoccupations of the police and police court at the time (as does the simple fact that statistics in the Police Court Book were compiled under the three headings of "All but Indians and Chinese," "Indians," and "Chinese"). (A complicating factor in drawing conclusions from the Mugbook is that only those prisoners charged with indictable offences were described therein, and in addition only a fraction of all those charged with indictable offences, while the basis on which they were sampled from the larger pool of offenders is unknown). Race, gender, and occupation were all important predictors of the charge a person faced, depending of course on the particular charge. In accord with what has been reported for the late nineteenth century in Victoria², Chinese were somewhat

²Parker, "The Capillary Level of Power."

under-represented in prisoner descriptions, but the charges they predominantly received (opium offences) indicate what sort of “Chinese crime” local authorities thought most worrisome. Female crime, although becoming less synonymous with prostitution by the beginning of the Second World War, at least in Calgary,³ was still so identified in late 1920s and early 1930s Victoria, with approximately 75% of women in the Mugbook being charged with prostitution offences.

Arrests for such offences, however, can be interpreted as proactive arrests, and thus, I suggest, a better indicator of the conscious biases of the police department than the reactive arrests made for crimes against persons or property. In the case of property offences, although the numbers are too small to be conclusive, certain occupations were most associated with certain offences, for example seamen and other manual labourers with breaking and entering, and men in the sales and service professions with false-pretense offences. However, it was Caucasian males who were over-represented in such categories, and it seems implausible that one could explain rates of such offences simply by appealing to notions of class control on the part of the police. At least one would have to refine the argument by considering a distinction such as that between the *intent* and the actual *impact* of policing, formulated by Robert Reiner, an English historian of the police.⁴ Reiner suggests that in a unequal society the impact of law

³ Langdon, “Female Crime in Calgary.”

⁴ Robert Reiner, *The Politics of the Police*, New York: St. Martin’s Press, 1985, p. 3.

enforcement will be to reinforce divisions even if the police themselves have no such intent.

Turning to policing and the political context, the evidence for a police and judicial crackdown is slight to non-existent. For certain offences such as false pretenses, the rate of committal for higher-court trial was notably higher in the early 1930s than before or after. Still, although police budgets and numbers of officers on the force did increase with the onset of the Depression, the numbers of arrests made by each officer went sharply down. “Proactive” arrests for such offences as vagrancy and gambling went down, and charge rates for vagrancy, commonly described as a charge used to harass undesirables, are correlated *negatively* with unemployment, suggesting more rather than less police tolerance. Prostitution offences increased, and charge and conviction rates were correlated with one measure of unemployment, suggesting that this charge was more sensitive to economic downturn than vagrancy, although less than property crime. Despite fewer police per capita in Victoria than Vancouver, crime rates were comparable.

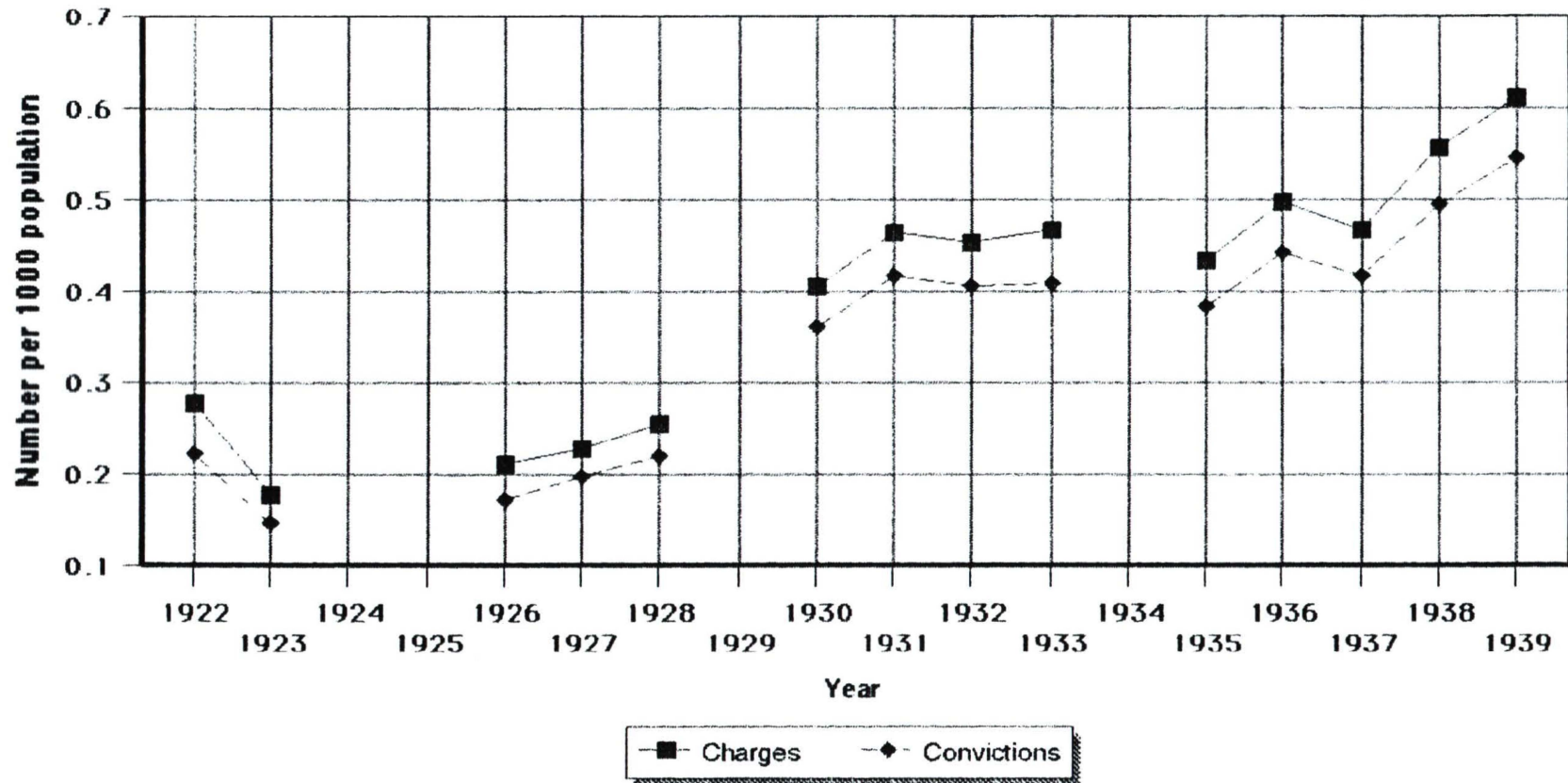
Finally, if the evidence for more vigorous policing and harsher judgements is slight, the evidence for a local moral panic is non-existent. My survey of newspaper editorials and local news coverage (a survey which, to my knowledge, has not been conducted before) suggests that at least the articulate public was remarkably sanguine about both the state of the economy and the effect it might have on local crime rates. Editorialists were convinced both that Vancouver was a lawless town and that Victoria was remarkably law-abiding. Statistics suggest that actual crime rates, if not the exact

sorts of crimes, were in fact comparable. A far more controversial issue during this period was the matter of political control of the police department.

Further research would be necessary to test many of the hypotheses I have only been able to suggest here. For example, the local police-court magistrate's bench books and correspondence might indicate why the committal rate for false-pretense cases increased, whether the magistrate believed such cases to be increasing and wanted to provide a warning deterrent, or whether new cases were simply qualitatively different, involving larger sums and more elaborate schemes. The Mugbook, although it covers a relatively short period, could disclose changing patterns of prosecution for vagrancy, prostitution, and many other offences, and it remains an extremely rich source of the sort of information needed for drawing inferences about the conditions in which individuals turned to crime, a source this thesis has not begun to exhaust.

Graph 1-1

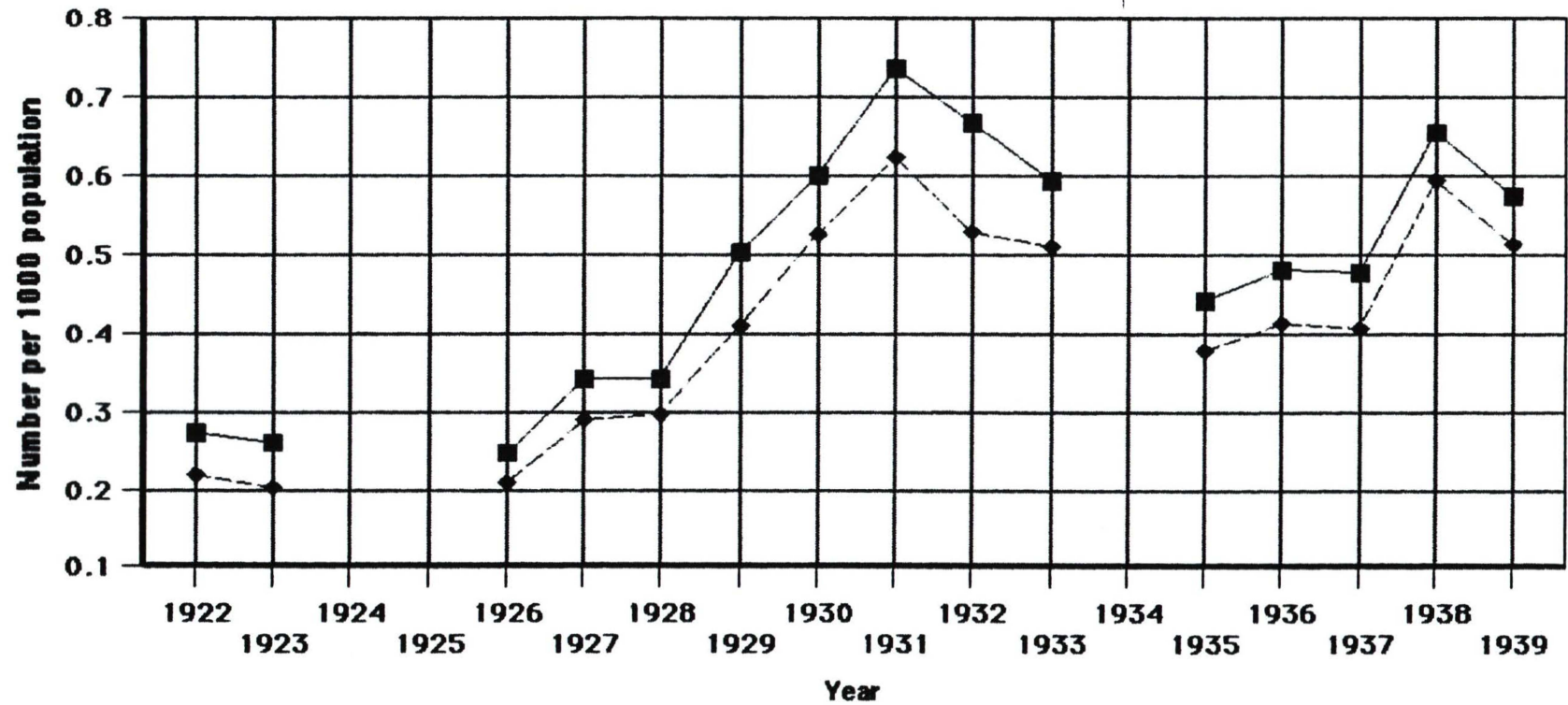
Charges and convictions per 1000 population, offences against property with violence, Canada



Source: Dominion Bureau of Statistics, "Annual Reports of Statistics of Criminal and Other Offences"

Graph 1-2

Charges and convictions per 1000 population, offences against property with violence, BC

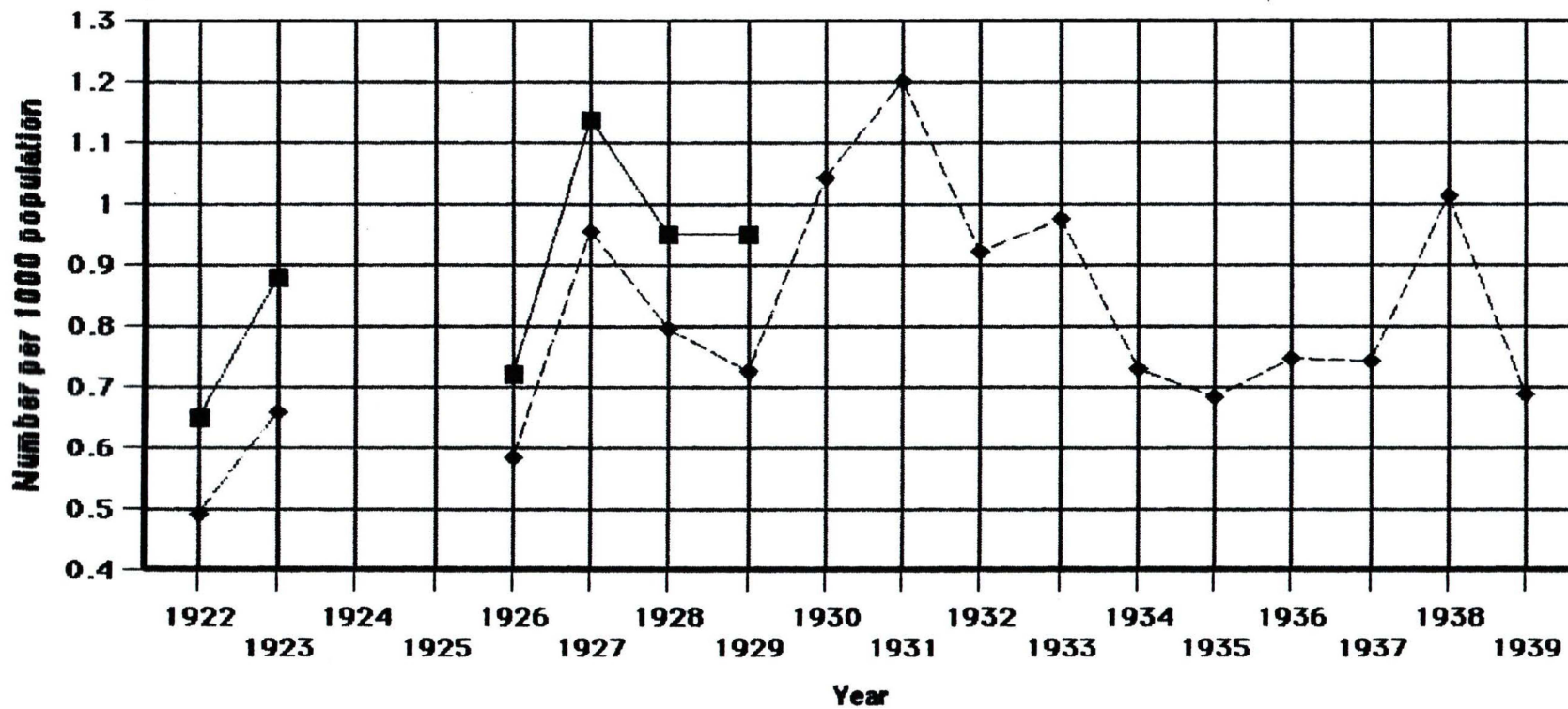


■ Charges ◆ Convictions

Source: DBS Annual Reports

Graph 1-3

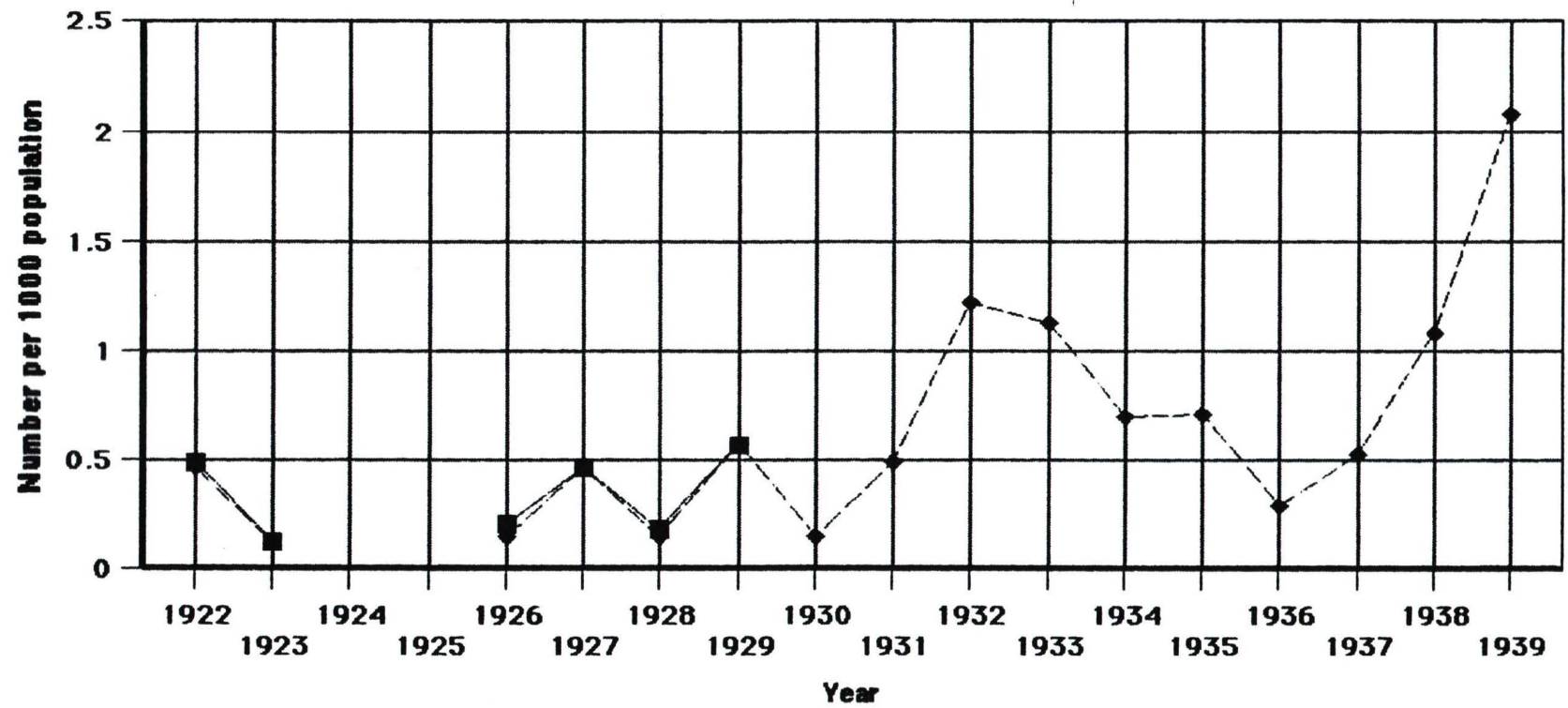
Charges/convictions per 1000 population, offences against property with violence, Vancouver



■ Charges ◆ Convictions

Source: DBS Annual Reports

Graph 1-4
Charges/convictions per 1000 population, offences against property with violence, Victoria

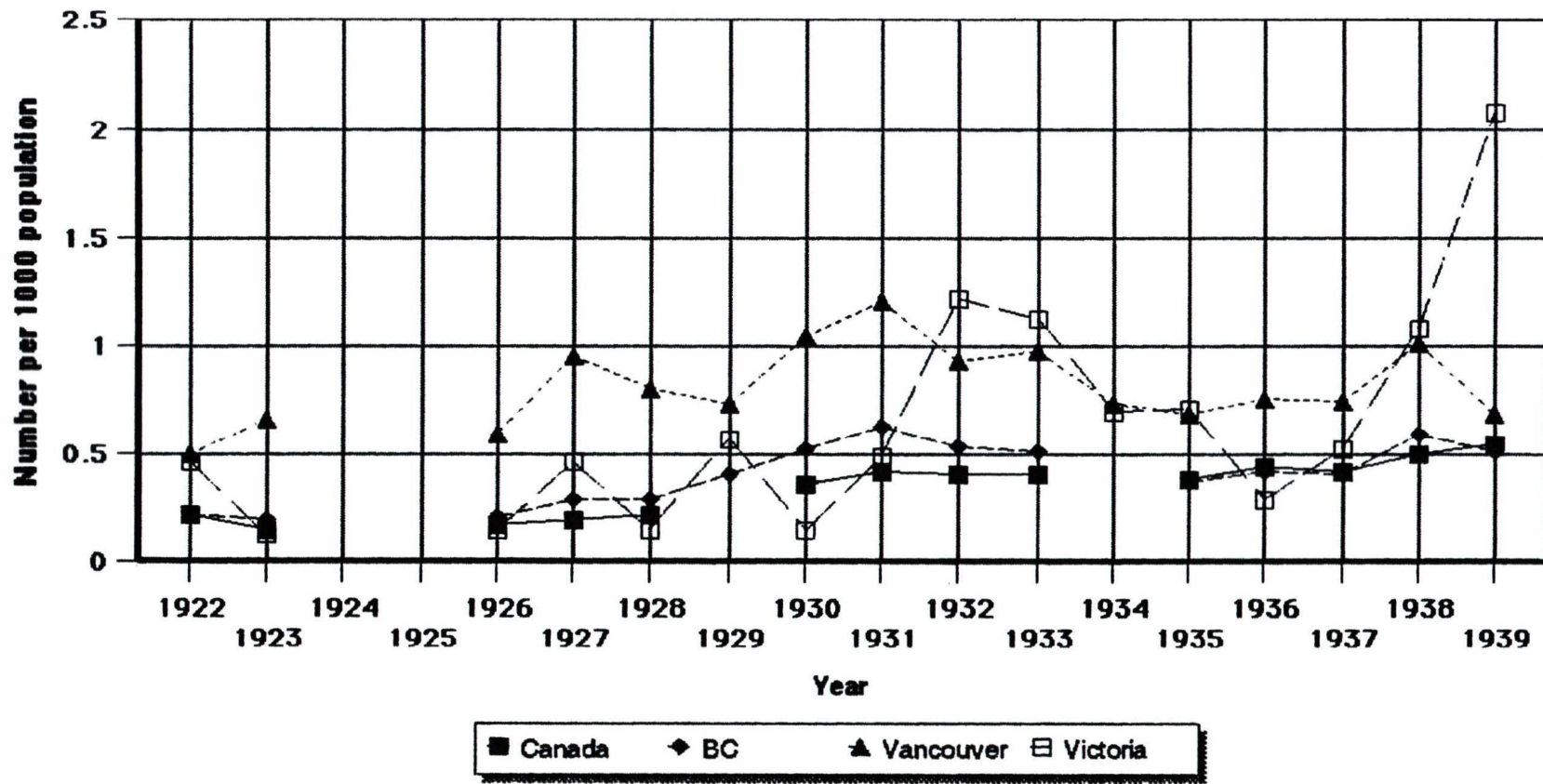


■ Charges ◆ Convictions

Source: DBS Annual Reports

Graph 1-5

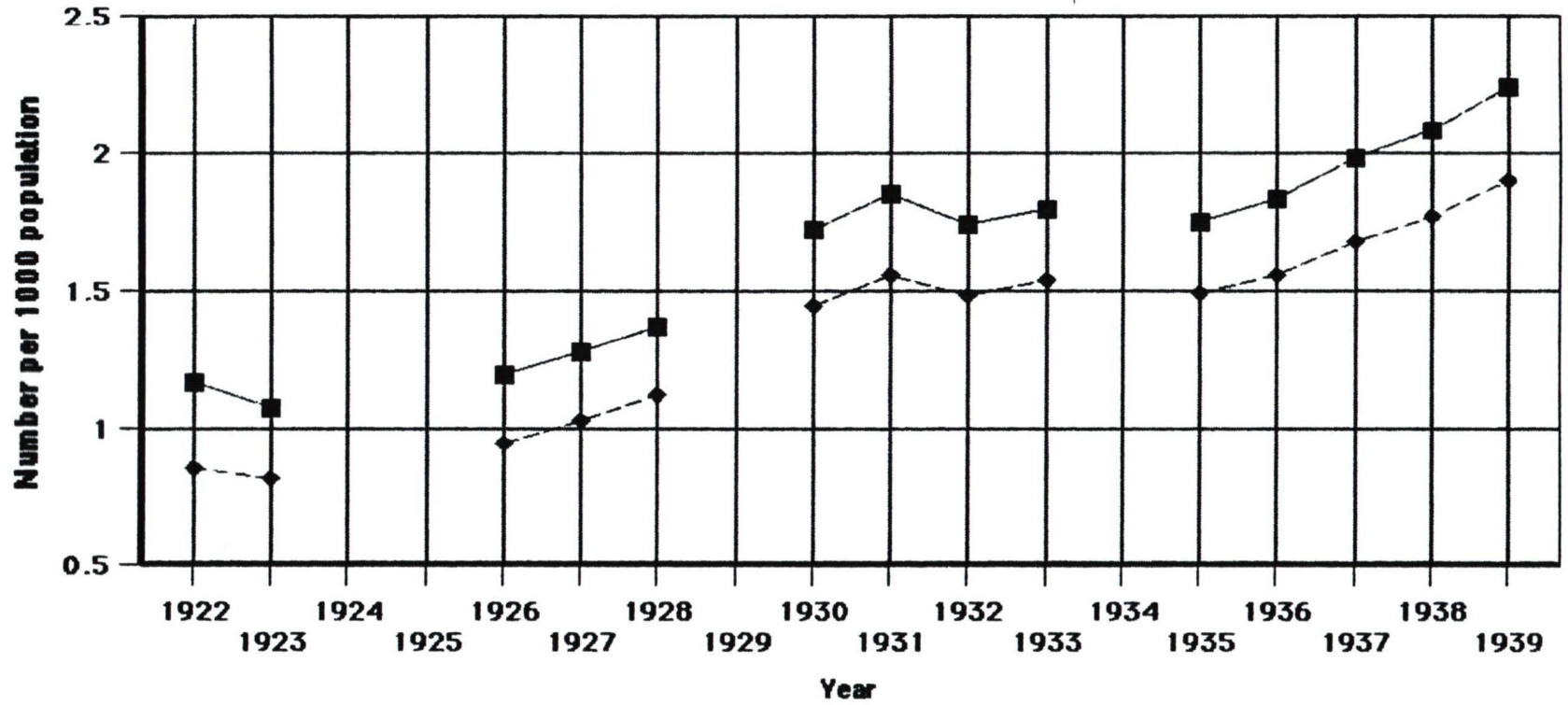
Convictions per 1000 population, offences against property with violence, Canada, BC, Vancouver and Victoria



Source: DBS Annual Reports

Graph 1-6

Charges/convictions per 1000 population, offences against property without violence, Canada

