

WESTMORLAND HISTORICAL SOCIETY

NEWSLETTER

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PRESIDENT'S MESSAGE

We have enjoyed an outstanding year thanks to our Museum Manager-Curator, Donald Alward, Dee Milliken our Supervisor at St. James, Alice Folkins, our Activities Co-ordinator, the seasonal staff as well as our Board and many enthusiastic volunteers. Of course, I can only touch upon a few of the highlights this year—so much was going on.

Keillor House Events and Activities

At Keillor House, the 'Hearth Cooking' experience was a great success. Research by Gene and Donald enabled us to present an 'authentic' hearth cooking experience, which included preparing a stew in a cauldron over open flame, cooking biscuits in the wall oven, and baking a pie in a Dutch oven on an open hearth. All eight of the sessions were well received—with Donald giving a special presentation to members of our Francophone Museum Zone, who intend to develop their own 'experience' drawing on Donald's presentation. Donald

will be hosting a webinar on the 'experience' for the Association Heritage New Brunswick in the fall.

Donald has been posting on Instagram—and updating—the Daily Register from the Hotel Windsor 1905 the month and day in 1905 corresponding to the month and day in 2019. It is fascinating to see the variety of names and diverse places of residence. Donald has also been asked to visit a class at Crandall University to speak about the social effects and implications of recent technologies like the cell phone. A communications professor saw last year's Exhibit, was impressed, and extended the invitation. Congratulations, Donald.

Extending the days the museums are open (to 7 days) seems to have worked well, along with the single admission to both museums—which

tended to improve visitation at St. James. Donald feels these two changes should be considered for next season.

The Bell Inn

New signage has been installed at the Bell Inn that acknowledges the historic character of the building while effectively promoting its three businesses: 'Hair in the Square' (with 'The Little Gallery in the Bell'), Natshi Designs and *Ketch Up With That*. The design and colour format is consistent with signage at Keillor House and St. James, following our policy of eventually having common signage on all the historic properties and Museums. Thanks to Judy Morison and Bob Hickman, who worked many weeks with Leslie van Patter Graphic Design to develop an effective and beautiful, sign. Proper signage—long overdue—has already increased traffic this season, and enhanced the appearance of the square. The project also came in under budget!

KEILLOR HOUSE MUSEUM —SPECIAL EVENTS

Haunted House Tour- Keillor House Museum

Oct. 18-19 and 25-26
7-9 pm

*Tickets at the door. Special bookings for groups.
Adults \$12, Students \$10,
Family Rate.*

Call 379-6620

Victorian Christmas Dinner-Keillor House

Nov.30 and Dec. 7
6:30 pm

*An elegant four-course dinner
with glowing candlelight,
crackling hearth, and live musical
entertainment.*

*\$65 (tax receipt)
Be sure to book early!
Call 379-6620*

New Year's Levee-Keillor House Museum

Jan. 1, 2020
1-3 pm

*Immediately after the Lion's Polar
Dip, warm up around the hearth
with homemade soup, chilli, sweets,
and hot drinks.*

Admission free.

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MUSEUM MANAGER'S REPORT

I don't know where the time goes. I feel like I have just written my last report and here it is time to do it again. I guess I just never get a chance to stand still. I will try to update on a few points. Thank you to the Board of Directors for biting the bullet and allowing a revamp of all our printed advertising. Our new rack cards and brochure have been well received.

This year I was able to secure another grant from Heritage Branch of Tourism, Heritage & Culture to enhance our textile displays. I was able to obtain eight flexible, poseable, cloth covered mannequins that have been distributed throughout Keillor House. I have also been able to make some adjustments at St. James and add a display system to put twelve textile pieces on display at a time.

I have been able to work a bit on the Collective Access collection database. One of the large tasks that took time was cleaning up the list of artefact locations. The previous versions of databases allowed freeform entry of item locations, meaning that if a room was misspelled, it created a separate location. To describe the scale of the task I'll just say that Keillor House (as the building) was misspelled six times.

Further on this theme, I am pleased to report that, because I had an additional summer position funded, I was able to train Lucas Doucette on how the database works, and he was able to accomplish a full inventory of one section of the house. Not only confirming artefact locations, he was also able to correct artefact names and categories to bring them in line with the Museum Cataloguing Nomenclature. Thanks to Lucas for such a great job with this.

The un-titled temporary exhibit I put together for the north room has proven to be a source of both conversation and amusement. Everyone has a chuckle or laugh at the arrangement of the unspoken but necessary function of the collection pieces included in the display.