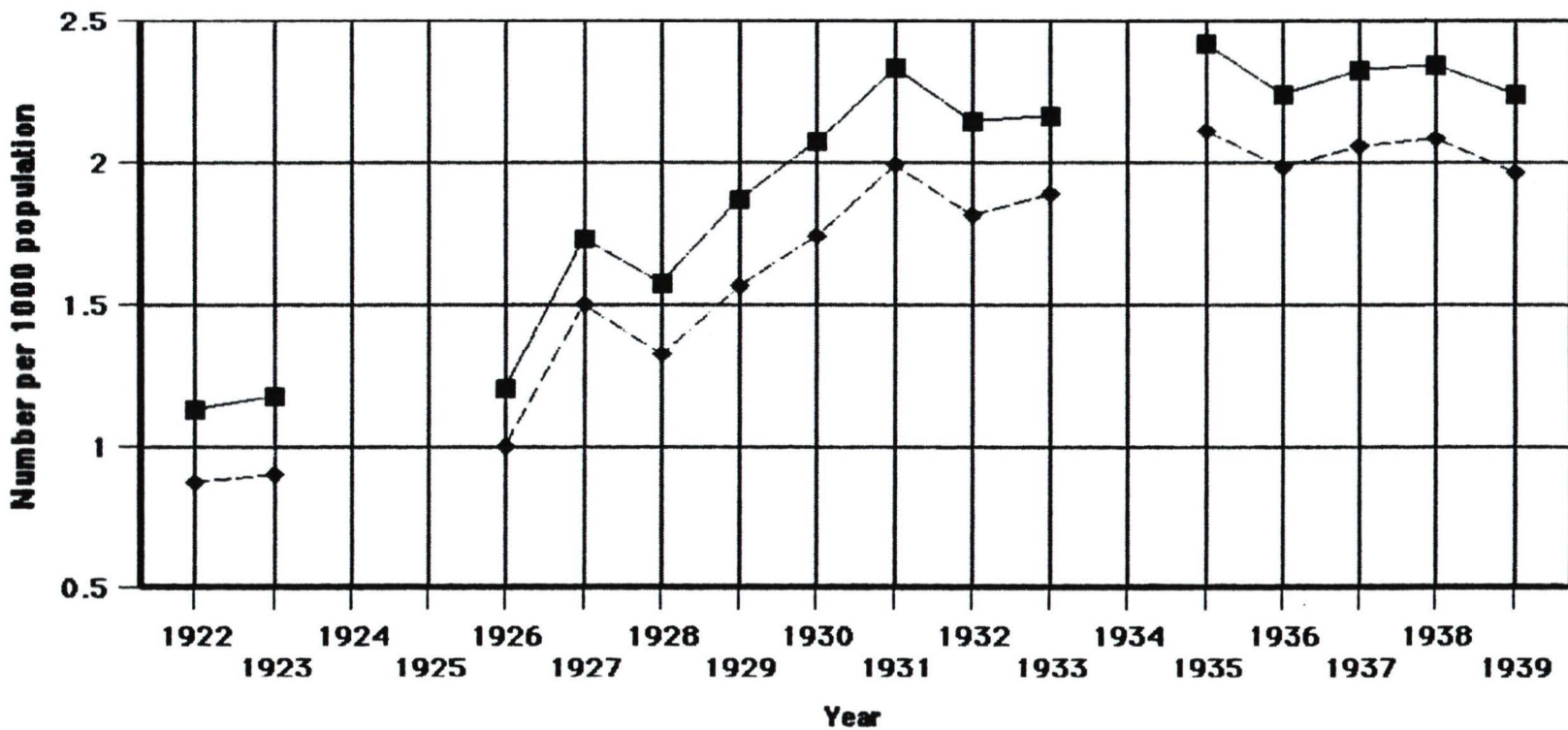


■ Charges ◆ Convictions

Source: DBS Annual Reports

Graph 1-7

Charges/convictions per 1000 population, offences against property without violence, BC

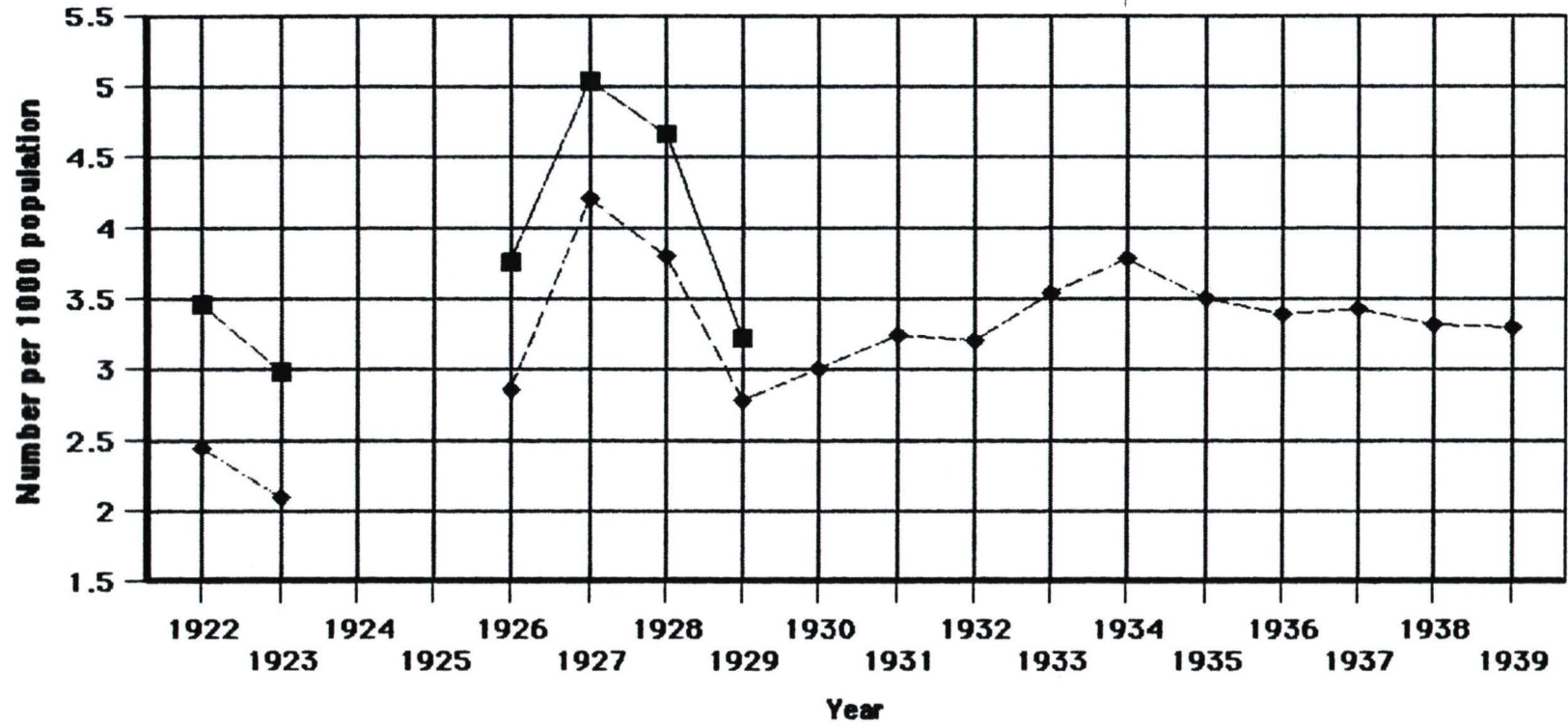


■ Charges ♦ Convictions

Source: DBS Annual Reports

Graph 1-8

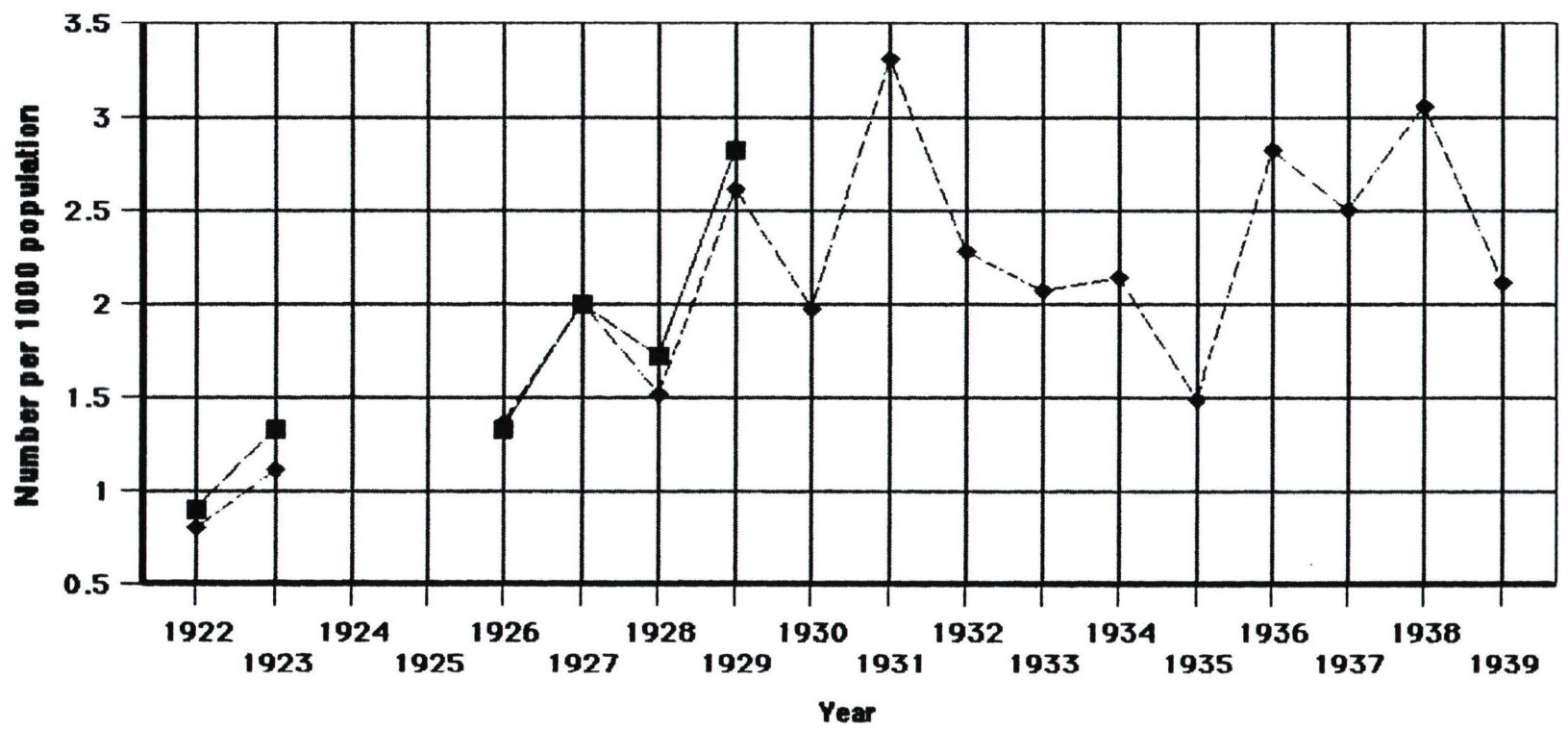
Charges/convictions per 1000 population, offences against property without violence, Vancouver



■ Charges ◆ Convictions

Source: DBS Annual Reports

Graph 1-9
Charges/convictions per 1000 population, offences against property without violence, Victoria

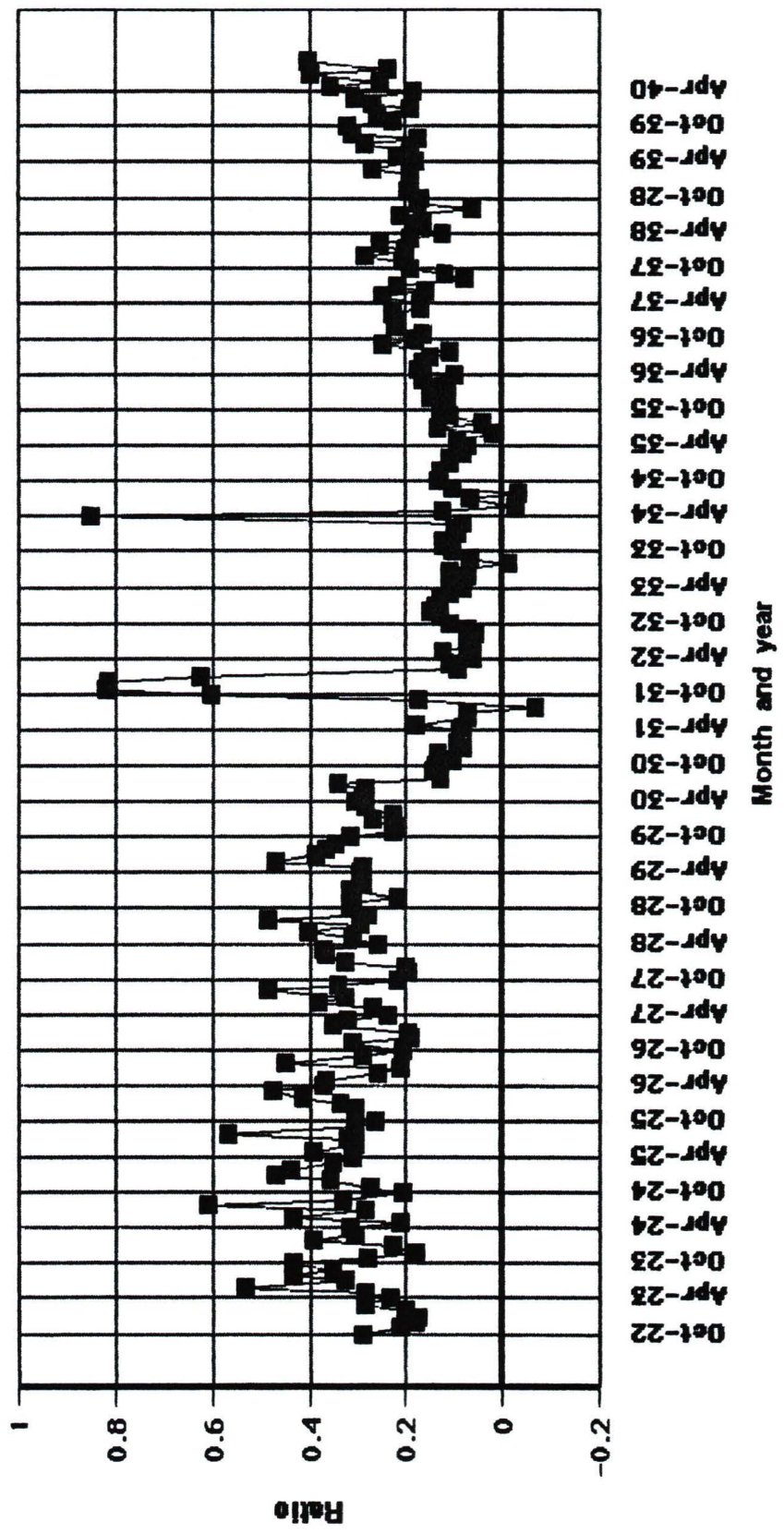


■ Charges ◆ Convictions

Source: DBS Annual Reports

Graph 1-10

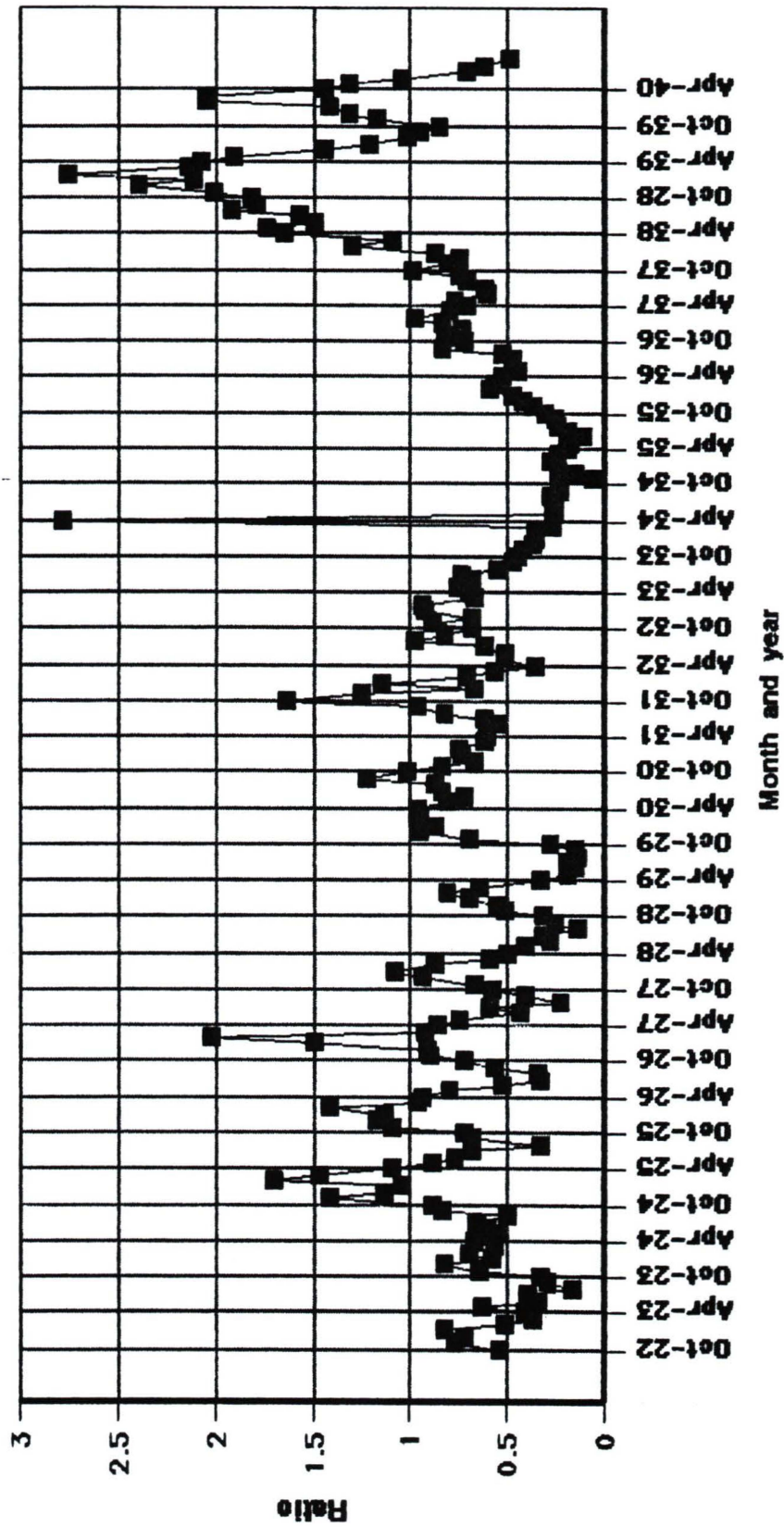
Ratio of regular placements to registered applicants; seasonally adjusted



Source: Labour Gazette (Monthly reports, Victoria office of Employment Service of Canada)

Graph 1-11

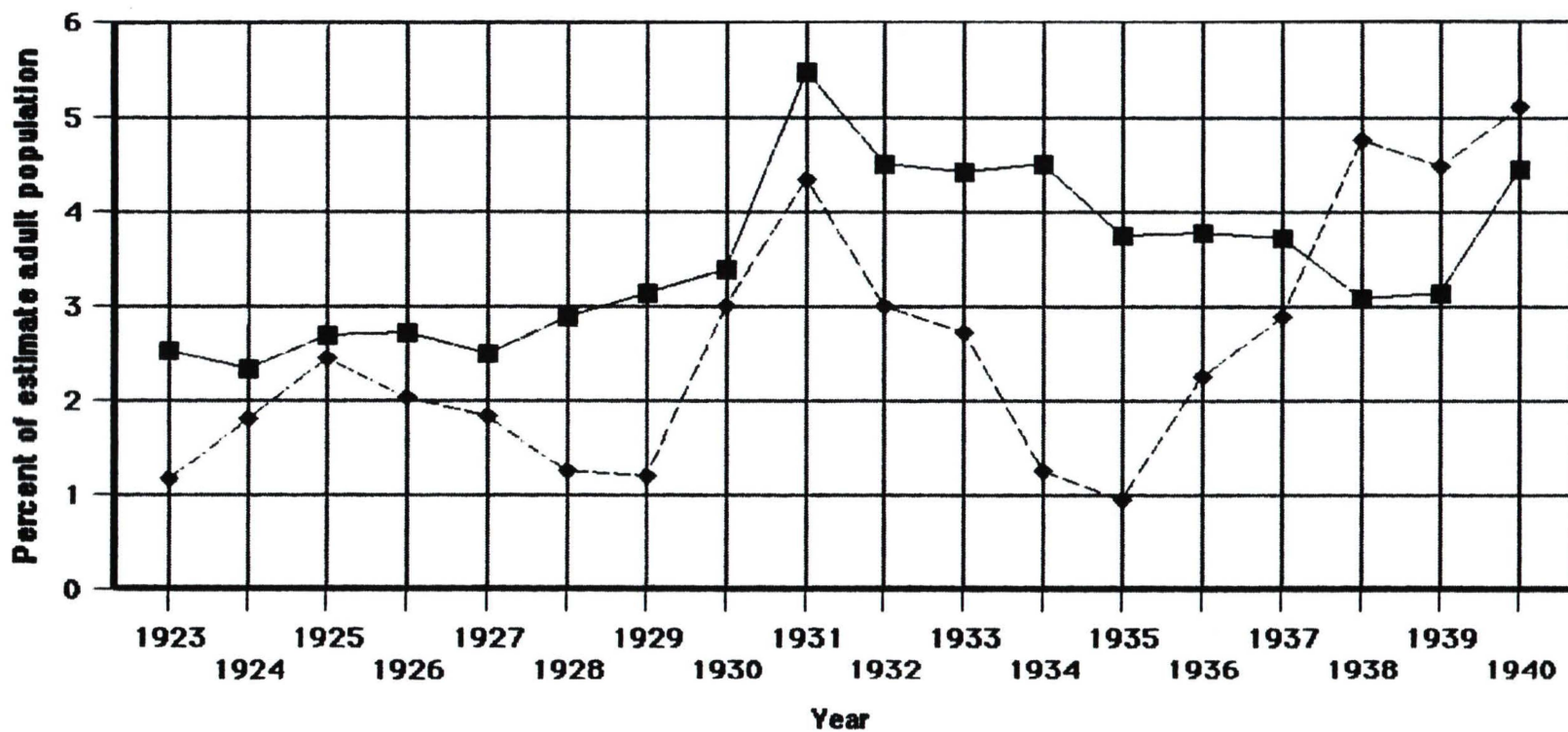
Ratio of unplaced applicants, month end, to applicants registered that month: Victoria office, Employment Service of Canada



Source: Labour Gazette (ESC monthly reports)

Graph 1-12

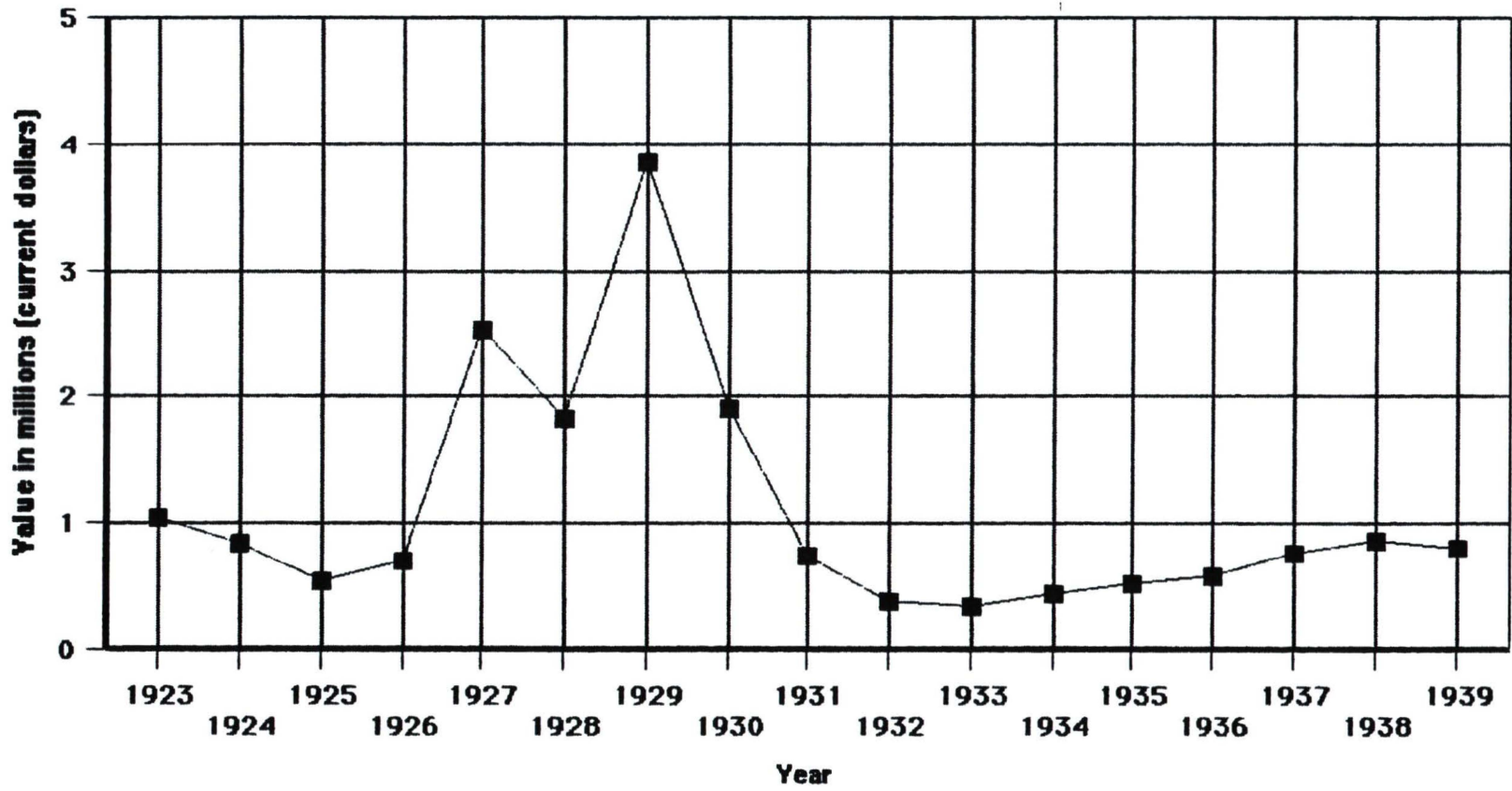
"Unemployment indices," Victoria, 1923-1940



■ Registered with ESC ◆ Unplaced by ESC

Source: Labour Gazette (ESC monthly reports)

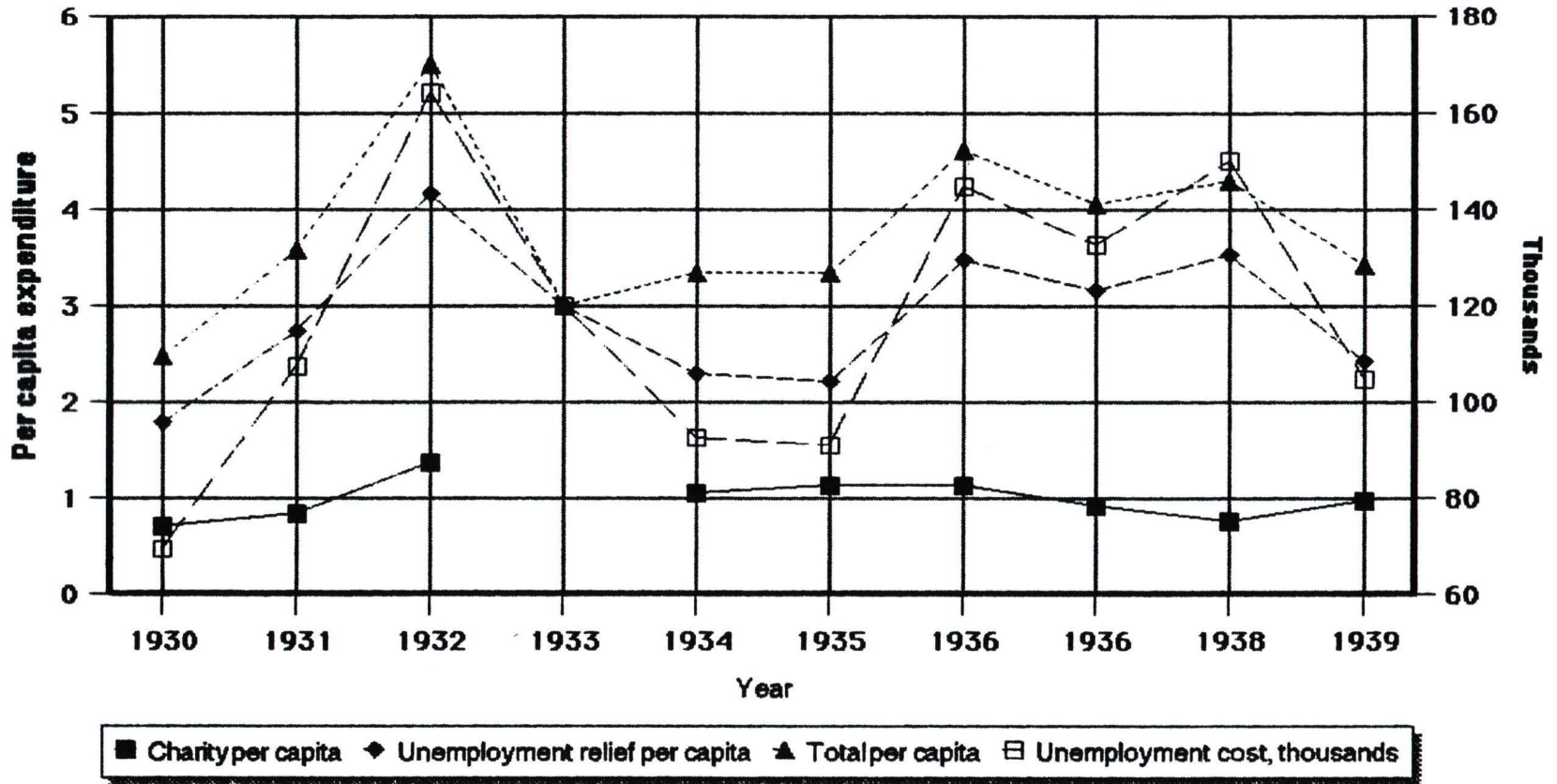
Graph 1-13
Value of building permits over \$100,000, Victoria (current dollars)



Source: Canada Year Book

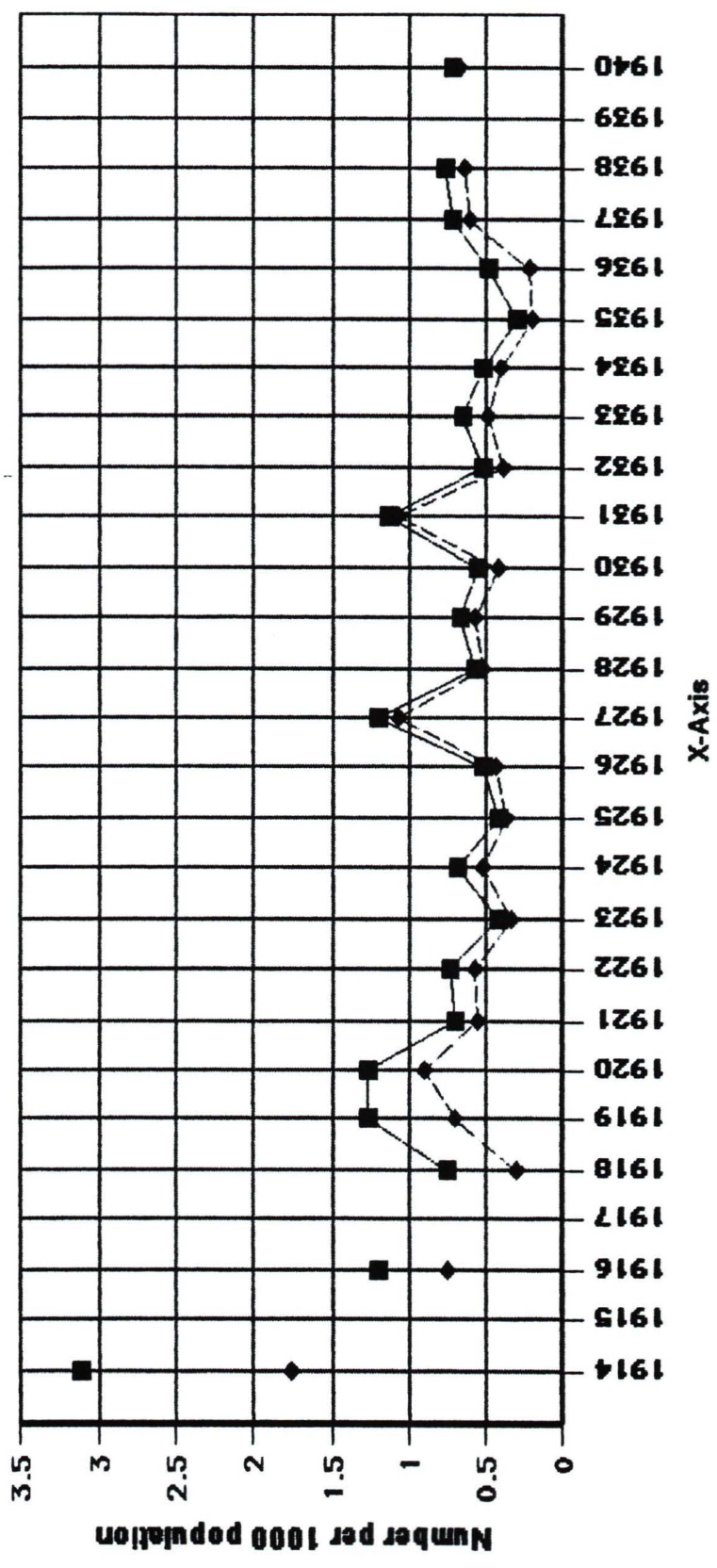
Graph 1-14

Per capita charitable, unemployment expenditures, Victoria (current dollars)



Source: Gallacher, "City In Depression"

Graph 1-15
Charges/summary convictions per 1000 population, "stealing", Victoria

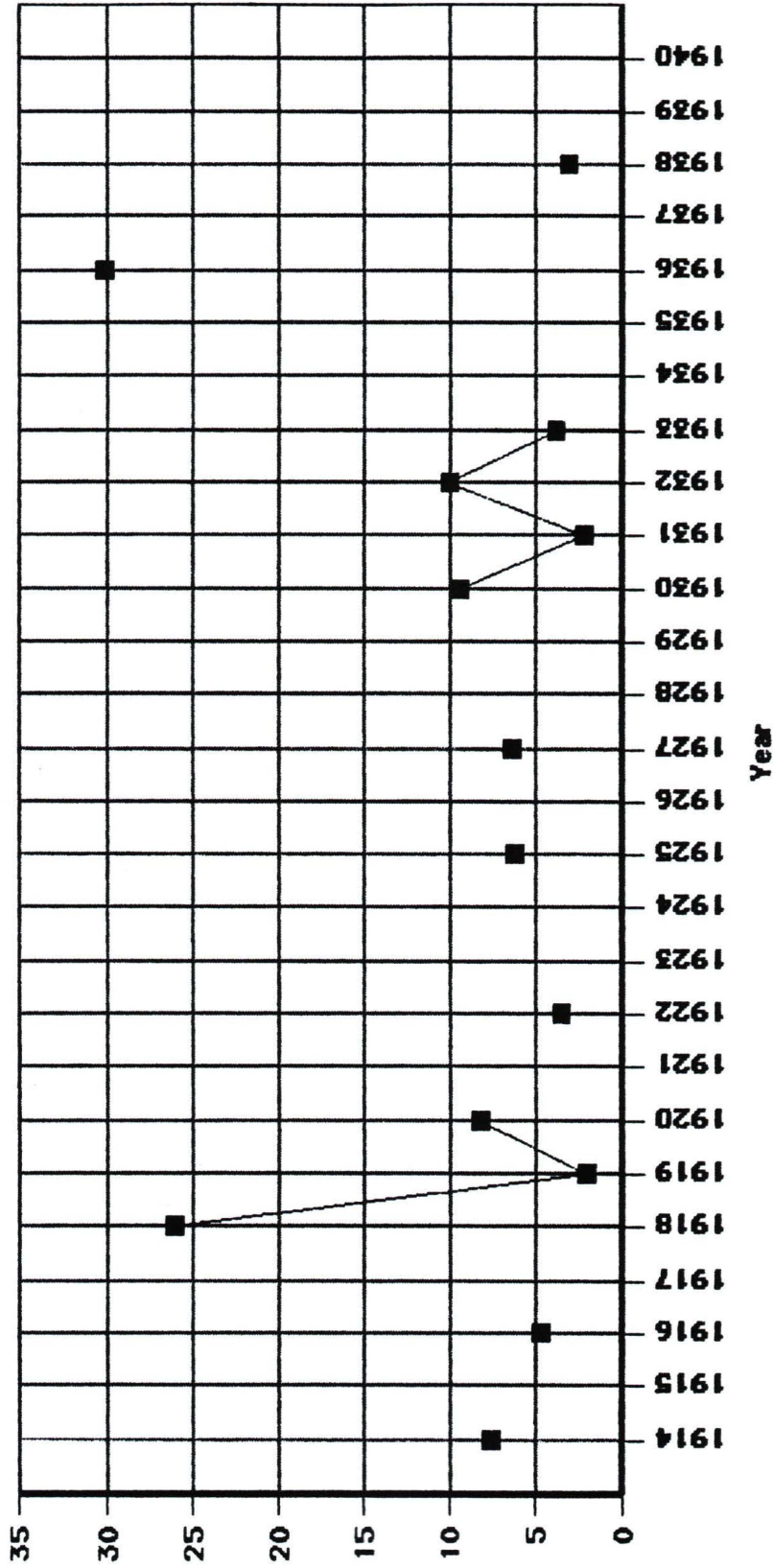


■ Charges
◆ Summary convictions

Source: VPD Police Court Book

Graph 1-16

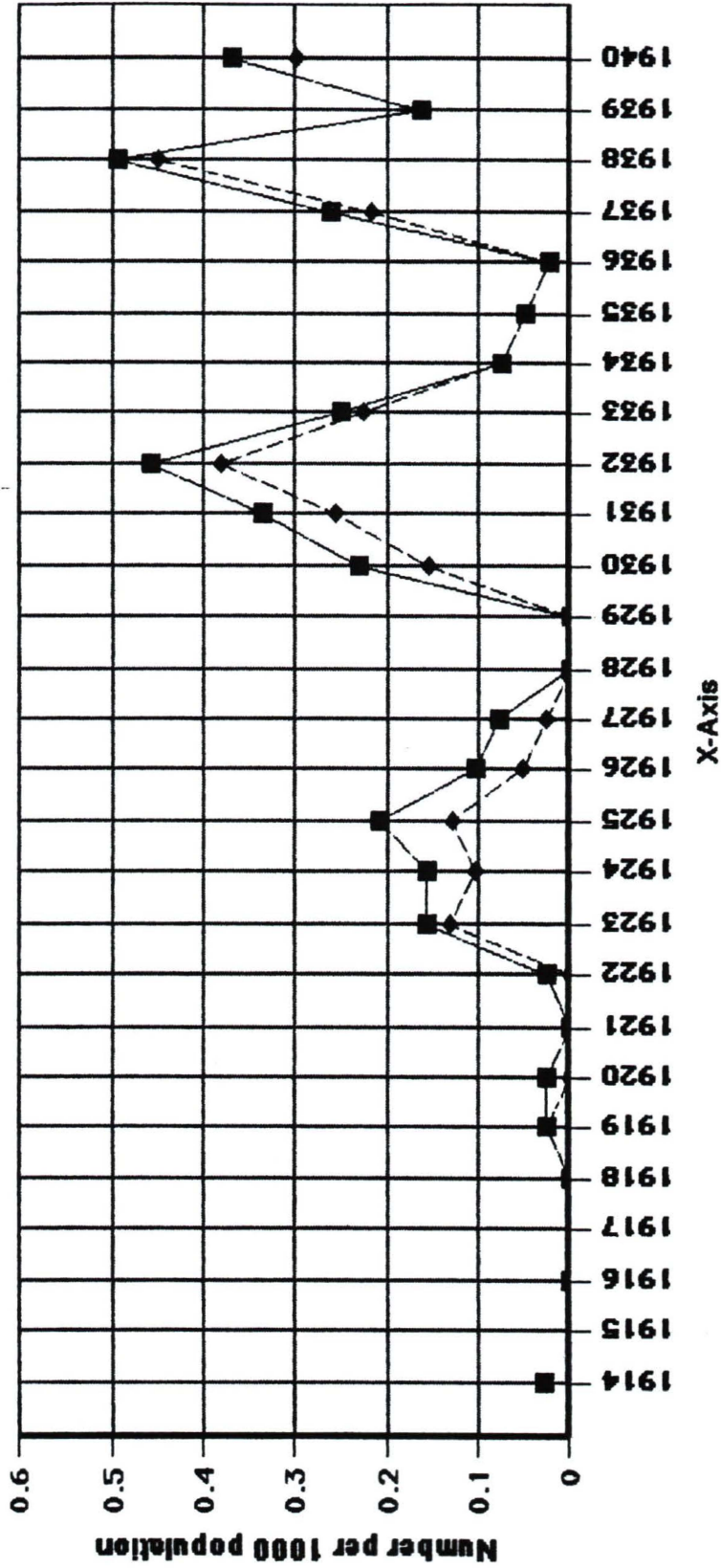
% of persons charged with theft sent for higher-court trial



Source: YPD Police Court Book
Note: years with missing values are those in which no cases were sent to higher court

Graph 1-17

Charges/summary convictions per 1000 population, "auto, attempted and misc theft", Victoria

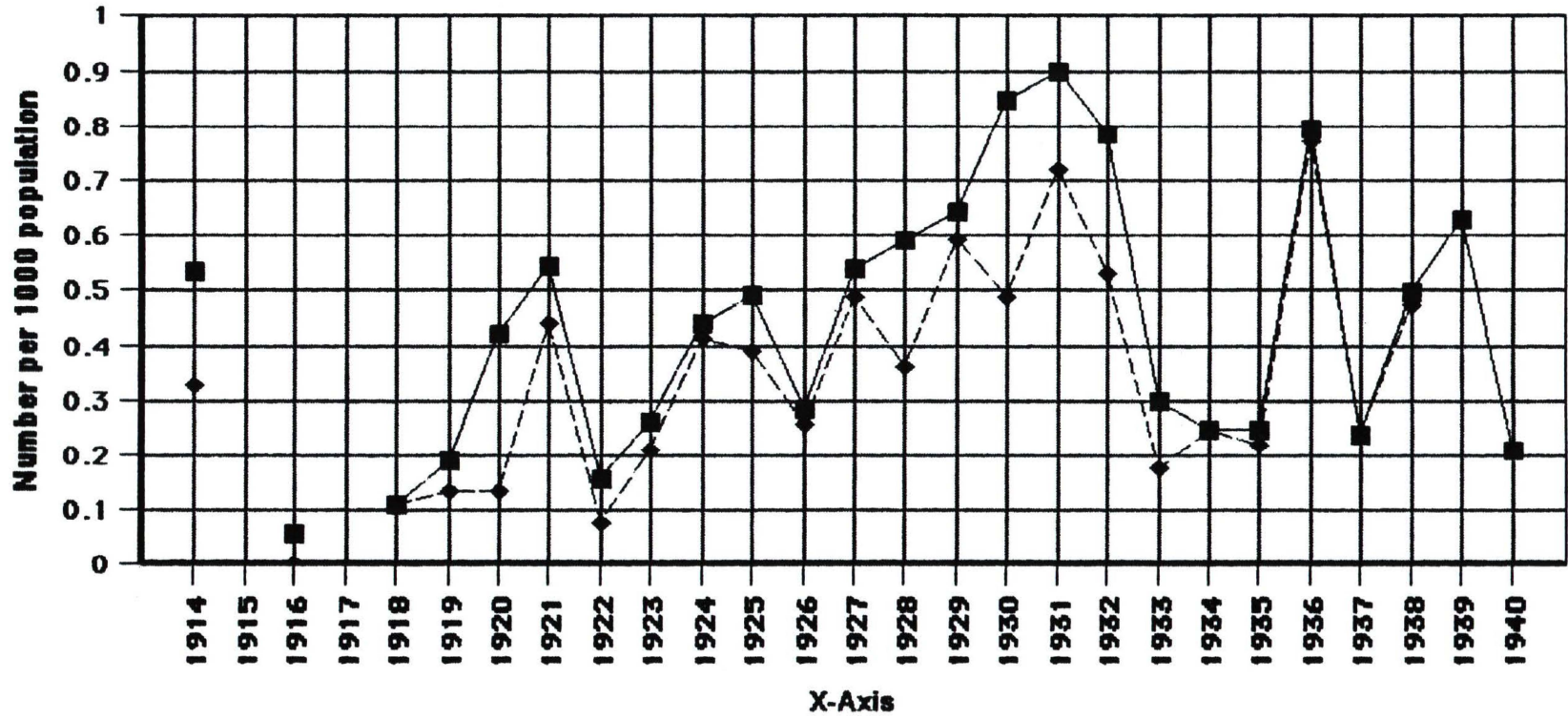


■ Charges
◆ Summary convictions

Source: VPD Police Court Book

Graph 1-18

Charges/summary convictions per 1000 population, "false pretences", Victoria

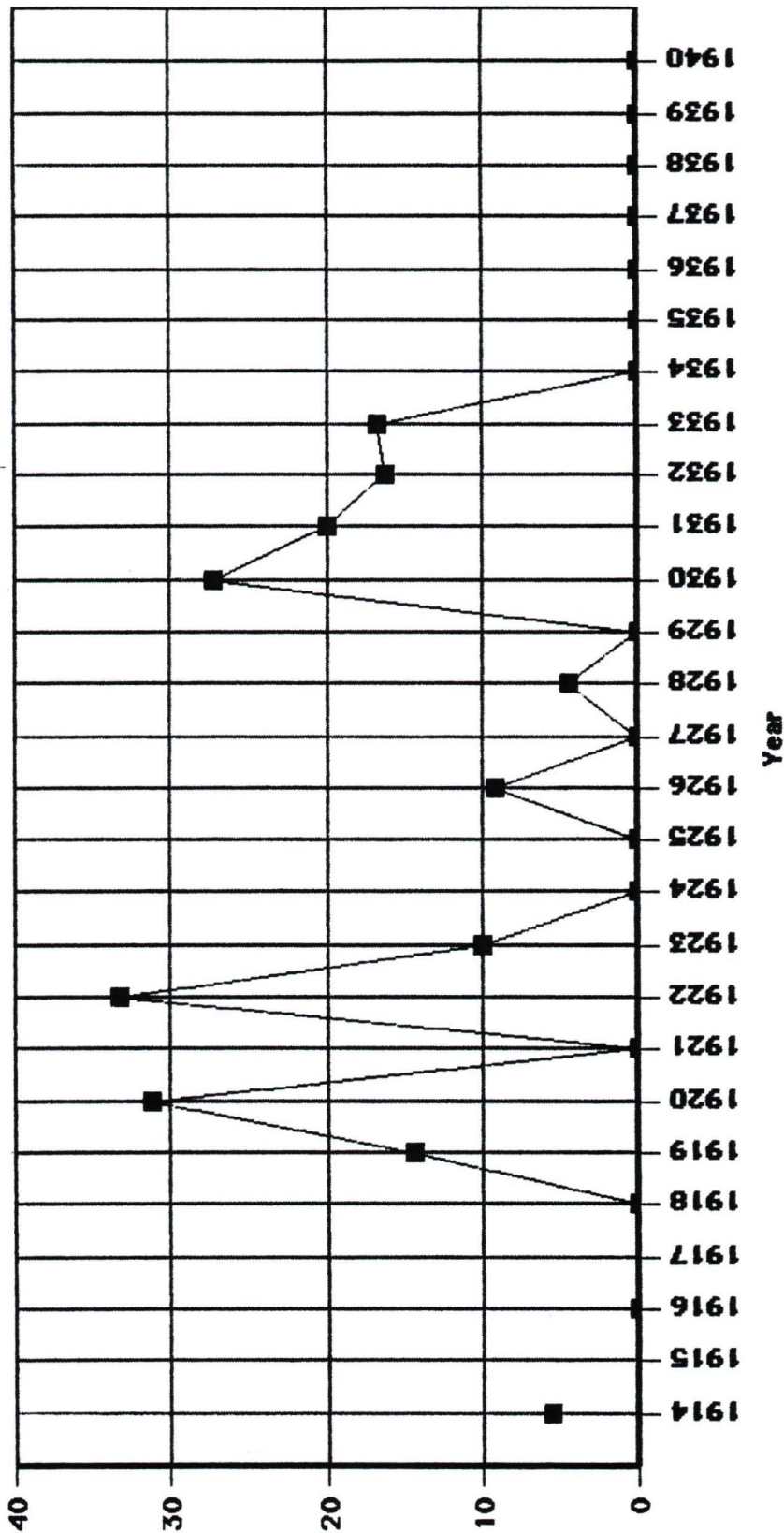


■ Charges ◆ Summary convictions

Source: VPD Police Court Book

Graph 1-19

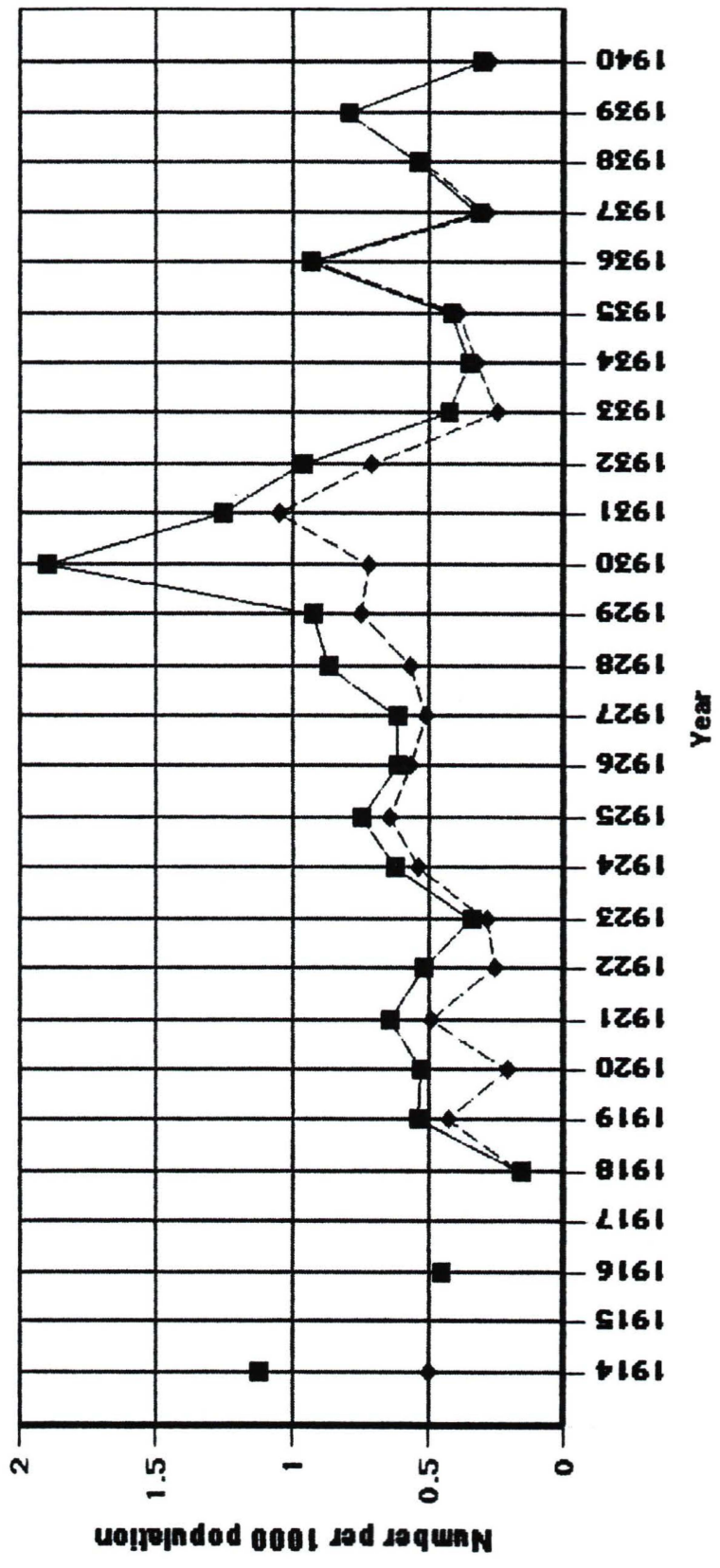
% of persons charged with false pretences sent for higher-court trial