The Keillor Hearth Cooking Experience has been a great success. I am sure it will continue to grow in popularity as consistent advertising continues. To help you realize the impact this one experience has had, I need to tell you of the first couple that booked the experience. They first contacted me through our website because they saw the experience on the NB Tourism website. Through email correspondence they booked the date and stated that they would be staying an extra night in Moncton just to come do Keillor Hearth Cooking. How many tourism dollars did that generate?

The summer staff team has been great this year. Some have returned from last year along with a few new faces. Thank you all for helping to make every day interesting:

Lucas Doucette returned to us for 13 weeks through a Young Canada Works in Heritage position with Federal funding.

Freya Milliken returned to us for 13 weeks through a Young Canada Works in Heritage position with Federal funding.

Annika Williams joined us for 13 weeks through a Young Canada Works in Heritage position with Federal funding.

Brandon LePage joined us for 11 weeks through a Young Canada Works in Both Official Languages position with Federal funding.

Nicole Bulmer joined us for 12 weeks through a Canada Summer Jobs position with Federal Funding.

Mario Belliveau joined us for 9 weeks through a Community Museums Summer Employment Program position with Provincial funding.

Melody Dobson joined us for 9 weeks through a Community Museums Summer Employment Program position with Provincial funding.

To complete the team, we again had the tremendously talented Dee Milliken. I know I said this last year but it is worth saying again: Dee is such a great asset to the museums. Thank you Dee.

In closing I would like to thank the Westmorland Historical Society for having faith in me and for supporting my decisions and changes. See you again next year!

Yours in History, Donald Alward

St. James Update

Dee Millikan, our

Dee Milliken, our talented Supervisor at St. James, along with Freya (Milliken)—who was dedicated staff at St. James this year—had a very busy summer season! The Heritage Fair in July always takes a lot of prep, and demand this season for their beautiful, hand woven tea towels was tremendous. Dee & Freya could hardly keep up. *(To appreciate the quality of this work, see the photos & videos on the St. James Textile's facebook account, which is hosted by Dee.)* Thank you both for an outstanding year.

On a very sad note, Betty Adams, long-time WHS volunteer, guide, skilled seamstress and outstanding fibre arts teacher at St. James for many years passed away on September 10, 2019 at the age of 93. Betty and Dee worked closely together for many years and Betty's contribution to St. James and WHS was crucial to the success of St. James. We will celebrate her life and her invaluable contributions to the Society in the February 2020 issue of the Newsletter.

Board Update

Karen Trueman and Inga Hanson are stepping down this year. We will especially miss Karen's wisdom and extensive knowledge of local history and Inga's expertise and enthusiasm on all matters involving textiles and their preservation. Thank both of you for your great service. We welcome Francis Weldon and Thaddeus Holownia to the Board this fall. We look forward to your participation and counsel.

Thanks once again to all of our volunteers, members, and donors who have been so generous. It is your commitment that keeps our museums open and preserves New Brunswick's heritage for future generations.

Cole Morison

DORCHESTER'S LAST HANGINGS

Editor/Author's Note: I must begin this last article in our series on the hangings in Dorchester with an apology for its length, and hence the formatting that may render it somewhat difficult for some to read. My excuse is that it involved not just one trial, but four, and that the story of the murders and kidnapping is rather complicated. With the best of wills I couldn't pare it down enough to get in another article as planned and still do "justice" to the Bannisters. I promise this will be the last one of such length. Here I will use the little space left to pass on a request from one of our members, Don Chapman, who is seeking an image (photo, painting, etc.) of Mary Elizabeth (nee Frost) Chapman, wife of Robert Andrew Chapman, the well-known Dorchester shipbuilder. She was born in Chatham in 1836, daughter of Shepherd J. Frost and Mary Carter. He thought, or hoped, that someone may have a picture of her in an old family album. If you can help him, his email is chignecto2001@yahoo.ca

In this issue we come to the last of Dorchester's hangings, the 1936 'double header' that wreaked society's grim revenge on the Bannister brothers. Like those of John Sullivan in 1897 and "Buck Olsen" in 1892, the murder that occasioned them was the worst in the history of the province, if not the nation. But in this case, the sensationalizing superlatives in the newspapers ("one of the worst murders in the history of the entire dominion;" "New Brunswick's most brutal murder;" "one of the most fiendish murders in the history of the province;" "New Brunswick's most amazing crime;" are just a few samples) were no exaggerations. Not only was the crime shocking and repulsive, there were few if any redeeming qualities in the perpetrators, as there were in Buck and especially Sullivan. They made no honest confessions (but a number of dishonest ones) and showed no apparent signs of remorse, although at least one of the pair turned to the Bible for comfort after his doom was sealed, and

both died bravely enough, thus meeting the conventional expectations of masculinity in spite of their youth.