Source: VPD Police Court Book

Graph 1-20

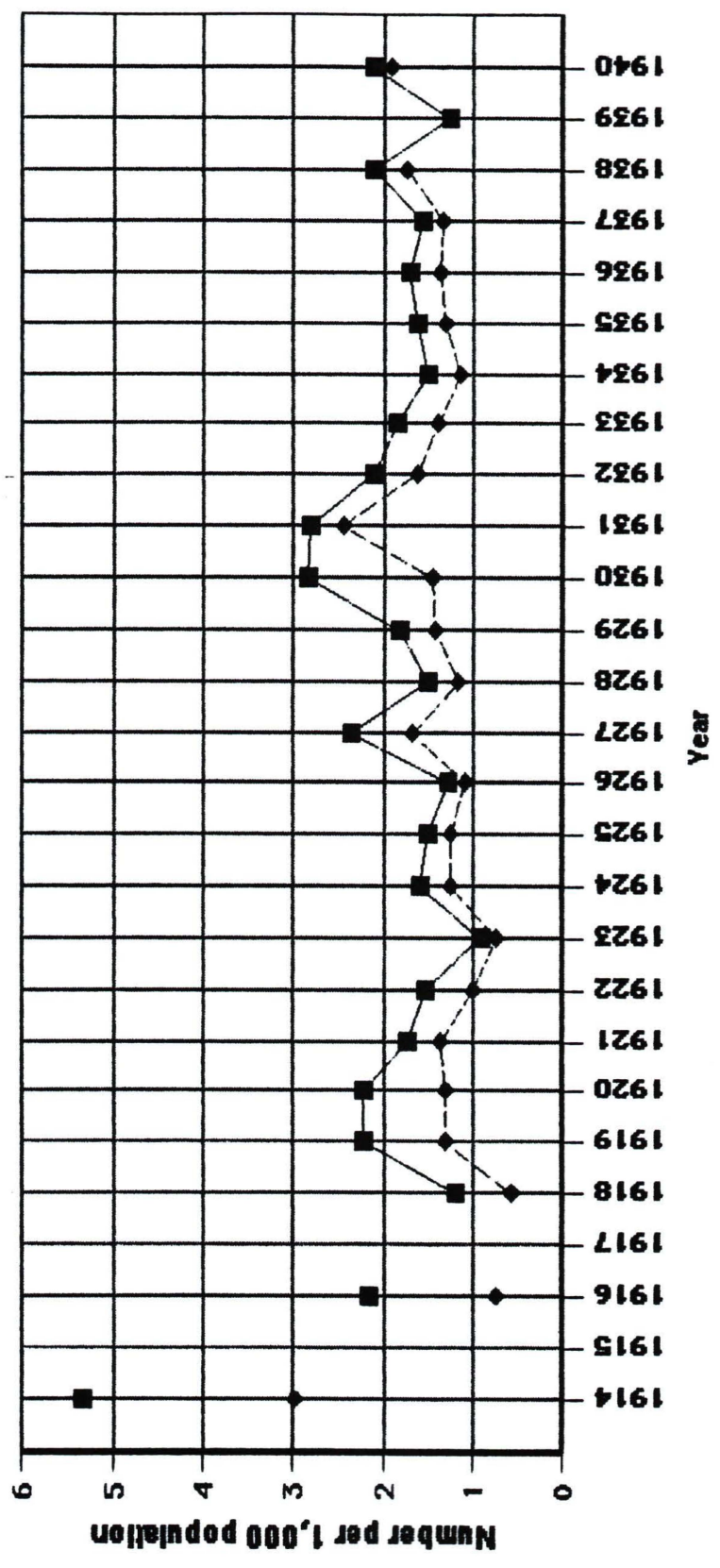
Charges/summary convictions (police court)/1000 pop, non-violent property offences (excluding "general theft"), Victoria



■ Charges
◆ Summary convictions

Source: VPD Police Court Book

Graph 1-21
Charges/police court summary convictions per 1000 population, Class III offences, Victoria, 1914-1940

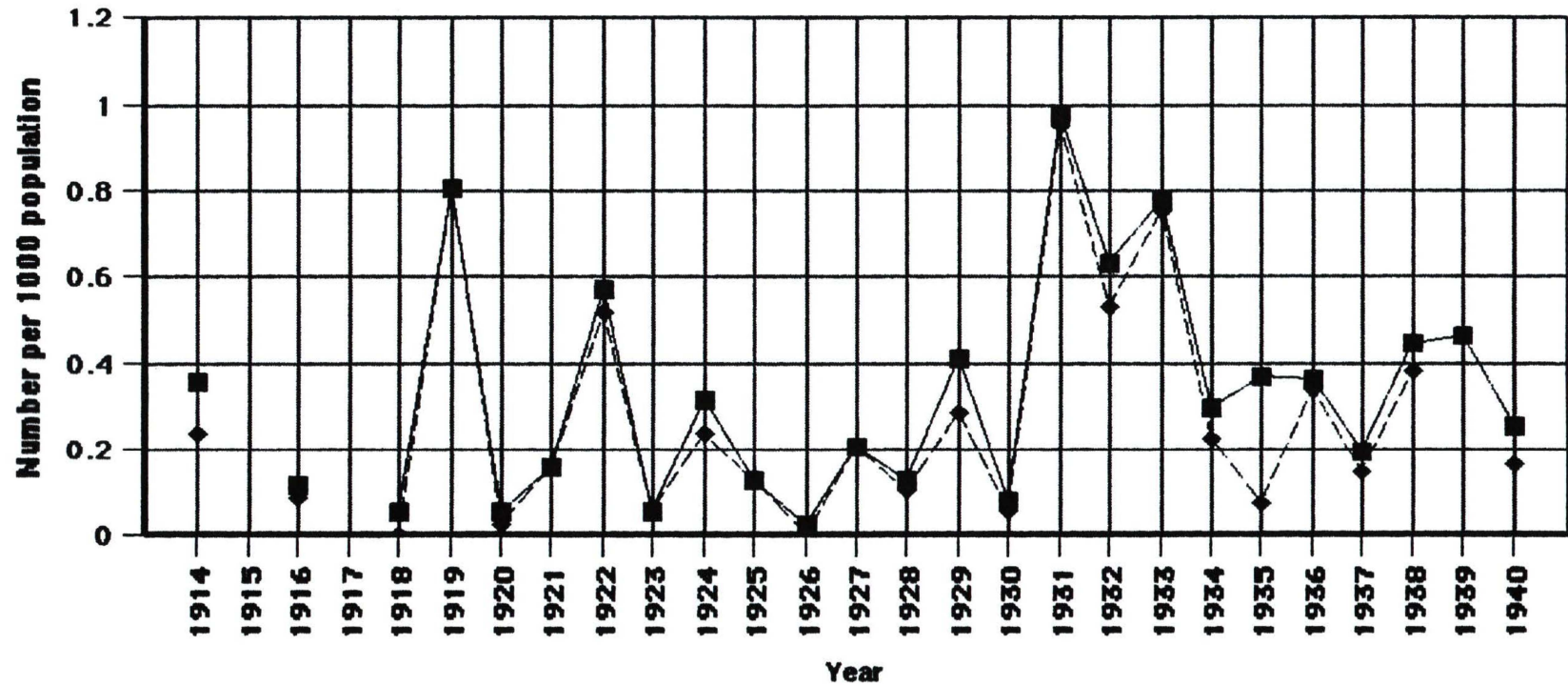


■ Charges ◆ Summary convictions

Source: VPD Police Court Book

Graph 1-22

Charges/summary convictions (police court)/1000 pop, "breaking and entering", Victoria



■ Charges

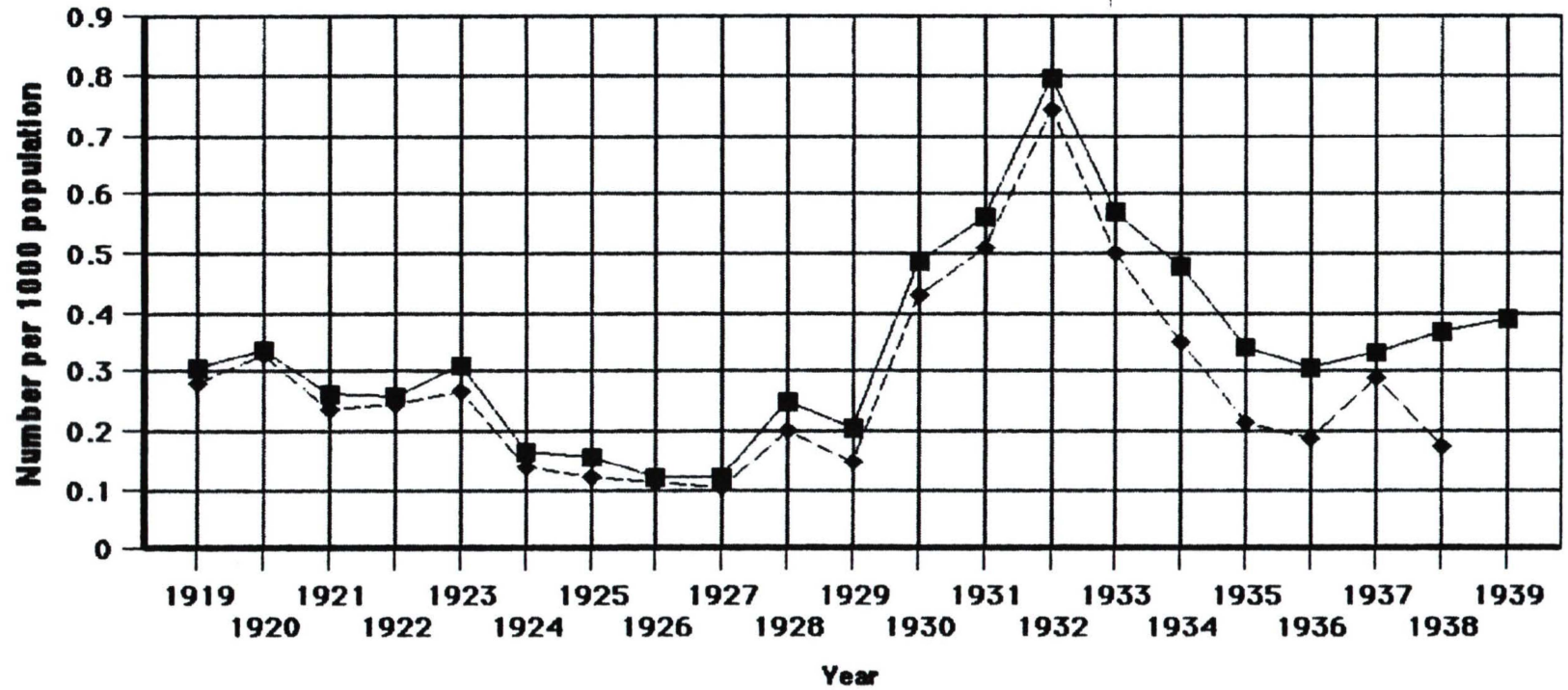
◆ Summary convictions

includes "burglary," "housebreaking," "shopbreaking"

Source: VPD Police Court Book

Graph 1-23

Charges/summary convictions (police court)/1000 pop, B & E, 3-year running averages



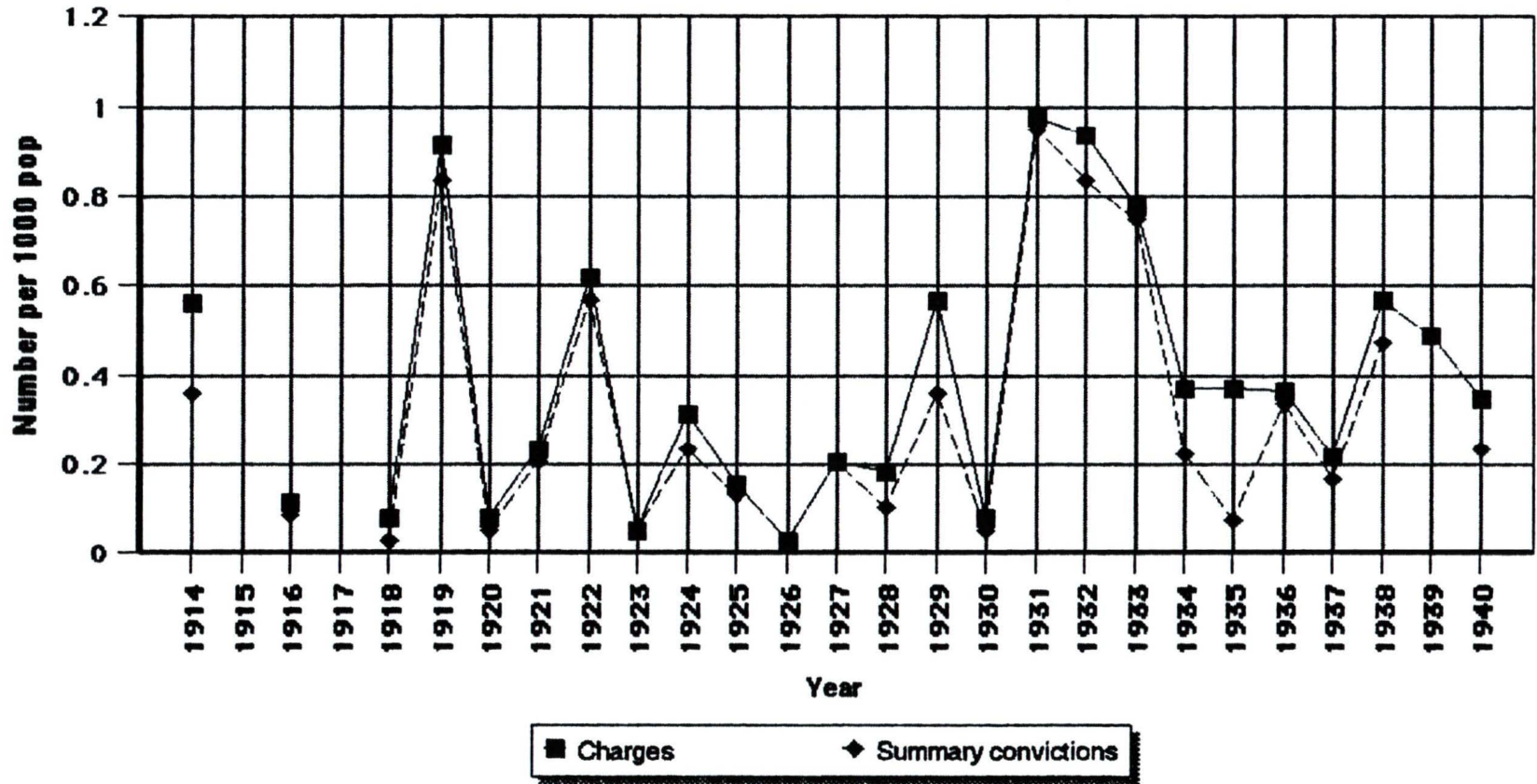
■ Charges

◆ Summary convictions

includes "burglary," "housebreaking," "shopbreaking"
Source: VPD Police Court Book

Graph 1-24

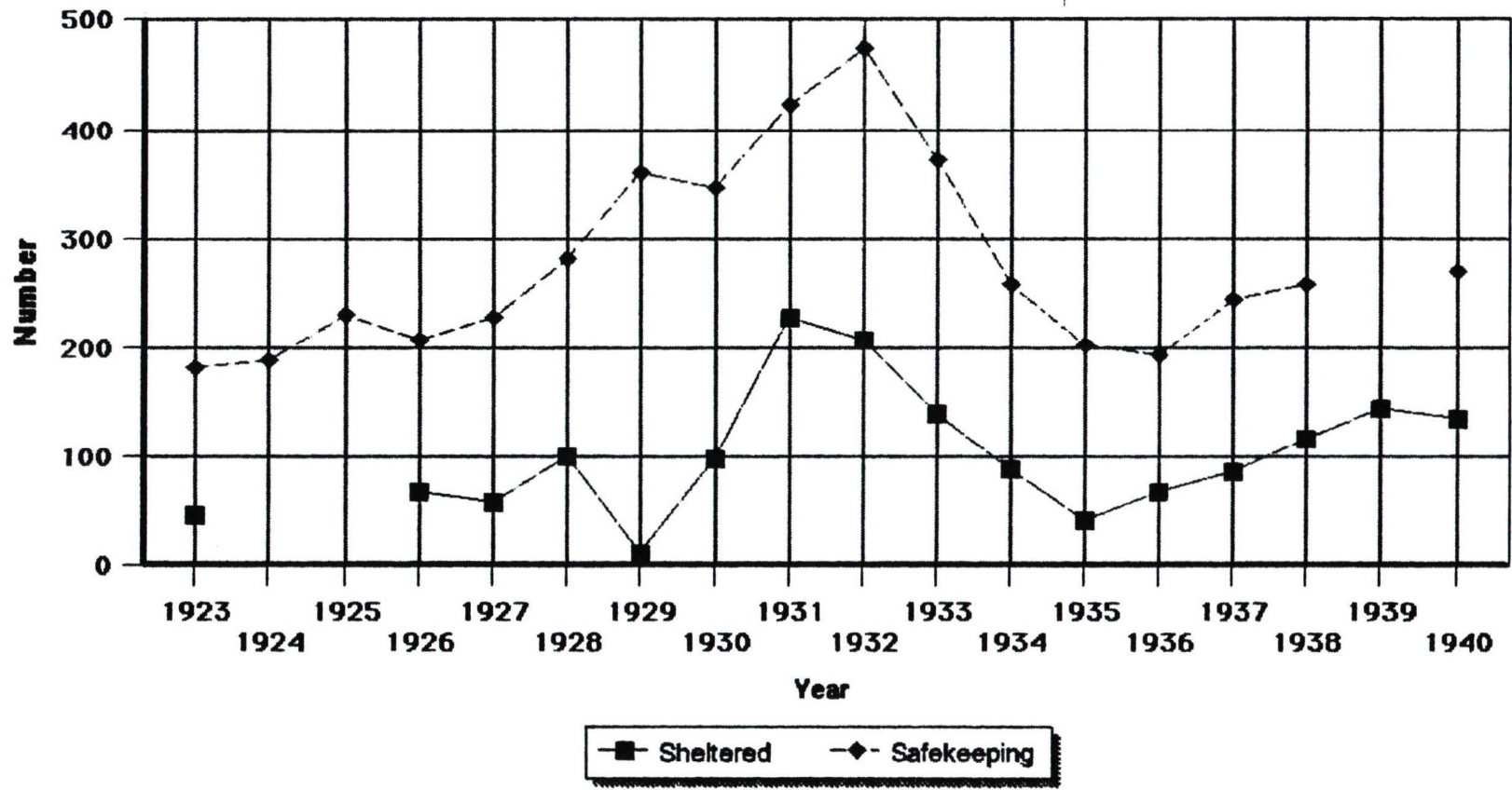
Charges/summary convictions (police court)/1000 pop, all Class II offences, Victoria



Source: VPD Police Court Book

Graph 1-25

Persons sheltered and held for safekeeping, Victoria Police Department, 1923-1940



Sources: DBS (sheltered), Police Court Book (safekeeping)

Table 1.1
Correlation Coefficients: Conviction Rates (Class II and III
Offences) with Economic Indicators for the
Same Year -- Victoria, 1922-1940

(Source: Dominion Bureau of Statistics, Annual Reports of Statistics of
 Statistics of Criminal and Other Offences)

	% of population registered with ESC	% of population unplaced by ESC	value of building permits	per capita relief expenditure
Class II	0.498	0.54	-0.33	0.573
	(0.070)	(0.046)	(0.249)	(0.107)
Class III	0.483	0.64	-0.044	0.507
	(0.068)	(0.010)	(0.876)	(0.135)

Significant at the 95% confidence level.

Probability values in brackets. Correlation coefficients with relief
 expenditures calculated only for years 1930-1939, inclusive.

Table 1.2
Correlation Coefficients: Prosecution and Conviction Rates (Class II and III Offences)
with Economic Indicators for the Same Year -- Victoria, 1922-1940

(Source: Victoria Police Department Police Court Book, 1914-1937, and Statistical Statements, 1938 and 1940)

	% of population registered with ESC	% of population unplaced by ESC	persons sheltered (DBS)	persons kept for safekeeping (Jailer's Book)	value of building permits	per capita relief expenditure
Class II Prosecution Rate	0.711	0.539	0.699	0.770	0.167	0.534
	(0.001)	(0.021)	(0.003)	(0.000)	(0.522)	(0.112)
Class II Conviction Rate	0.686	0.686	0.779	0.761	-0.245	0.567
	(0.003)	(0.003)	(0.001)	(0.001)	(0.378)	(0.112)
Class III Prosecution Rate	0.498	0.350	0.516	0.632	0.197	0.145
	(0.035)	(0.155)	(0.006)	(0.006)	(0.449)	(0.689)
Class III Conviction Rate	0.611	0.550	0.687	0.568	0.045	0.181
	(0.009)	(0.022)	(0.006)	(0.017)	(0.870)	(0.641)

Significant at the 95% confidence level.

Probability values in brackets. Correlation coefficients with relief expenditures calculated only for years 1930-1939, inclusive.

Table 1.3**Correlation Coefficients: Property Prosecutions and Convictions with Economic Indicators for the Same Year -- Vancouver, 1929-1937**

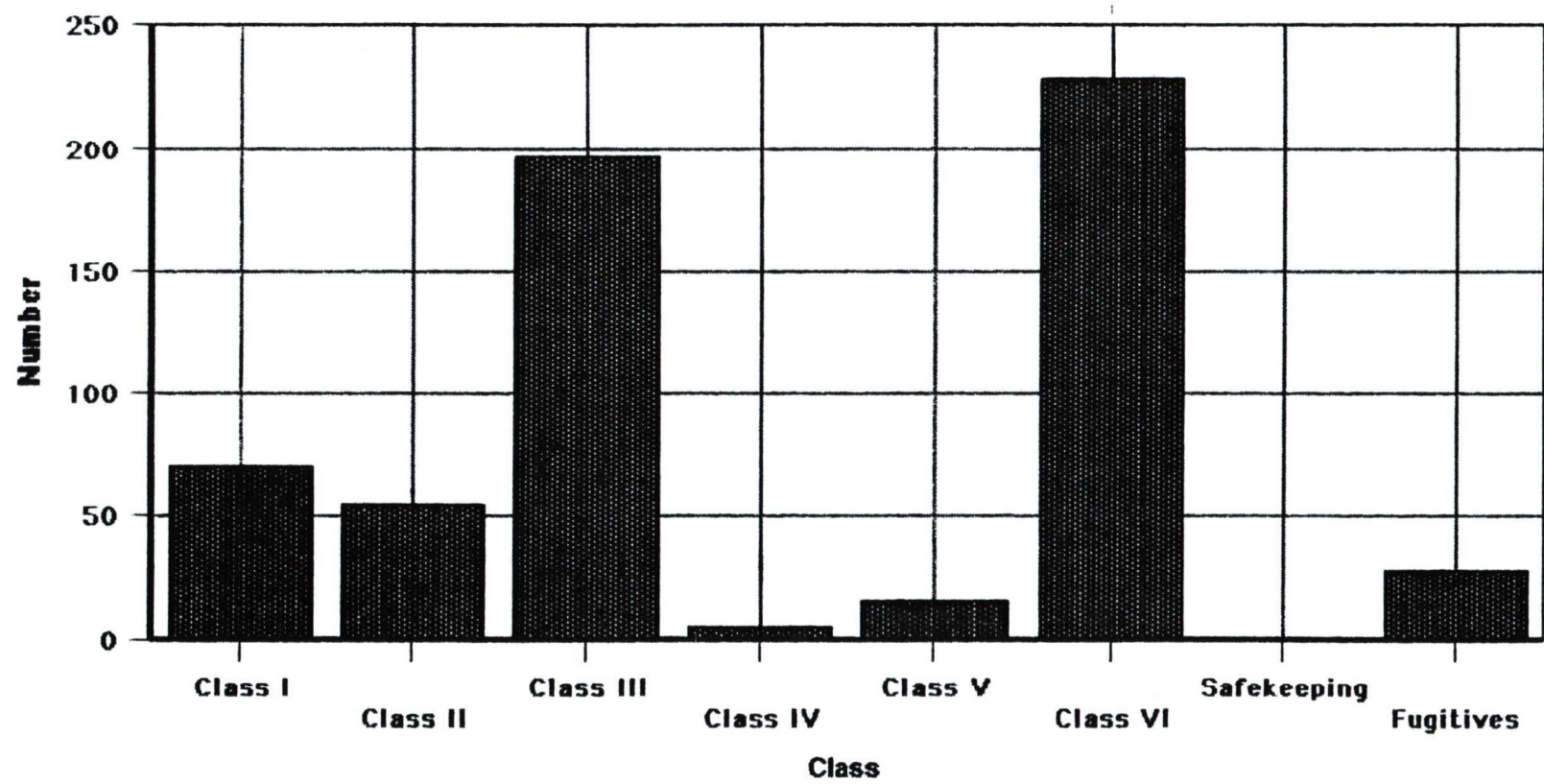
(Source: James Huzel, "The Incidence of Crime in Vancouver During the Great Depression")

	average % trade union unemployment	average employment index	value of building permits	per capita relief expenditure
Prosecution Rate All Property Crimes	0.58 (0.10)	-0.62 (0.08)	-0.54 (0.13)	0.61 (0.08)
Conviction Rate All Property Crimes	0.64 (0.05)	-0.63 (0.07)	-0.84 (0.01)	0.86 (0.01)
Prosecution Rate Violent Property Crimes	0.48 (0.07)	-0.38 (0.30)	0.09 (0.82)	-0.12 (0.76)
Conviction Rate Violent Property Crimes	-0.01 (0.97)	0.21 (0.59)	0.47 (0.20)	-0.53 (0.14)
Prosecution Rate General Thefts	0.55 (0.13)	-0.56 (0.12)	-0.79 (0.01)	0.85 (0.01)
Conviction Rate General Thefts	0.52 (0.15)	-0.53 (0.14)	-0.88 (0.01)	0.88 (0.01)

Significant at the 95% confidence level.

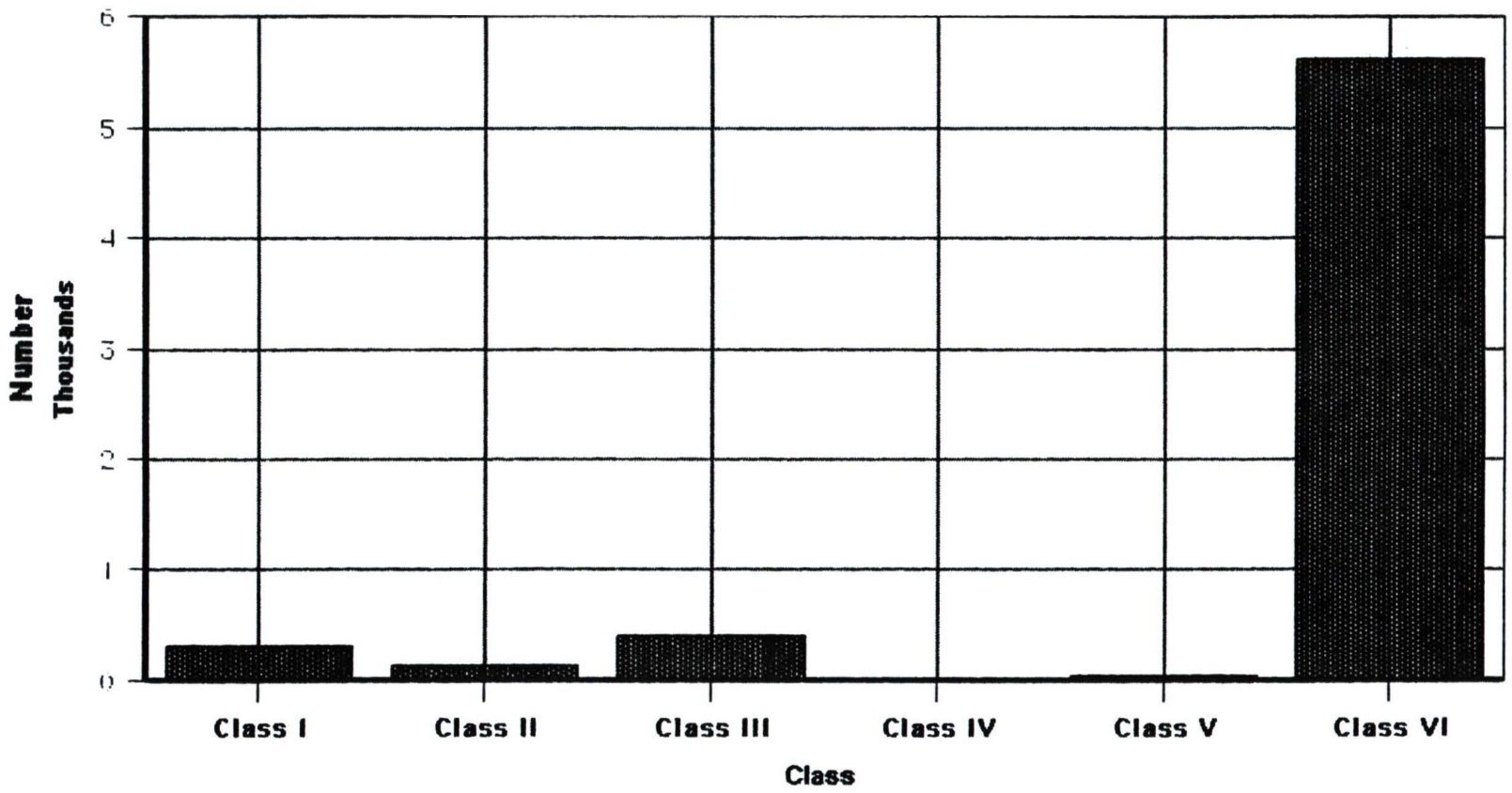
Probability values in brackets

Graph 2-1
Arrestees by Class of Offence, May 1928-July 1933



"Fugitives" means those held for other police forces
Source: Victoria Police Department Mugbook

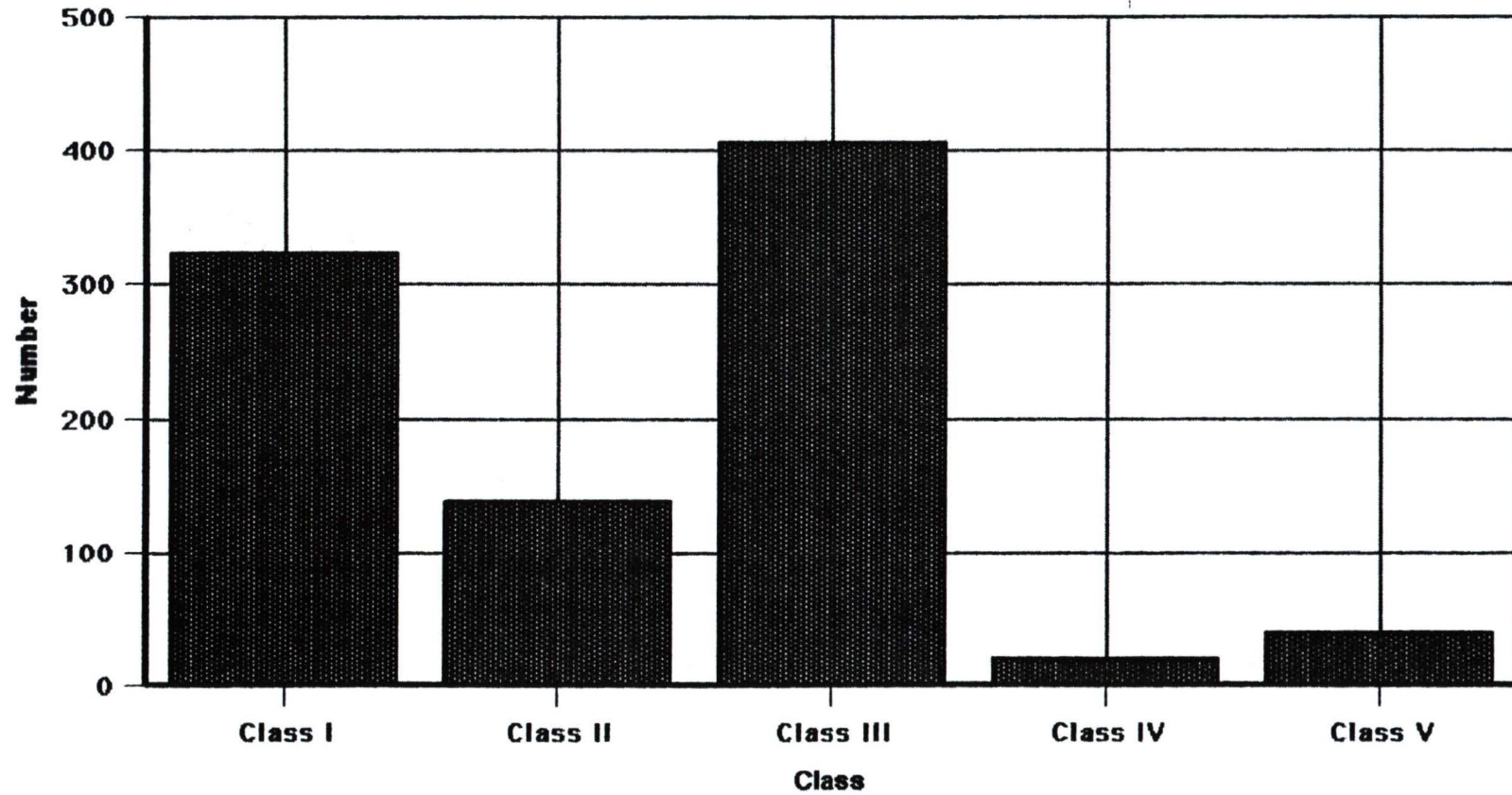
Graph 2-2
Cases in Police Court by Class of Offence, 1929-1933



Source: "Annual Reports of Criminal Statistics, 1914-1937" ("Jailer's Book")

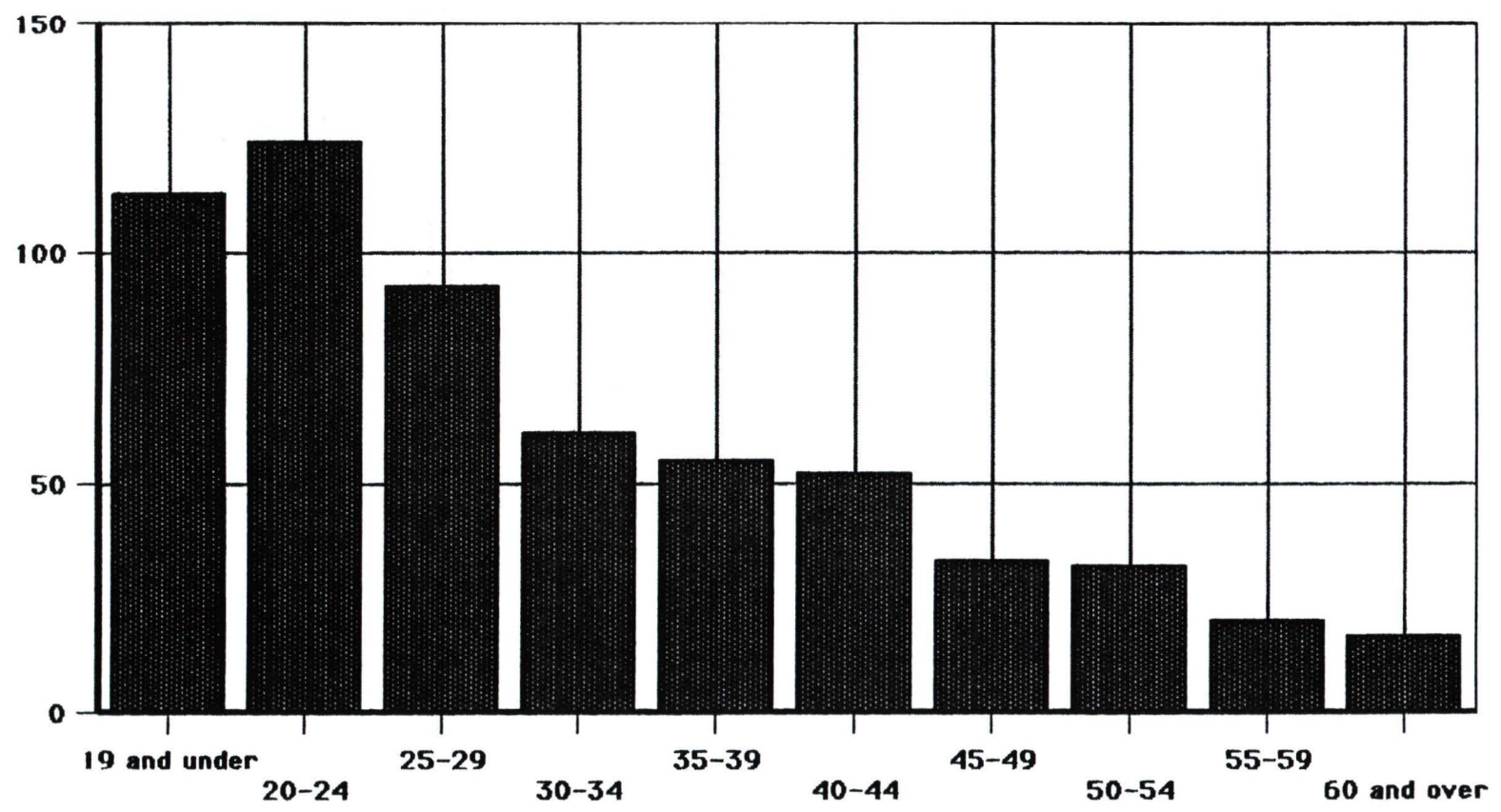
Graph 2-3

Cases in Police Court by Class of Offence, excluding Class VI, 1929-1933



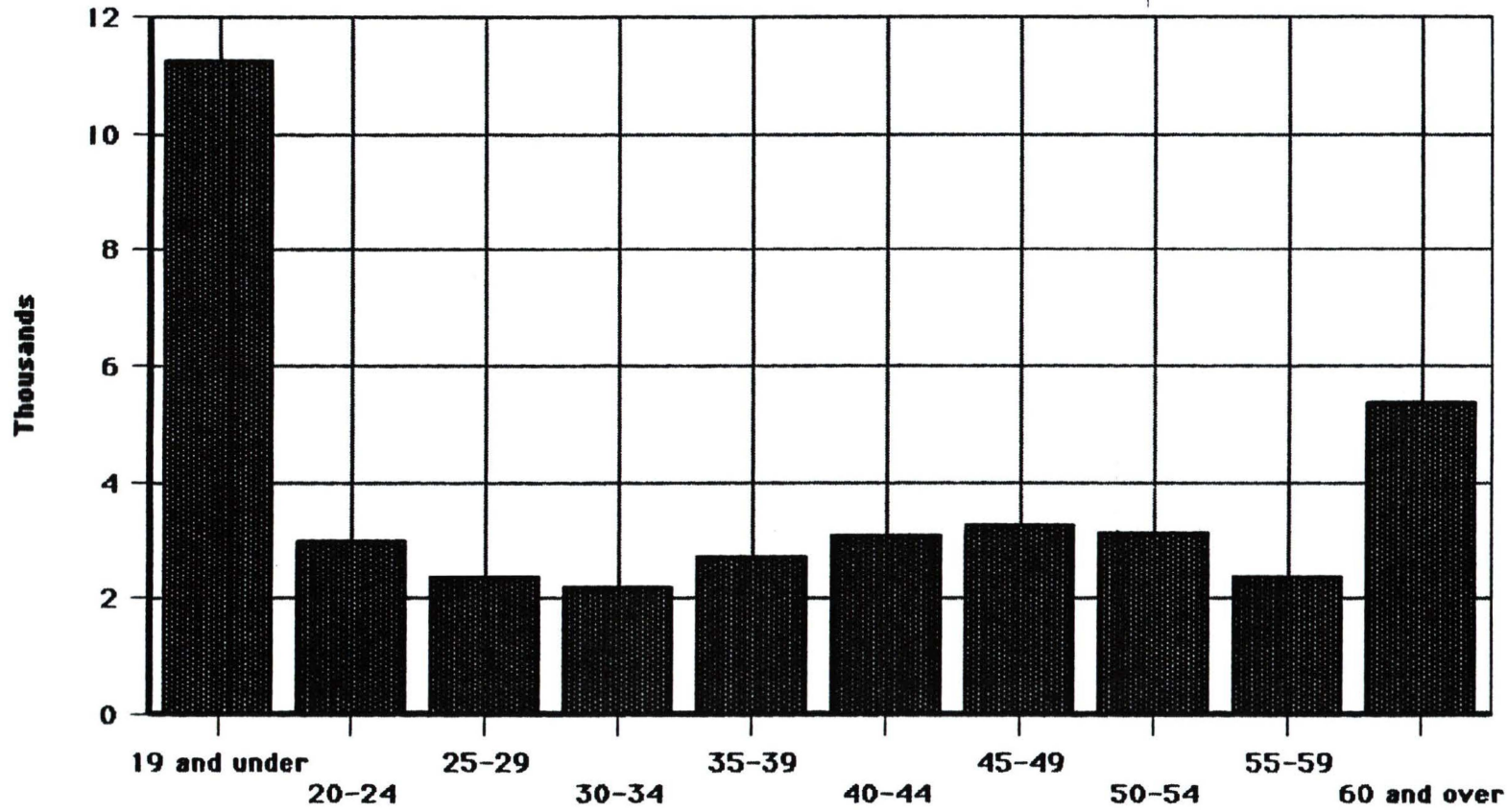
Source: Victoria Police Department Jailer's Book

Graph 2-4
Ages of arrestees, 1928-1933



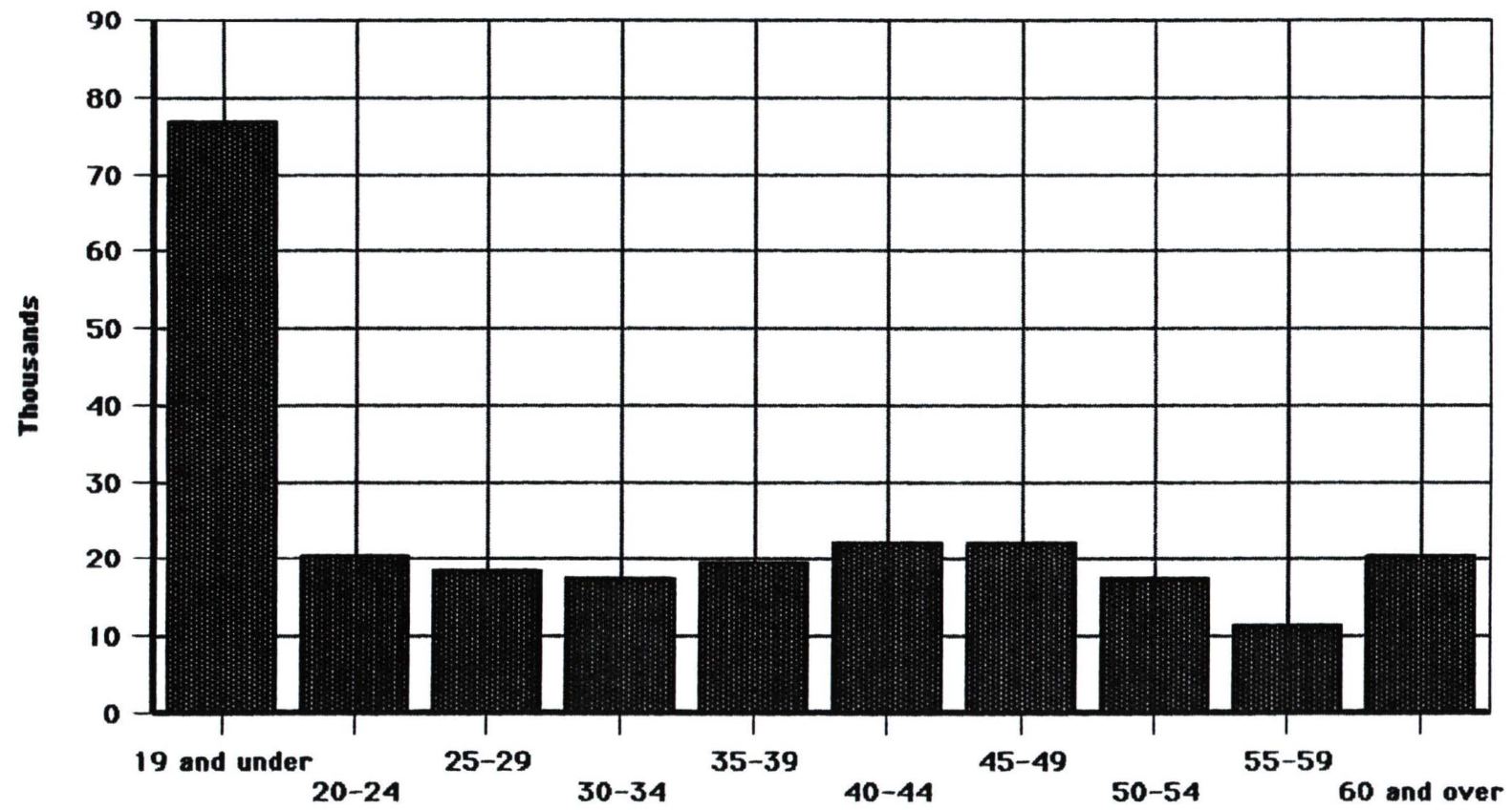
Source: Victoria Police Department Mugbook

Graph 2-5
Ages of Victoria residents (from "Census 1931")



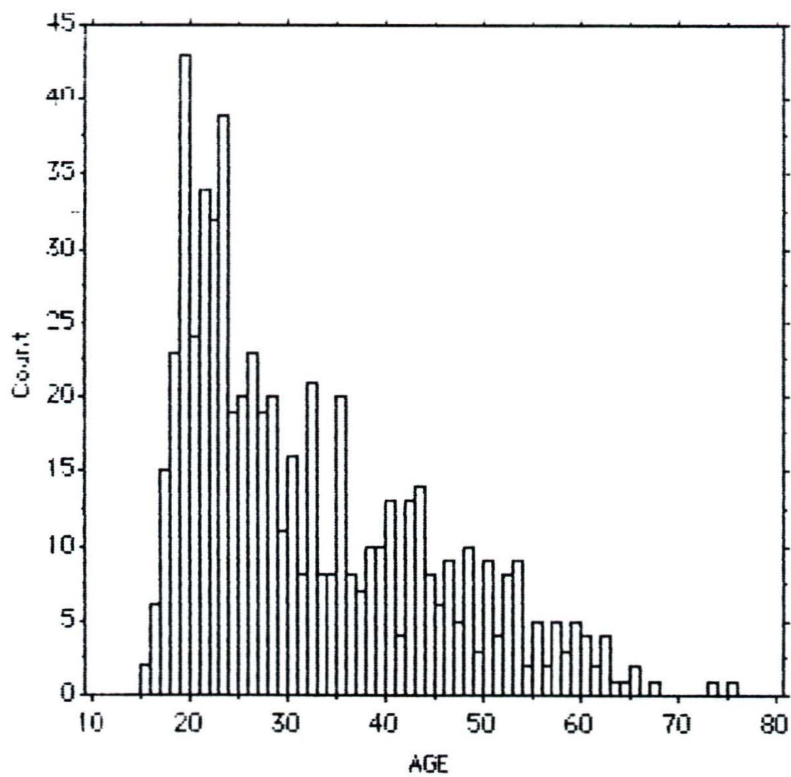
Source: Seventh Census of Canada, 1931

Graph 2-6
Ages of Vancouver residents (from "Census 1931")



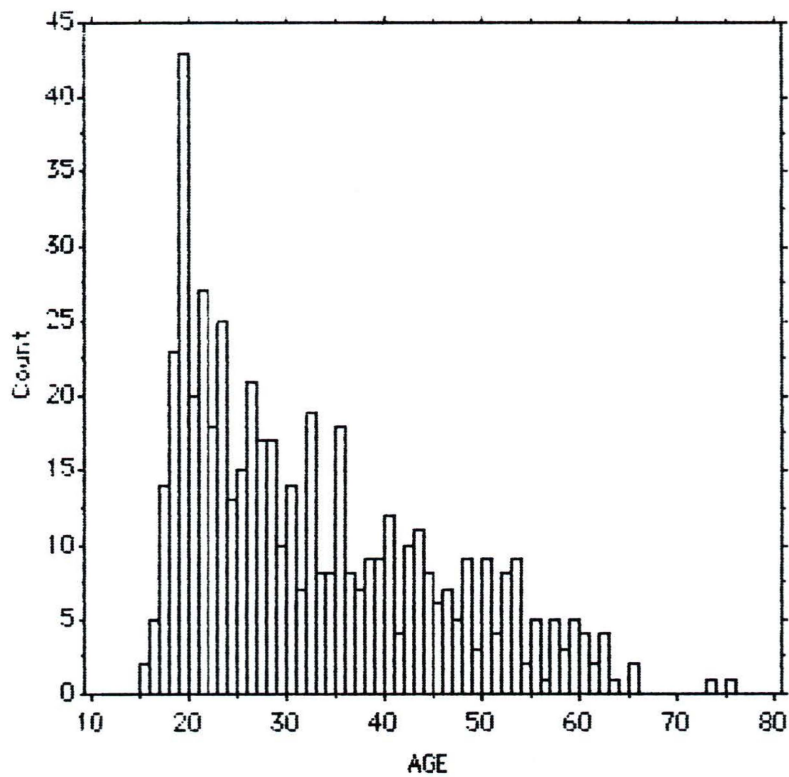
Source: Seventh Census of Canada, 1931

Graph 2-7:
Frequency distribution, ages of all arrestees



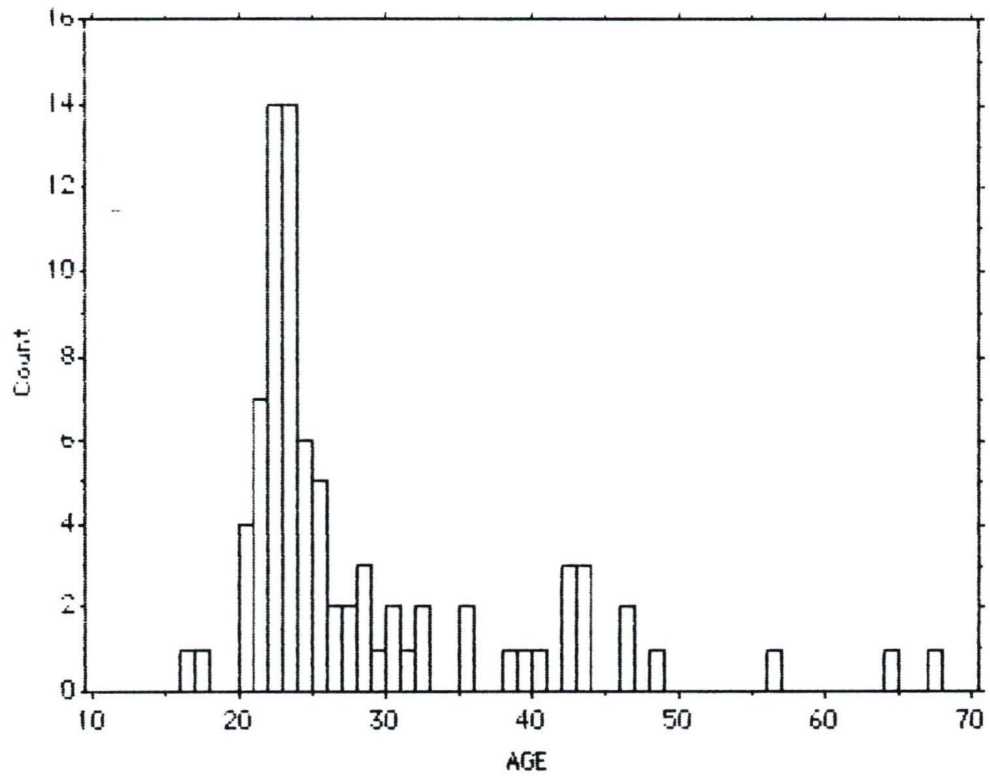
Source: Victoria Police Department "Mugbook"