On the other hand, to be perfectly fair to the Bannister boys, it should be pointed out that we know much less about their state of mind and degree of moral awakening during their incarceration and last hours on earth than we do about Sullivan's and "Buck's," indeed much less about what they actually did and why they did it. And this in spite of the detailed coverage in the newspapers, especially the *Moncton Transcript*, which reported on the coroner's inquest, preliminary hearings, trials, and appeals almost *ad nauseum*. (The best recounting of the story—after this one, of course—namely that of B.J. Grant in his *Six for the Hangman*, published in 1983, is based almost entirely on its reports.) The same set of long drawn out procedures described at the beginning of last issue's article on Sullivan were still in place in 1936, with the additional complication that there were three defendants, one of them the boys' mother who faced a trial within a trial on a separate but closely related charge, and there would have been a fourth—their sister—had she not been a juvenile who became the Crown's star witness. Moreover, there were three separate trials and three appeals, one of them resulting in a retrial (for a total of four), all of them covered in great and repetitious detail by the *Transcript*. Nonetheless, in comparison to the Sullivan, "Olsen," and even Amos Hicks trials, the press was limited both in what it could find out from police investigations and what it was allowed to report, even if it did find it out. A major reason was that, unlike the previous cases, most of the investigation was carried out by, or under the supervision of, the RCMP, which by 1936 was not only highly professional and bureaucratic, but had a legendary reputation to maintain. (Older readers will no doubt remember the "King of the Royal Mounted" comics series, which debuted in February, 1935 and did much to shape the popular image of the famous force that "always got their man".) After early statements to reporters that the case was virtually solved proved untrue, the embarrassed Mounties clammed up and henceforth released only partial information in dribs and drabs. Most importantly, they refused to allow reporters to interview the prisoners or material witnesses, even on the eve of the double hanging, which they were also barred from witnessing. As a result, the press reported mainly on the testimony of witnesses and the arguments and counter-arguments of the crown and defence lawyers at the hearings and trials, all of which was public knowledge by law. There was very little testimony from the accused and much of this little was transparently dishonest and self-serving. It should also be noted that the purpose of any trial is not to establish the truth in all its subtle and nuanced detail, but to win a conviction or an acquittal from a jury charged with agreeing unanimously on a verdict based only on the evidence placed before it by the prosecution and challenged by the defence. The respective narratives of prosecution and defence, although supposedly based on the same evidence, tend to vary widely, and there is no guarantee that either of them represents the full story. With this caveat we proceed to what was undoubtedly one of the country's most bizarre criminal cases. (Its brutality has since been much exceeded by Paul Bernardo, Karla Homolka, Clifford Olsen, Robert Pickton, and others.) Owing perhaps to the lack of first hand reports, the hangings are less dramatic, but in compensation—if that's what it is—the rest of the story offers some interesting insights into the grinding poverty and sometimes sordid sociology of backwoods New Brunswick during the "Dirty Thirties."

The story begins at Pacific Junction about eight miles north of Berry Mills and eleven miles out of downtown Moncton where a Y shaped junction in the CNR tracks still exists, one branch heading towards Campbellton and the Saint Lawrence, the other towards Edmunston to join the first branch a little west of Riviere-du-Loup. In 1936 there was a train station (no longer standing), a house for stationmaster Omar Lutes and his family, a few squatter's shacks, and a lot of woods. In one of the shacks, built out of old CNR boards and measuring only 10' x 26' (about the size of a box car), dwelt thirty-year-old Philip Lake, his twenty-eight-year-old common-law wife, Bertha Ring, who had left her husband for lack of support, and their two children, eighteen-month-old Jackie and six-month-old Betty. Philip Lake was a big, strapping Newfoundlander noted for his great strength. He had once been a Marconi wireless rigger and had also worked on the roads but since moving to Pacific Junction three years earlier he had taken up trapping and subsistence farming. Besides the two-room shack (where he slept on a cot in the kitchen with Bertha and the babies in the adjoining bedroom), he had a small barn for his cow, an acre of oats, a quarter acre of potatoes, a henhouse for eighteen chickens, a pig, a Great Dane dog, and a housecat. A friendly cuss like most of his kind, he was always eager to help a neighbour or a stranger. One stranger who became first a neighbour and then a friend was Otto Blakeney, a bachelor trapper who borrowed Lake's tent until he could build his own shack nearby and was invited to cut wood on his land whenever he wanted—and even stay for lunch. Another was young Earle O'Brien who lived in Moncton but liked to snare rabbits in the backwoods. During the winter, Philip let him use the henhouse as an overnight camp from which to attend his traps. A third young friend, or at least an acquaintance to whom he had shown hospitality and kindness—even inviting him on occasion to stay overnight in the house—was nineteen-year old Arthur Bannister who

lived near Berry Mills and who also came up to Pacific Junction once in a while to snare rabbits, sometimes with Earle O'Brien.