Graph 2-8:
Frequency distribution, ages of male arrestees



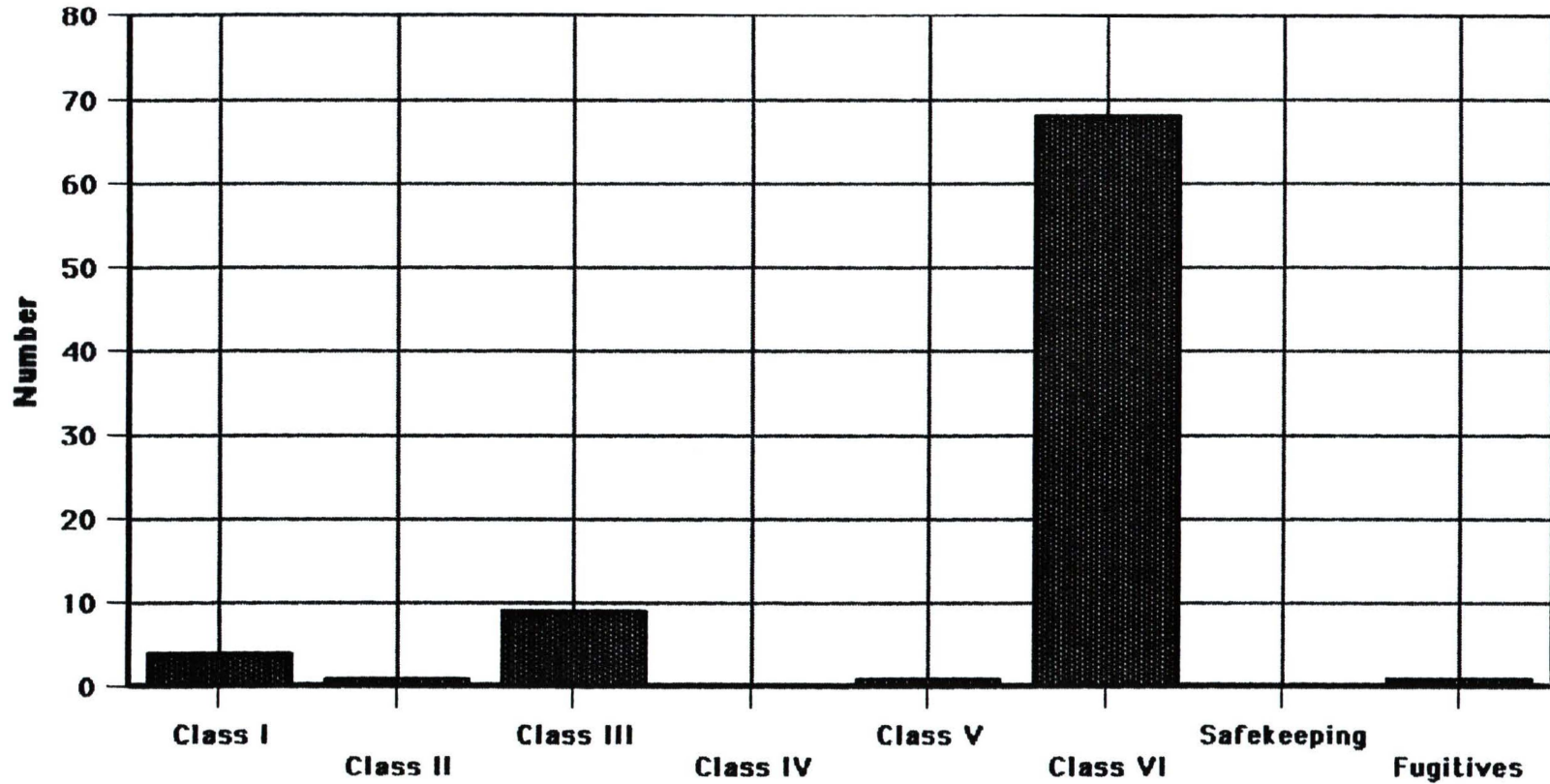
Source: Victoria Police Department "Mugbook"

Graph 2-9:
Frequency distribution, ages of female arrestees



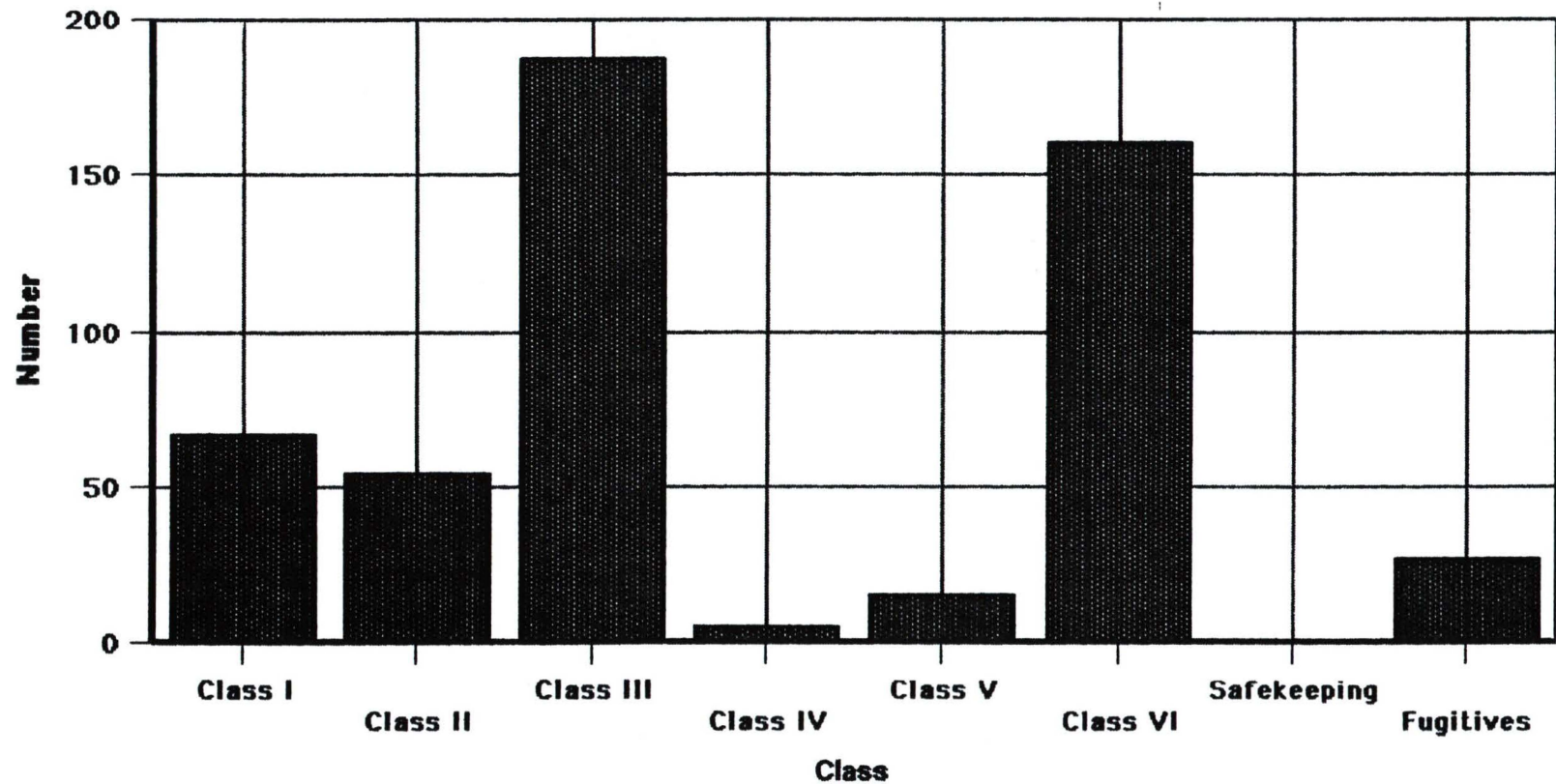
Source: Victoria Police Department "Mugbook"

Graph 2-10
Female arrestees by class of offence, 1928-1933



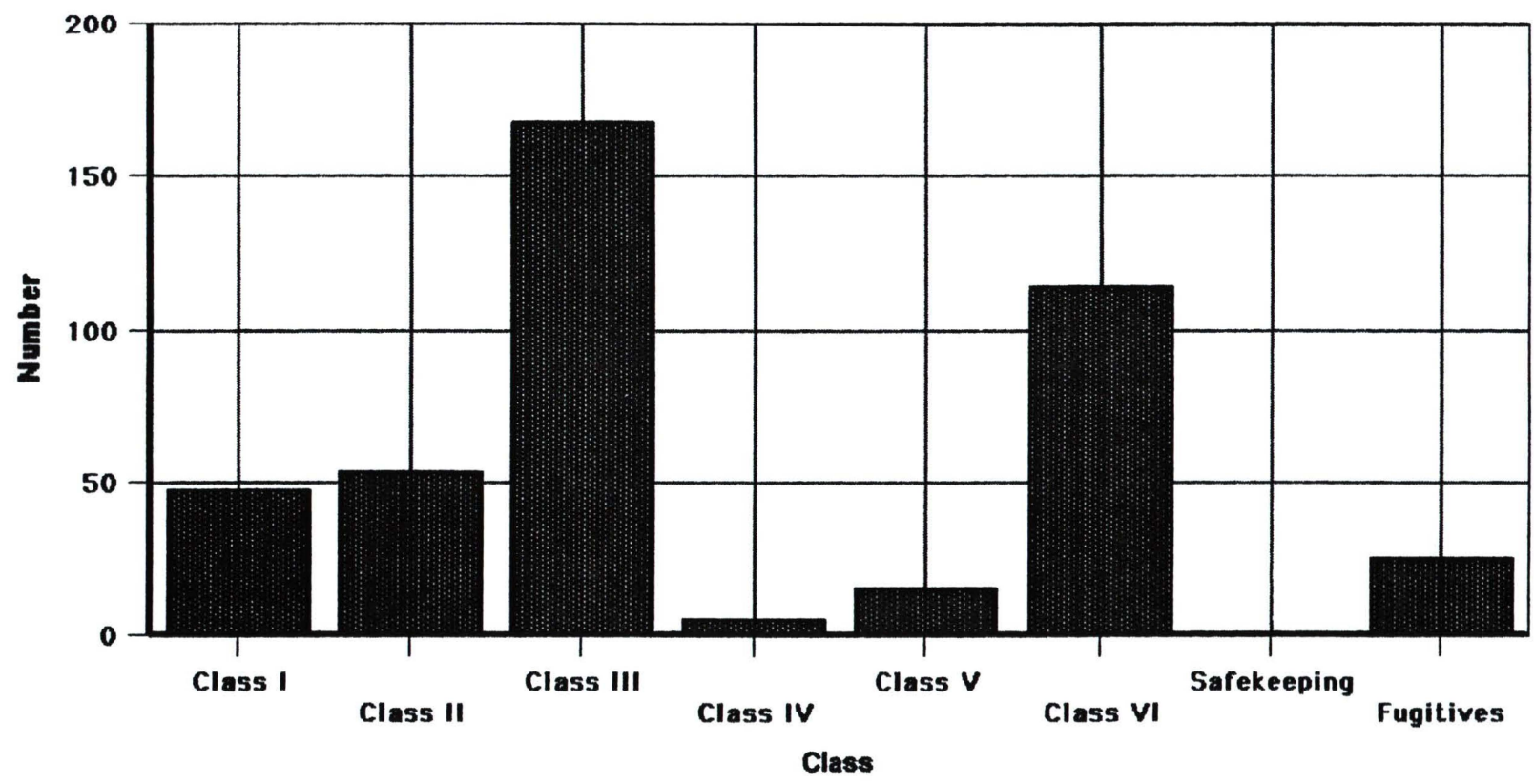
"Fugitives" means those held for other police forces
Source: Victoria Police Department Mugbook

Graph 2-11
Male arrestees by class of offence, 1928-1933



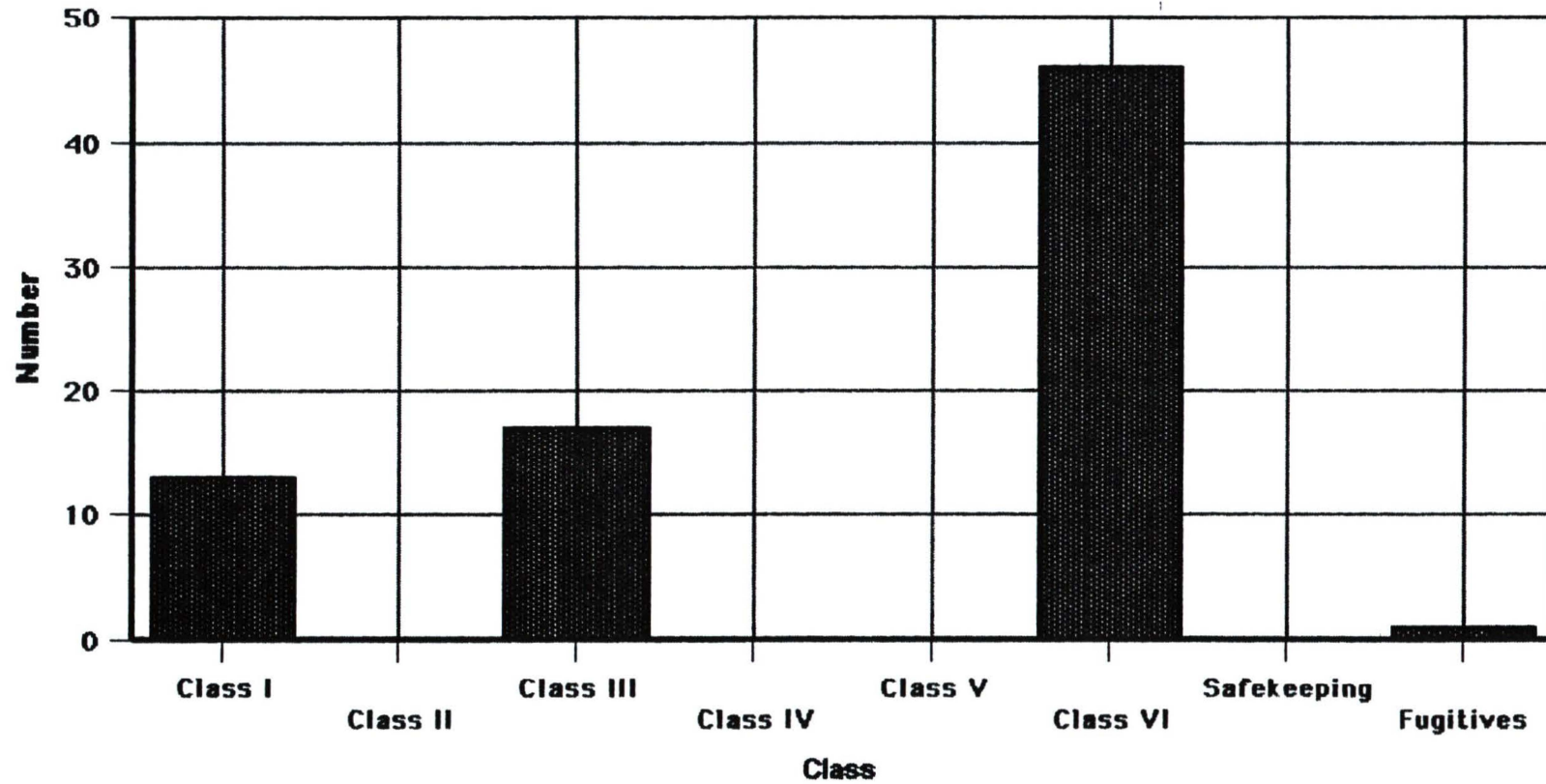
"Fugitives" means those held for other police forces
Source: Victoria Police Department Mugbook

Graph 2-12
Male Caucasians by class of offence, 1928-1933



"Fugitives" means those held for other police forces
Source: Victoria Police Department Mugbook

Graph 2-13
Male Asians by class of offence, 1928-1933



"Fugitives" means those held for other police forces
Source: Victoria Police Department mugbook

Table 2.2
Chi-square test of age distribution, Mugbook arrestees

(Sources: Seventh Census of Canada, 1931;
 Victoria Police Department Mugbook)

Age	Victoria	Mugbook (Observed)	Mugbook (Expected)
19 and under	11220	113	174
20-24	3013	124	47
25-29	2377	93	37
30-34	2203	61	34
35-39	2718	55	42
40-44	3094	52	48
45-49	3251	33	50
50-54	3133	32	48
55-59	2392	20	37
60 and over	5365	17	83
Total	38766	600	
Chi-Square		332.889	
Probability, df=9	<0.001		
Coefficient of Contingency			0.597

Table 2.3: Job classifications and jobs represented in Mugbook

Classification	Jobs Represented
Unemployed/none	retired; none; pensioner U.S.; Army; pensioner unemployed; student
Agriculture	farmer; farm helper; dairy hand; farm labourer; creamery man
Fishing/trapping	fisherman; canneryman; whaling station; trapper
Logging	logger
Mining	miner
Manufacturing	mill-hand; lather; blacksmith; foreman; hod carrier; sawmill hand; paint maker; machinist; apprentice; smelter man; planerman; battery man; wood man; lather; toy-maker
Transportation/ communications	seaman; sailor; marine fireman; telephone operator; brakeman; longshoreman; truck driver; horseman; telegraph operator; stable-boy; donkey engineer [sic]; railway-man; trainman; driver; deckhand; steamship porter; steward; rigger; stage-driver; radio man; purser
Construction/ maintenance	auto painter; blacksmith; builder; bus mechanic; cabinet maker; carpenter; cement mason; cement worker; city garbage man; clerk; electrician gas engineer; heating engineer; janitor; labourer; lino. layer; mechanic; motor mechanic; painter; plumber; plumber's helper; shingler; steamfitter; steel construction; steeplejack; stone-mason

Table 2.3: Job classifications and jobs represented in Mugbook

Classification	Jobs Represented
Services	actor; barber; baker; beauty parlour; bookkeeper; butcher; caddy; carpet cleaner; cashier; chamber-maid; chauffeur; chef; chimney sweep; clairvoyant; clerk; clothes cleaner; cook; delivery boy; domestic; dressmaker; entertainer; gardener; hotel keeper; hotel man; housekeeper; housewife; housework; landscape artist; laundry man; messenger boy; musician; painter; printer; projectionist; prostitute; sales clerk; salesman; secretary; service station operator; shoemaker; shoeshiner; silver smith; stenographer; stenog.; taxi driver; upholsterer; usher; waiter; waitress; waitress - prostitute; watchman; wiper; wood-man
Trade	auto distbr.; auto-dealer; bond dealer; bond salesman; commercial traveller; confectioner; financial agent; fruiterer; furrier; gambler; grocery clerk; importer; insurance salesman; inventor; lumber man; motor car stock man; newspaper agent; piano salesman; rooming-house keeper; salesman; storekeeper; tobacconist; used car dealer; wood dealer
Military	naval reservist; petty officer; soldier
Professional/managerial	accountant; barrister; bookkeeper; broker; chemical engineer; civil engineer; engineer; gentleman; manufacturer; mechanical engineer; medical orderly; newspaperman; nurse; optician; school teacher; surveyor; vet. surgeon

Table 3.3: Contingency table, observed vs. expected frequencies, charge classes by job classification

	Unemp./none		Agriculture		Fish./trap.		Logging		Mining		Man.		Trans./comm		Const./maint	
	obs.	exp.	obs.	exp.	obs.	exp.	obs.	exp.	obs.	exp.	obs.	exp.	obs.	exp.	obs.	exp.
Class I	3	2.72	4	1.77	1	2.13	0	0.71	1	1.07	4	2.96	8	8.16	17	17.87
Class II	2	2.11	1	1.38	1	1.65	1	0.55	0	0.82	3	2.29	12	6.32	19	13.84
Class III	4	7.51	3	4.90	4	5.88	0	1.96	2	2.94	8	8.17	24	22.54	56	49.33
Class IV	1	0.19	0	0.12	0	0.15	0	0.05	0	0.08	0	0.21	0	0.57	3	1.26
Class V	0	0.61	0	0.40	0	0.48	0	0.16	0	0.24	0	0.67	1	1.84	2	4.03
Class VI	9	8.74	7	5.70	11	6.84	5	2.28	6	3.42	9	9.50	18	26.22	45	57.38
Safekeeping	0	0.04	0	0.03	0	0.03	0	0.01	0	0.01	0	0.04	0	0.12	1	0.25
Fugitive	4	1.07	0	0.70	1	0.84	0	0.28	0	0.42	1	1.17	6	3.22	8	7.05
Totals:	23		15		18		6		9		25		69		151	

Summary Statistics

Degress of freedom 77

Total Chi-Square p = .0073 110.6

Contingency Coefficient: 0.394

Significant (p. < 0.05) over-representations in bold; significant under-representations in bold italic.

Source: Victoria Police Department "Mugbook"

Table 3.3: Contingency table, observed vs. expected frequencies, charge classes by job classification

	Services		Trade		Military		Prof./man.		Totals
	obs.	exp.	obs.	exp.	obs.	exp.	obs.	exp.	
Class I	20	21.06	7	8.40	0	0.71	6	3.43	71
Class II	12	16.32	2	6.51	1	0.55	1	2.66	55
Class III	48	58.15	32	23.19	2	1.96	13	9.47	196
Class IV	0	1.48	1	0.59	0	0.05	0	0.24	5
Class V	4	4.75	6	1.89	1	0.16	2	0.77	16
Class VI	91	67.64	19	26.98	1	2.28	7	11.02	228
Safekeeping	0	0.30	0	0.12	0	0.01	0	0.05	1
Fugitive	3	8.31	4	3.31	1	0.28	0	1.35	28
Totals:	178		71		6		29		600

Table 2.5: Contingency table, observed vs. expected frequencies, job classifications

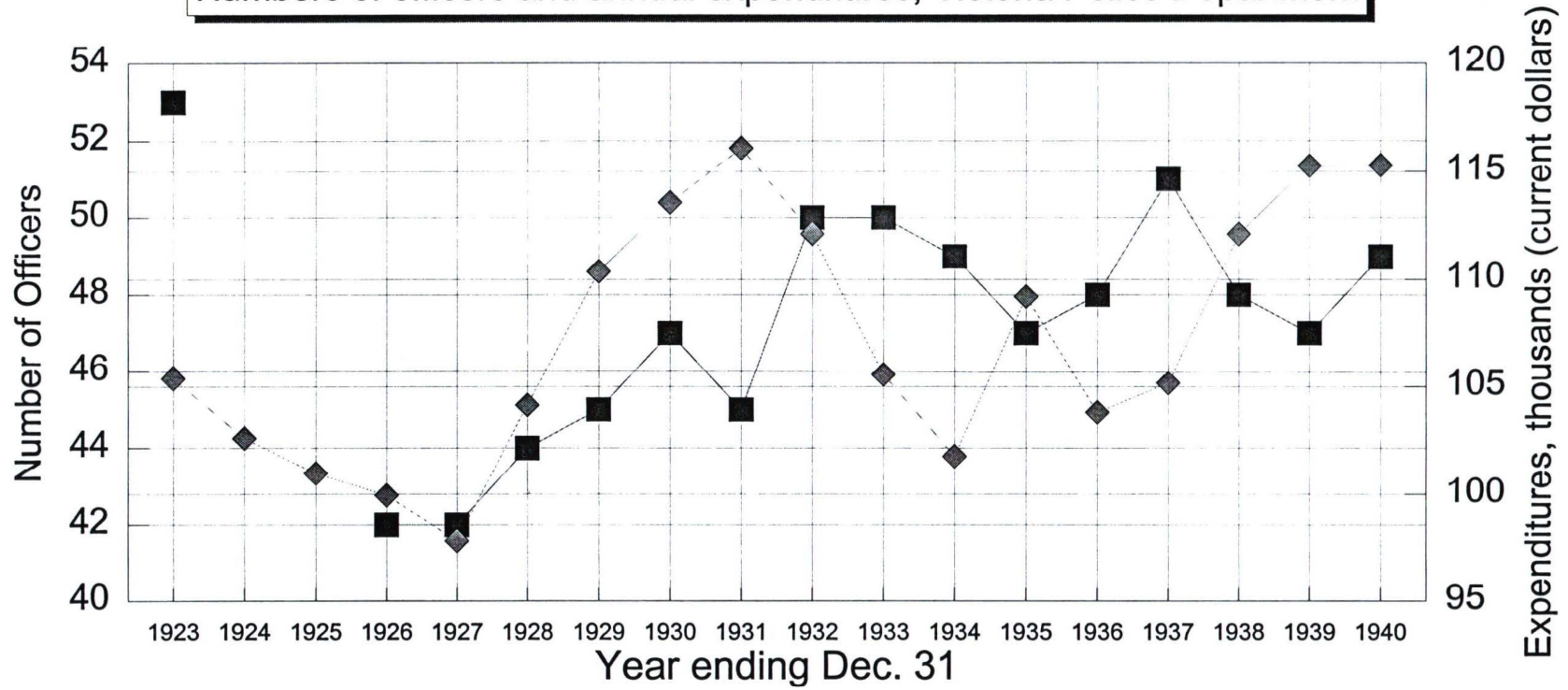
Classification	Observed	Expected
Unemployed/none	23	49
Agriculture	15	19
Fishing/trapping	18	1
Logging	6	4
Mining	9	2
Manufacturing	25	71
Transport/communica	69	69
Construction/mainten	151	45
Services	178	111
Trade	71	98
Military	6	9
Professional/manager	29	121
Totals	600	599

Summary Statistics

Degrees of freedom 11
 Total Chi-Square 727.46 p = .0001

Expected values do not total 600 because of rounding.
 Expected values based on Victoria data, Seventh Census
 of Canada, 1931
 (Vol. 10, Table 57: "Gainfully employed, 10 years of
 age and over, by industry and sex, for urban centres
 of 15,000 population and over, 1931.")

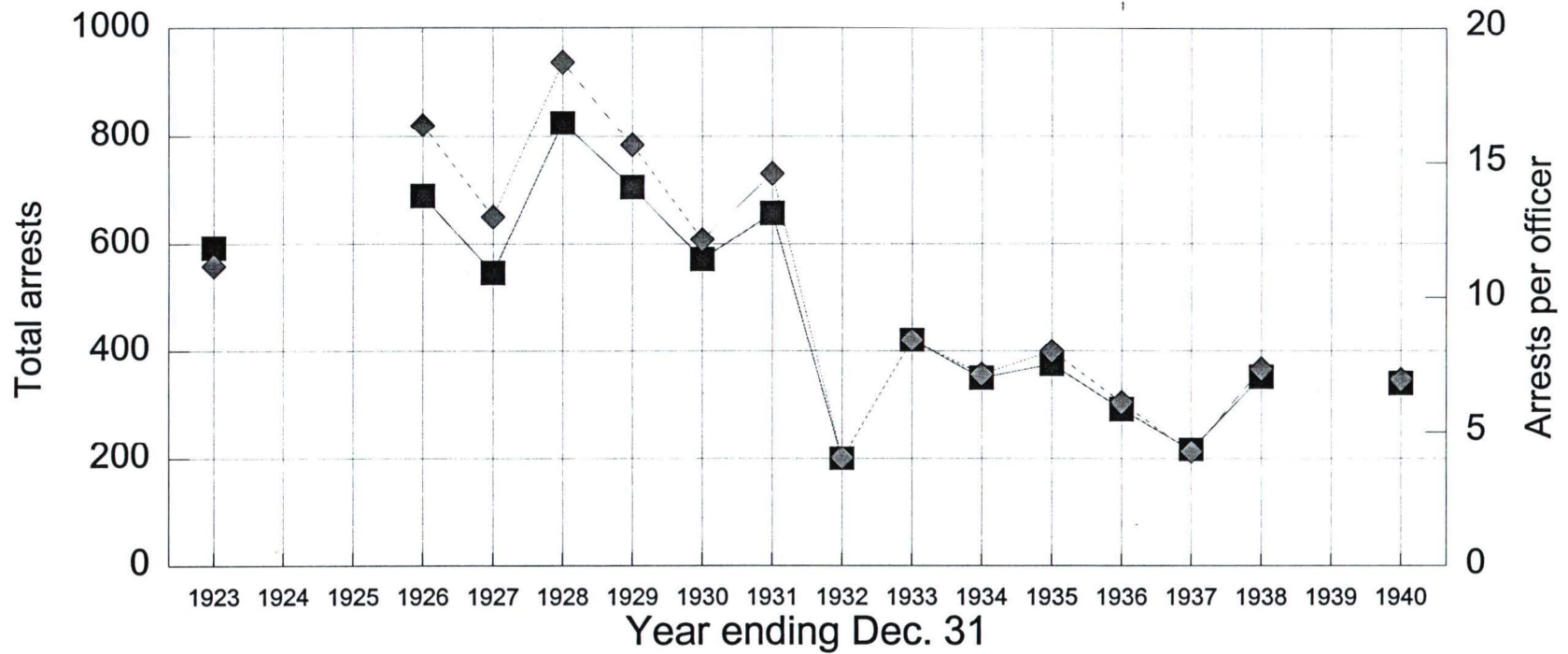
Graph 3-1
Numbers of officers and annual expenditures, Victoria Police Department



■ Officers ◆ Expenditures

Source: DBS Annual Reports (officers), City of Victoria Annual Reports (expenditures)

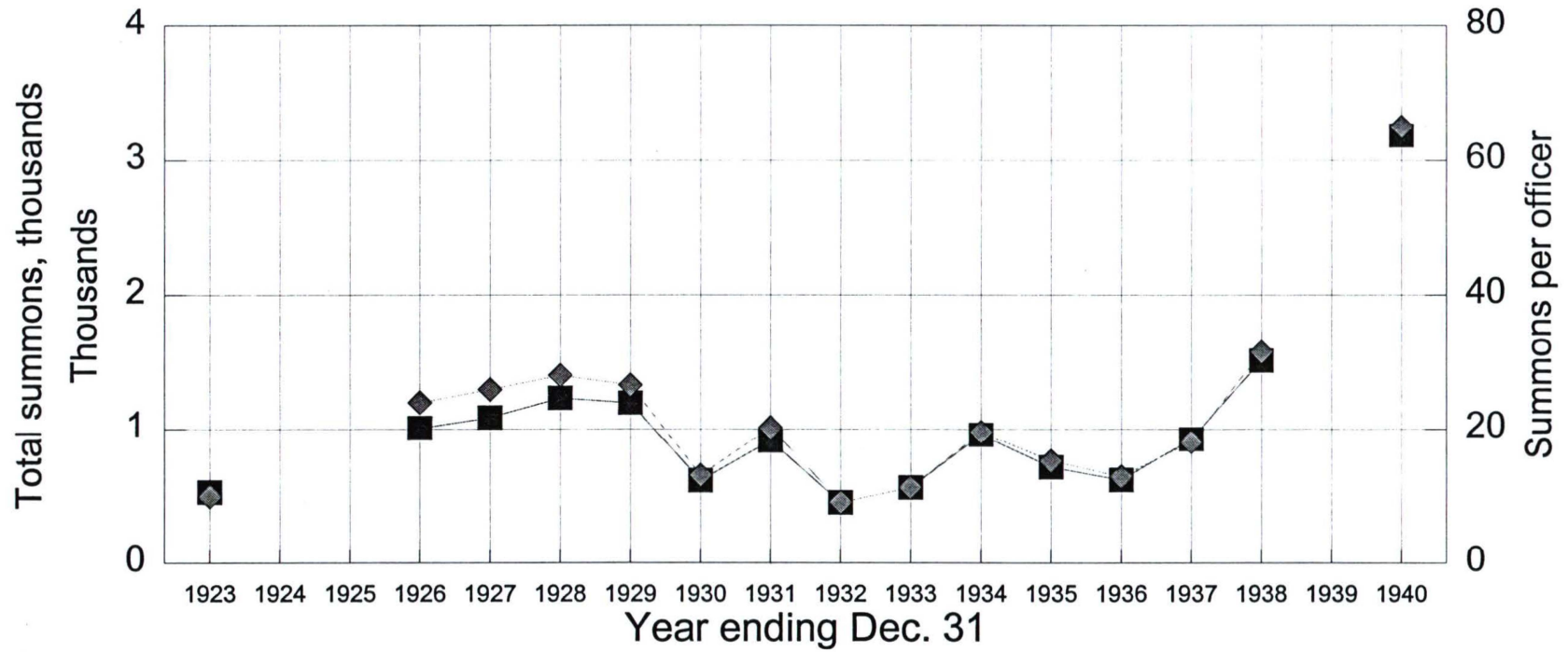
Graph 3-2
Numbers of arrests and arrests per officer, Victoria Police Department



■ Total arrests ◆ Arrests per officer

Source: VPD "Jailer's Book"

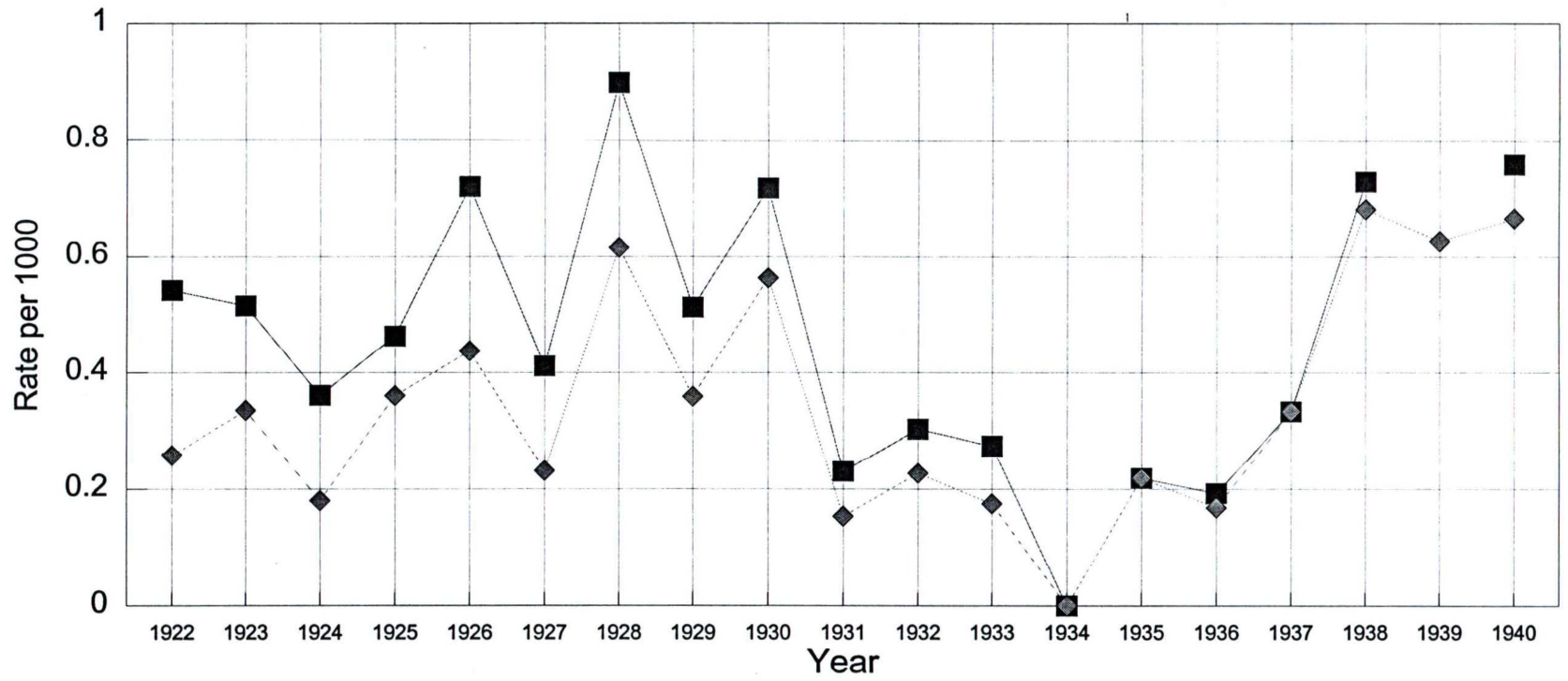
Graph 3-3
Numbers of summons and summons per officer, Victoria Police Department



■ Total summons ◆ Summons per officer

Source: VPD "Jailer's Book"

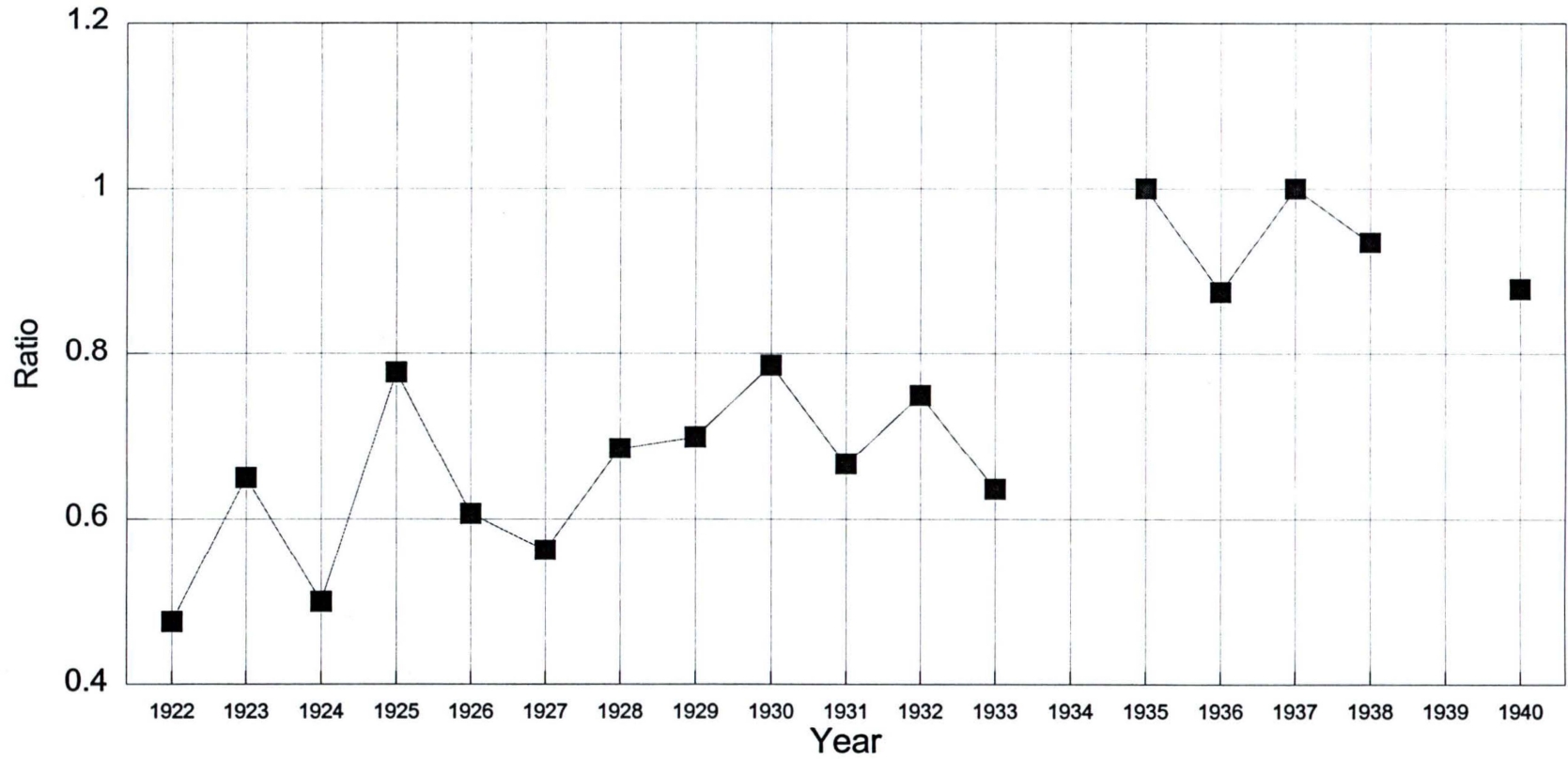
Graph 3-4
Charges and convictions per 1000 population, vagrancy, Victoria



■ Charges ◆ Convictions

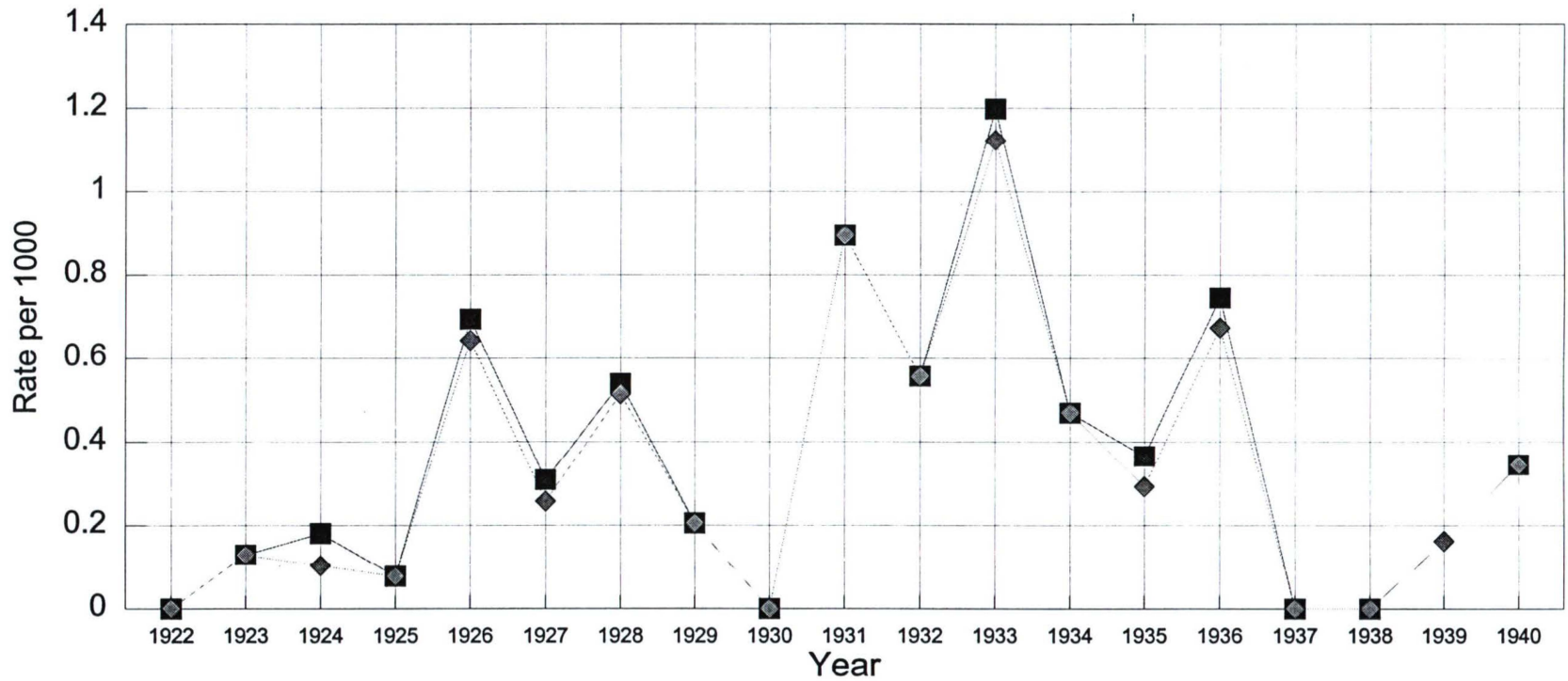
Source: Victoria Police Department "Jailer's Book"

Graph 3-5
Ratio of convictions to charges, vagrancy, Victoria



Source: Victoria Police Department "Jailer's Book"

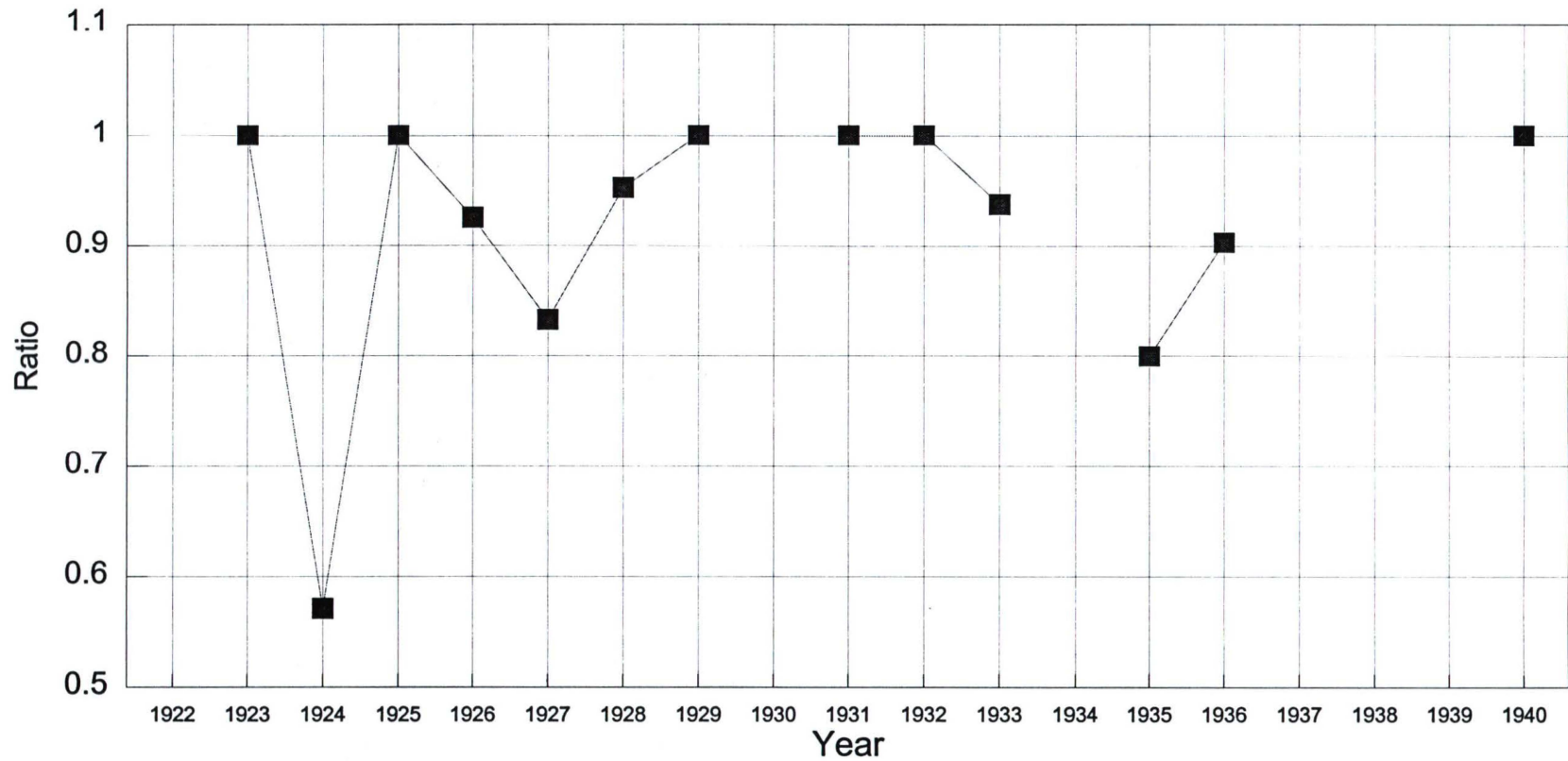
Graph 3-6
Charges and convictions per 1000 population, "disorderly house" offences, Victoria



■ Charges ◆ Convictions

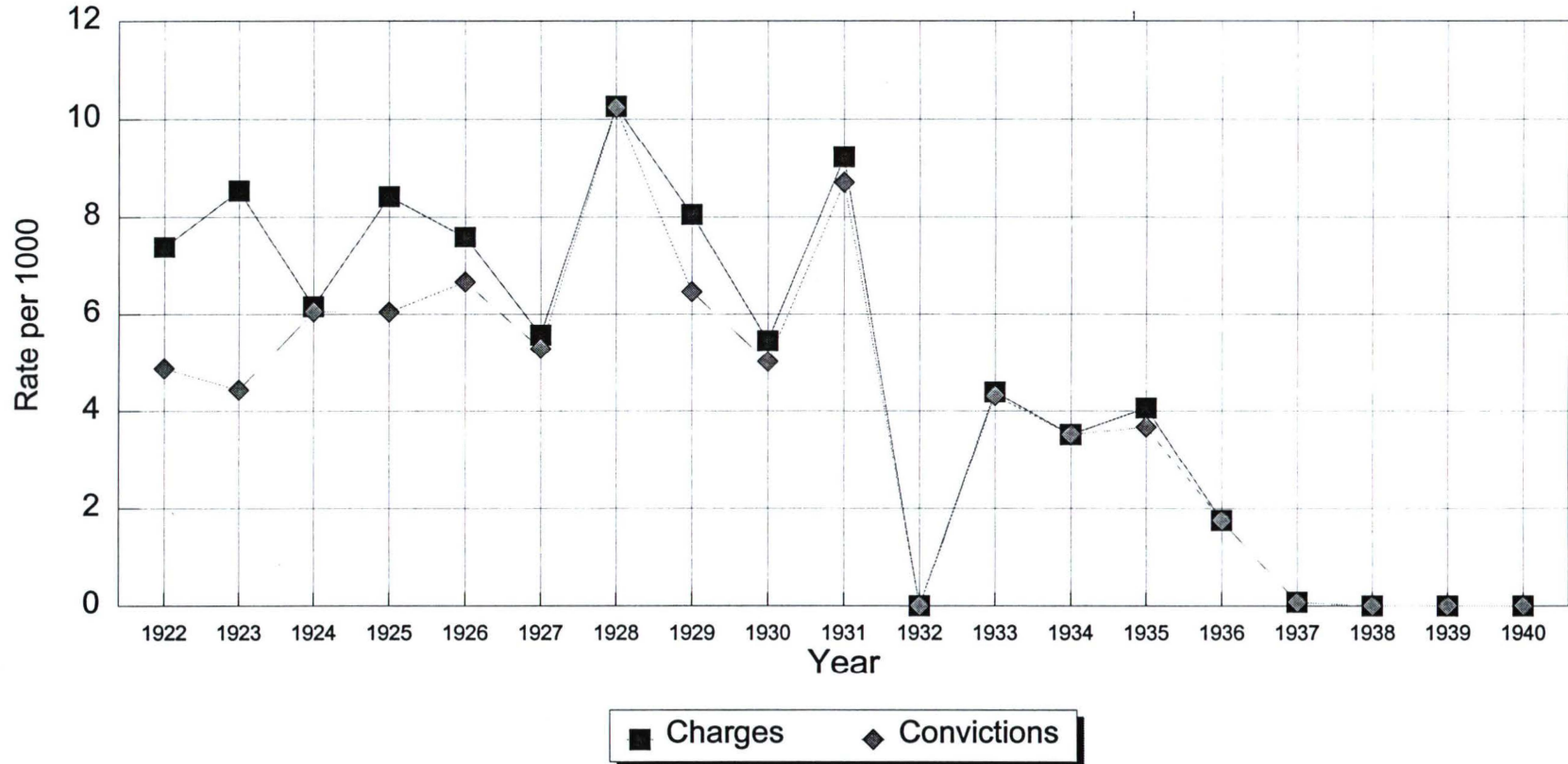
Source: Victoria Police Department "Jailer's Book"

Graph 3-7
Ratio of convictions to charges, "disorderly house" offences, Victoria



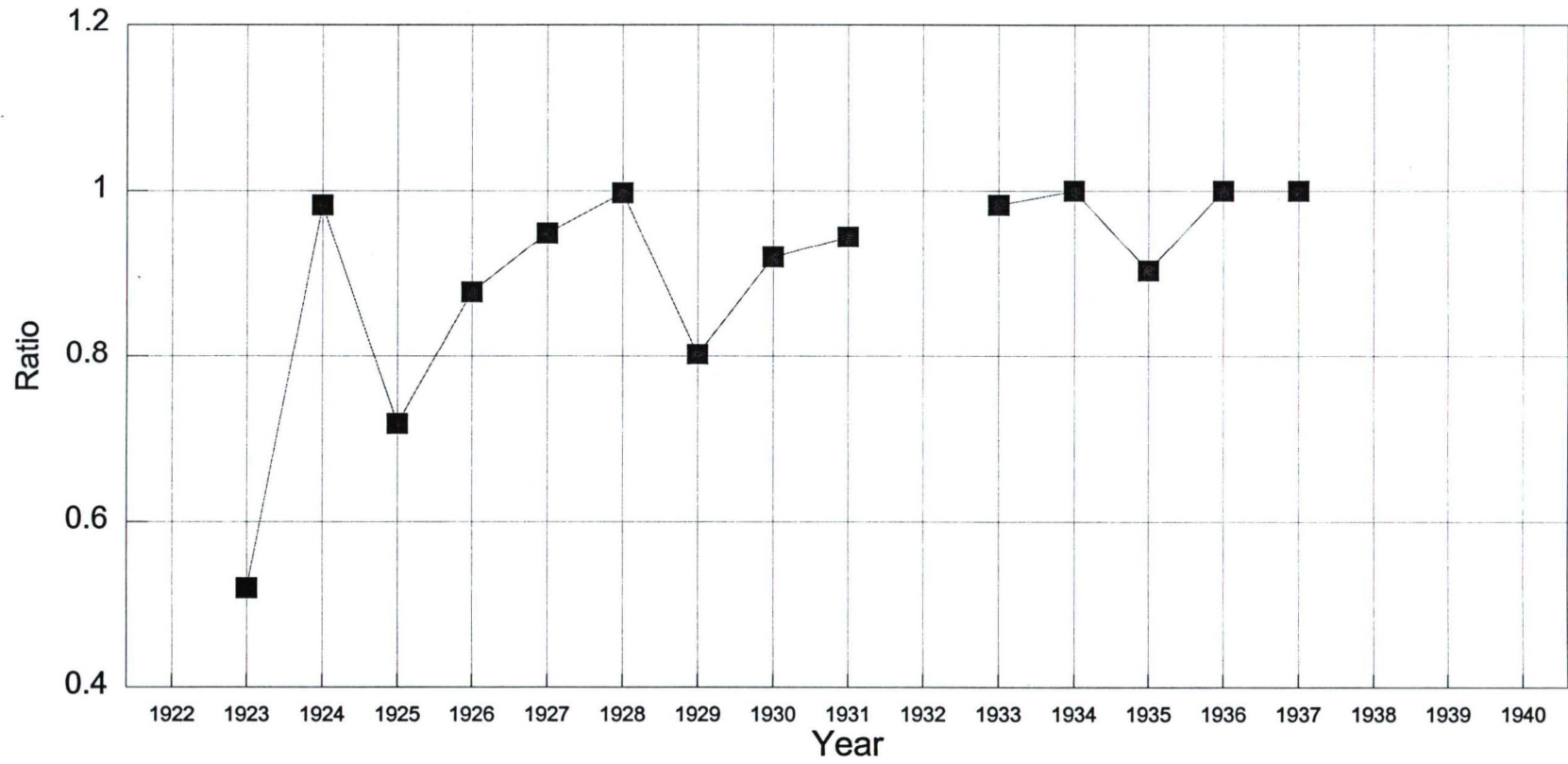
Source: Victoria Police Department "Jailer's Book"

Graph 3-8
Charges and convictions per 1000 population, "gaming house" offences, Victoria



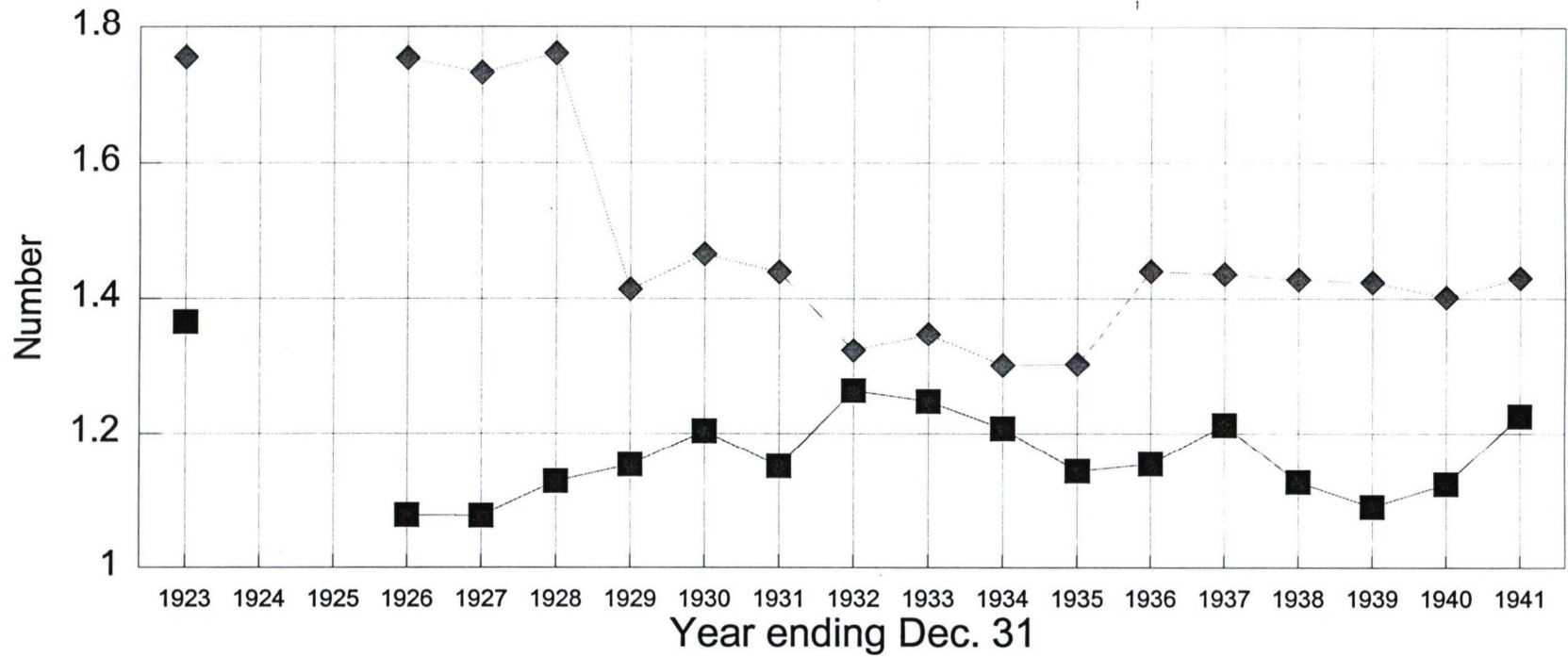
Source: Victoria Police Department "Jailer's Book"

Graph 3-9
Ratio of convictions to charges, "gaming house" offences, Victoria



Source: Victoria Police Department "Jailer's Book"

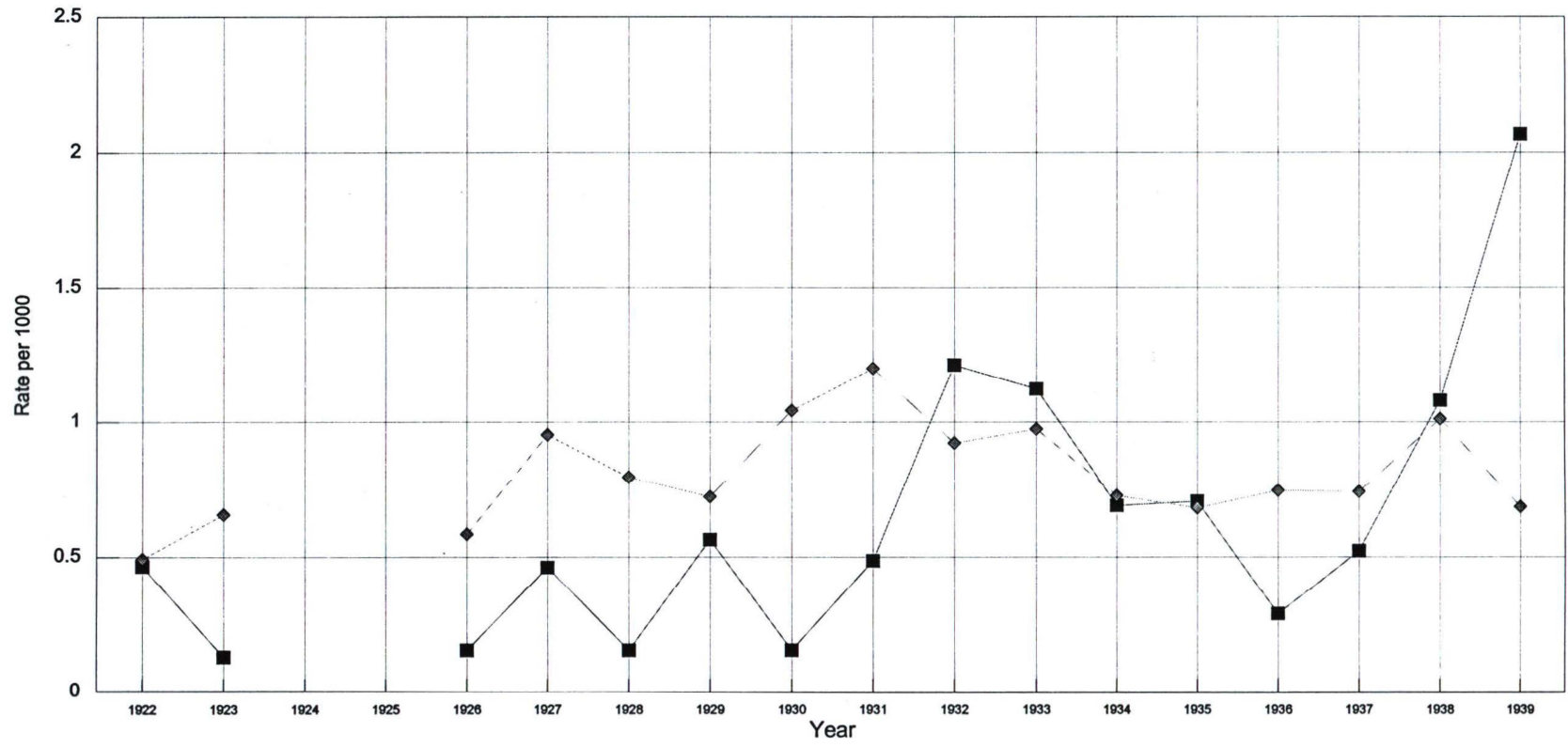
Graph 3-10
Numbers of police officers per 1000 population, Victoria and Vancouver, 1923-1941



■ Victoria ◆ Vancouver

Source: DBS Annual Reports

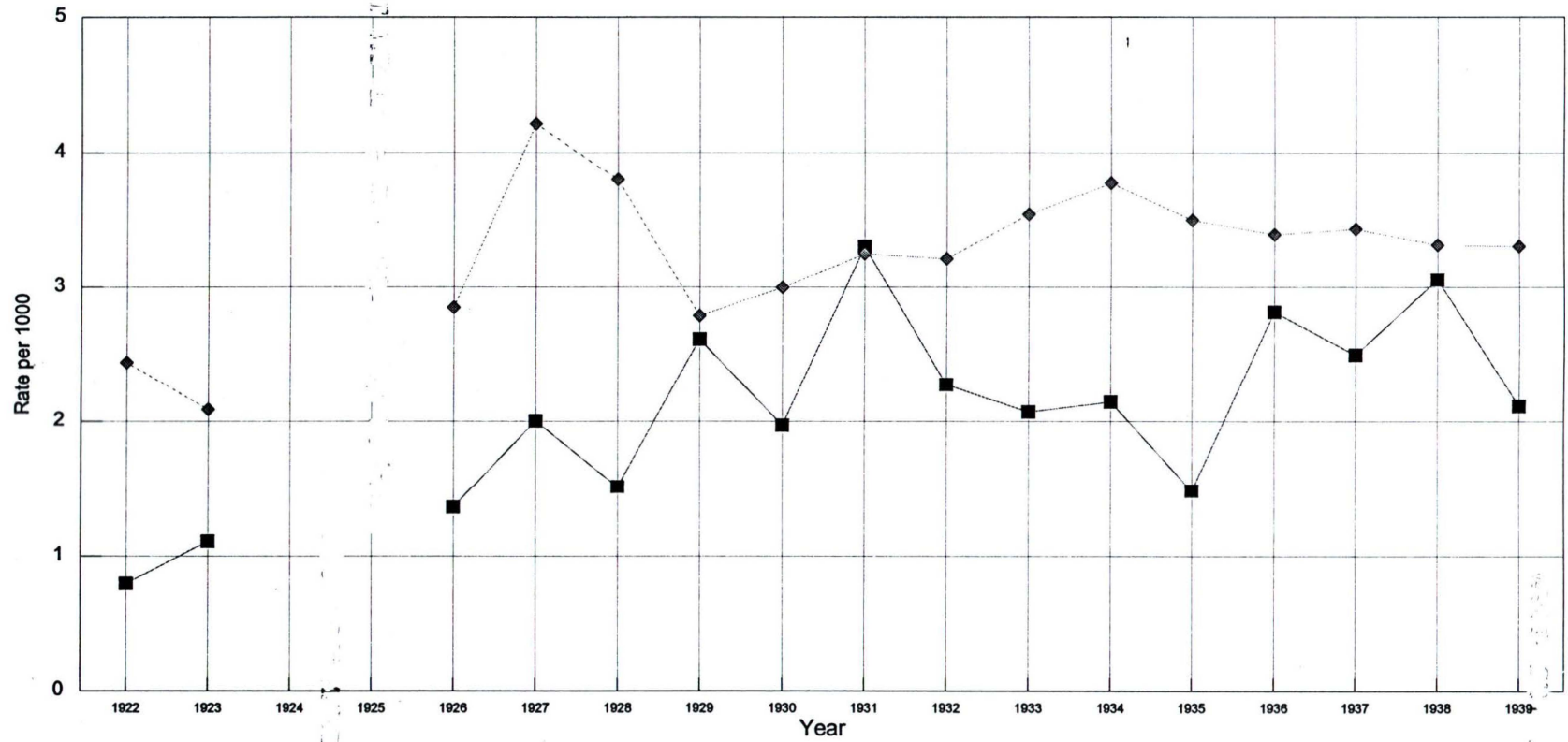
Graph 3-11
Convictions per 1000 population, offences against property with violence, Victoria and Vancouver



■ Victoria ◆ Vancouver

Source: DBS Annual Reports

Graph 3-12
Convictions per 1000 population, offences against property without violence, Victoria and Vancouver



■ Victoria ◆ Vancouver

Source: DBS Annual Reports

Table 3.1

Correlation Coefficients: Numbers of Officers, Police Budgets, and Numbers of Arrests per Officer with Economic Indicators for the Same Year -- Victoria, 1922-1940

	% of population registered with ESC	% of population unplaced by ESC	persons sheltered (DBS)	persons kept for safekeeping (Jailer's Book)	value of building permits	per capita relief expenditure
Officers	0.33 (0.212)	0.014 (0.959)	0.137 (0.614)	0.023 (0.935)	-0.466 (0.08)	0.476 (0.165)
Expenditures	0.426 (0.078)	0.396 (0.104)	0.552 (0.027)	0.611 (0.009)	0.021 (0.935)	0.096 (0.791)
Arrests per officer	-0.433 (0.107)	-0.141 (0.495)	0.587 (0.027)	-0.212 (0.448)	0.006 (0.982)	-0.609 (0.082)

Significant at the 95% confidence level.

Probability values in brackets. Correlation coefficients with relief expenditures calculated only for years 1930-1939, inclusive.

Sources: DBS Annual Reports (numbers of officers); PVPD "Jailer's Book" (numbers of arrests); City of Victoria Annual Reports (expenditures)

Table 3.2						
Correlation Coefficients: Vagrancy charges, convictions, and conviction ratio with Economic Indicators for the Same Year -- Victoria, 1922-1940						
	% of population registered with ESC	% of population unplaced by ESC	persons sheltered (DBS)	persons kept for safekeeping (Jailer's Book)	value of building permits	per capita relief expenditure
Charge rate	-0.699	0.153	-0.093	-0.067	0.363	-0.115
	(0.002)	(0.558)	(0.741)	(0.806)	(0.153)	(0.752)
Conviction rate	-0.435	0.162	0.015	-0.047	0.264	-0.076
	(0.071)	(0.52)	(0.956)	(0.859)	(0.307)	(0.835)
Conviction ratio	0.333	0.155	-0.095	-0.089	-0.303	-0.939
	(0.207)	(0.565)	(0.748)	(0.743)	(0.255)	(0.92)
Significant at the 95% confidence level.						
Probability values in brackets. Correlation coefficients with relief expenditures calculated only for years 1930-1939, inclusive.						
Sources: VPD "Jailer's Book"						

Table 3.3						
Correlation Coefficients: "Disorderly house" charges, convictions, and conviction ratio with Economic Indicators for the Same Year -- Victoria, 1922-1940						
	% of population registered with ESC	% of population unplaced by ESC	persons sheltered DB	persons kept for safekeeping (Jailer's Book)	value of building permits	per capita relief expenditure
Charge rate	0.748	0.24	0.287	0.368	-0.077	0.261
	(0.003)	(0.429)	(0.392)	(0.215)	(0.803)	(0.572)
Conviction rate	0.607	0.312	0.212	0.409	-0.078	0.258
	(0.021)	(0.278)	(0.509)	(0.147)	(0.8)	(0.577)
Conviction ratio	0.176	0.07	0.298	0.261	0.119	0.408
	(0.566)	(0.821)	(0.389)	(0.39)	(0.7)	(0.364)
Significant at the 95% confidence level.						
Probability values in brackets. Correlation coefficients with relief expenditures calculated only for years 1930-1939, inclusive.						
Sources: VPD "Jailer's Book"						
Note: includes all "disorderly house" charges (keeper of, inmate of, found in).						

Table 3.4						
Correlation Coefficients: "Gaming house" charges, convictions, and conviction ratio with Economic Indicators for the Same Year -- Victoria, 1922-1940						
	% of population registered with ESC	% of population unplaced by ESC	persons sheltered (DBS)	persons kept for safekeeping (Jailer's Book)	value of building permits	per capita relief expenditure
Charge rate	-0.255	-0.332	-0.246	-0.055	0.38	-0.519
	(0.369)	(0.178)	(0.358)	(0.833)	(0.133)	(0.124)
Conviction rate	-0.163	-0.279	0.147	0.026	0.374	-0.509
	(0.518)	(0.263)	(0.588)	(0.922)	(0.139)	(0.133)
Conviction ratio	0.28	0.255	0.371	0.266	-0.147	0.542
	(0.332)	(0.379)	(0.235)	(0.358)	(0.617)	(0.209)
Significant at the 95% confidence level.						
Probability values in brackets. Correlation coefficients with relief expenditures calculated only for years 1930-1939, inclusive.						
Sources: VPD "Jailer's Book"						
Note: includes all "disorderly house" charges (keeper of, inmate of, found in).						

Bibliography

Primary Sources

Prisoner Description Book No. 6, Victoria, B.C. Victoria Police Archives.

Police Court Statistics, 1914-1937. Victoria Police Archives.

Department of Labour, Canada. *Labour Gazette*, 1922-1940.

Canada Year Book.

Seventh Census of Canada, 1931.

Dominion Bureau of Statistics. *Annual Reports of Criminal and Other Statistics*, 1922-1940.

City of Victoria. *Annual Reports*, 1920-1940.

Secondary Sources: Books

Beattie, J.M. *Crime and the Courts in England 1660-1800*. Princeton: Princeton University Press, 1986.

Broadfoot, Barry. *Ten Lost Years 1929-1939: Memories of Canadians Who Survived the Depression*. Toronto: Doubleday Canada Ltd., 1973.

Gray, James. *Red Lights on the Prairies*. Toronto: Macmillan of Canada, 1971.

Knafla, L.A., ed. *Law and Justice in a New Land: Essays in Canadian Legal History*. Vancouver: Carswell, 1986.

- Macleod, R.C., ed. *Lawful Authority: Readings on the History of Criminal Justice in Canada*. Toronto: Copp Clark Pittman, 1988.
- Monkkonen, Eric. *Police in Urban America 1860-1920*. New York: Cambridge University Press, 1981.
- Oosthoek, A. *The Utilization of Official Crime Data*. Ottawa: Solicitor General of Canada, 1978.
- Refiner, Robert. *The Politics of the Police*. New York: St. Martin's Press, 1985.
- Rosen, Ruth. *The Lost Sisterhood: Prostitution in America, 1900-1918*. Baltimore: The Johns Hopkins University Press, 1982.
- Sellin, Thorsten. *Culture Conflict and Crime*. New York: Social Science Research Council, 1938.
- Simon, Rita J. and Jean Landis, *The Crimes Women Commit, The Punishment They Receive*. Toronto: Livingston Books, 1991.
- Swan, Joe. *A Century of Service: The Vancouver Police 1886-1986*. Vancouver: The Vancouver Police Historical Society and Centennial Museum, 1986.
- Strange, Carolyn. *Toronto's Girl Problem: The Perils and Pleasures of the City, 1880-1930*. Toronto: University of Toronto Press, 1995.
- Strange Carolyn, ed. *Qualities of Mercy: Justice, Punishment, and Discretion*. Vancouver: UBC Press, 1995).
- Tepperman, Lorne. *Crime Control: The Urge Toward Authority*. Toronto: McGraw-Hill Ryerson, 1977.
- Thompson, J.W. et al. *Employment and Crime: A Review of Theories and Research*. Washington: National Institute of Justice, 1981.

Walkowitz, Judith R. *Prostitution and Victorian Society: Women, Class, and the State*. New York: Cambridge University Press, 1980.

Secondary Sources: Articles

Beattie, J.M. "The Pattern of Crime in England 1660-1800," *Past and Present* No. 62 (1974), pp. 47-95.

Betke, Carl. "Pioneers and Police on the Canadian Prairies, 1885-1914." Macleod, *Lawful Authority*, pp. 98-119.

Boritch, Helen. "Conflict, Compromise and Administrative Convenience: The Police Organization in Nineteenth-Century Toronto." *Canadian Journal of Law and Society* 3 (1988), pp. 141-174.

Box, Steven and Chris Hale. "Economic Crisis and the Rising Prisoner Population in England and Wales." *Crime and Social Justice* 17 (Summer 1982), pp. 20-35.

Chapman, Terry. "Male Homosexuality: Legal Restraints and Social Attitudes in Western Canada, 1890-1920." Knafla, *Law and Justice in a New Land*, pp. 277-292.

Fingard, Judith. "Jailbirds in Mid-Victorian Halifax" in R.A Macleod, ed., *Lawful Authority*, pp. 64-80.

Greenaway, W.K. "Crime and Class: Unequal Before the Law." John Harp and John R. Hofley, *Structured Inequality in Canada*. Scarborough: Prentice-Hall of Canada, Ltd., 1980. pp. 247-265.

Hay, Douglas. "Property, Authority and the Criminal Law," Hay et al, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*. London: Allen Lane, 1975: pp. 17-63.

Hay, Douglas. "War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts," *Past and Present* 95 (May 1982), pp. 117-160; p. 151.

Hay, Douglas. "Time, Inequality and Law's Violence," in Austin Sarat and Thomas R.

- Kearns, *Law's Violence*, Ann Arbor: The University of Michigan Press, 1992; pp. 141-173.
- Hemel, Gene Howard. "Denison's Law: Criminal Justice and the Police Court in Toronto, 1877-1921." In *Lawful Authority*, pp. 167-179.
- Horall, S.W. "The Royal North-West Mounted Police and Labour Unrest in Western Canada, 1919." *Lawful Authority*, pp. 133-150.
- Huzel, James P. "The Incidence of Crime in Vancouver During the Great Depression." *B.C. Studies* 69-70 (Spring-Summer 1986), pp. 211-248.
- Langdon, Elizabeth. "Female Crime in Calgary, 1914-1941." Knafla, ed., *Law and Justice in a New Land*, pp. 293-309.
- McLaren, John. "White Slavers: The Reform of Canada's Prostitution Laws and Patterns of Enforcement," in *Criminal Justice History*, Vol. VIII, 1987, Meckler Corporation, pp. 53-119.
- Marquis, Greg. "Power from the Street: The Canadian Municipal Police." Paper prepared for the Police Powers Symposium, Centre for Constitutional Studies, University of Alberta, October 1991.
- Marquis, Greg. "The Police as a Social Service in Early Twentieth-Century Toronto." *Histoire Sociale/Social History*, November 1992, pp. 335-358.
- Marquis, Greg. "Vancouver Vice: The Police and the Negotiation of Morality, 1904-1935." *Essays in the History of Canadian Law, Volume VI: British Columbia and the Yukon*. Toronto: University of Toronto Press, 1995.
- Nilsen, Deborah. "The 'Social Evil': Prostitution in Vancouver, 1900-1920," in *In Her Own Right: Selected Essays on Women's History in B.C.* Barbara Latham and Cathy Kess, eds., Camosun College, 1980.
- Phillips, Jim. "The Operation of the Royal Pardon in Nova Scotia, 1749-1815." *University of Toronto Law Journal*, Volume XLII, Number 4, Fall 1992; pp.

401-449.

Phillips, Jim. "Poverty, Unemployment, and the Administration of the Criminal Law: Vagrancy Laws in Halifax, 1864-1890." in Philips and Philip Girard, eds., *Essays in the History of Canadian Law, Volume III: Nova Scotia*. Toronto: Osgoode Society/University of Toronto Press, 1990.

Parker, Graham. "Canadian Legal Culture," in L.A. Knafla, ed., *Law and Justice in a New Land: Essays in Canadian Legal History*. Vancouver: Carswell, 1986: pp. 3-29.

Rotenberg, Lori, "The Wayward Worker: Toronto's Prostitute at the Turn of the Century," in *Women at Work: Ontario, 1850-1930*. Toronto: Canadian Women's Educational Press, 1974.

Thorner, T. and N. Watson. "Patterns of Prairie Crime: Calgary, 1975-1939," in Louis A. Knafla, ed., *Crime and Criminal Justice in Europe and Canada*. Waterloo: Calgary Centre for the Humanities/Wilfrid Laurier Press, 1981, pp. 219-255.

Watts, Eugene. "Police Response to Crime and Disorder in Twentieth-Century St. Louis." *Journal of American History*, Vol. 70 No. 2 (September 1983), pp. 340-358.

Weaver, John. "Crime, Public Order and Repression: the Gore District in Upheaval, 1832-1951." Macleod, *Lawful Authority*, pp. 22-48.

Secondary Sources: Theses

Gallacher, Daniel. "City In Depression: The Impact of the Years 1929-1939 on Greater Victoria, British Columbia." M.A. Thesis, University of Victoria, 1969.

Parker, Nancy Kay. "The Capillary Level of Power: Methods and Hypotheses for the Study of Law and Society in Late Nineteenth Century Victoria, British Columbia." M.A. Thesis, University of Victoria, 1987.

Watson, Neil B. "Calgary: A Study of Crime, Offenders and the Police Court, 1929-1934." M.A. Thesis, University of Calgary, 1978.

VITA

Surname: Beck

Given Names: Robert William

Place of Birth: Kingston, Ontario, Canada

Educational Institutions Attended:

University of Victoria	1991 to 1993; 1996 to 1997
University of British Columbia	1993 to 1996
University of Toronto	1982 to 1987

Degrees Awarded:

B.Sc. (Honours)	University of British Columbia	1996
B.A.	University of Toronto	1987

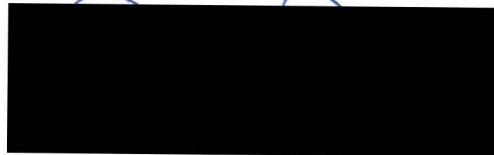
PARTIAL COPYRIGHT LICENSE

I hereby grant the right to lend my thesis to users of the University of Victoria Library, and to make single copies only for such users or in response to a request from the Library of any other university, or similar institution, on its behalf or for one of its users. I further agree that permission for extensive copying of this thesis for scholarly purposes may be granted by me or a member of the University designated by me. It is understood that copying or publication of this thesis for financial gain shall not be allowed without my written permission.

Title of Thesis:

“What Is Not Justice Is Not Law”: Patterns of Crime and Law Enforcement in Victoria,
British Columbia, 1922-1940

Author



Robert William Beck
September 29, 1997