About 11:30 a.m. on Monday January 6, 1936 Otto Blakeney finished cutting wood and decided to go over to the Lakes' for lunch. When he arrived, the shack was a smoking ruin. Even more horrifying was the body lying face up just inside the doorsill, its arms and legs nearly gone, all its facial features totally burned away. Unsure whether it was Philip's but fearing the worst, he hurried over to Omar Lutes and on the way he found a nursing bottle along bloody foot tracks in the snow. After calling the Mounties, he and Omar headed back to the Lake shack. On the way, about fifteen hundred feet from the ruin, they found Bertha's almost naked body lying on a patch of beaten down blood-soaked snow, indicating that she had flailed about before dying in agony. The blood clearly came from the deep gash on the side of her head. A few yards away was the frozen body of little Jackie clad only in a pitiful rag that had served as a diaper, his little arms outstretched towards his mother as though he had been trying to crawl to her.

A short while later the police and coroner arrived, and it didn't take them long to declare that foul murder had been committed. When a quick search in the snow failed to turn up Baby Betty, they concluded that she had perished in the flames with her father, and that the entire family had been wiped out. (After a second look, Blakeney and Lutes were able to identify Philip by two gold teeth protruding from the charred skull.) Whoever did the dirty deed was clearly brutal, but not very smart, or at least had not taken many measures to avoid discovery. From Bertha's body a set of tracks, at first thought to be those of a single person, led into the woods, and the Mounties, foremost among them Sergeant Bedford G. Peters, known for his man-hunting and sleuthing abilities, followed them on snowshoes. Besides evidence that whoever made them carried something that served as a walking stick (which later turned out to be a rifle), they found a mitten. In the meantime other officers had interviewed some of the locals and one of them reported seeing "one of those Bannisters" walking the tracks towards Pacific Junction about 6 pm Sunday January 5. Armed with the mitten, two policemen knocked vigorously on the Bannister door late on the night of January 6. After a long wait, Arthur's twenty-year-old brother, Daniel, opened it to a scene of poverty even more desperate than the Lake's.

The Bannister family consisted of forty-four year-old May, her two sons, Daniel and Arthur, and her two daughters, Frances and Marie, fifteen and thirteen, respectively. Neither of the skinny, malnourished boys had a steady job. Daniel was sickly and given to fainting spells; reports had it that he was once diagnosed as an epileptic. Arthur was more robust but not exactly a zealous job hunter. He had once worked briefly on the roads, which is where he first met Philip Lake, but mainly he preferred to snare rabbits and loaf. He had been arrested for vagrancy and Daniel for begging. Both had attended school but clearly left early, as they could read and write only with difficulty. (May was apparently illiterate.) They were also heavy smokers and accomplished cigarette bummers. Although similarly malnourished, the girls were fleshier with a tendency to obesity, the effect no doubt of a starchy diet. Frances was probably already sexually active, and Marie possibly was too. The father, William, who was now seventy-five, had deserted the family some years before, leaving it to survive as best it could in at least a dozen places between Rothsay and Truro before finally settling at Berry Mills in 1933. After some time in an orphanage and the death of their oldest sibling, the children were back with their mother, earning a little money selling may-flowers, tapping maple trees, picking blueberries, making Christmas wreaths, and snaring rabbits, while May offered her services as a housekeeper. Suffering almost constant sickness and privation, the Bannisters were twice burned out of the shacks they had somehow managed to procure and had to survive one whole winter on nothing but beans and buckwheat flour without salt. But they did have help—in fact quite a bit of help—from two men who took an interest in their welfare, although it may not have been entirely altruistic. One of them was Albert Powell who worked in the CNR "freight shed" and was also a Salvation Army preacher who had been asked by one of the Moncton churches to go to the Bannister home and hold Sunday school classes. He did more than share the Gospel. When Frances and Marie told him repeatedly of the struggle the family was having (the Bannisters were not ones to hide their poverty) he promised to make them beneficiaries of one of his life insurance policies. The girls frequently visited him and another fellow, James Sargent, in the freight shed. He sometimes paid Sargent to drive the family home from Moncton and regularly brought groceries as well as clothing to their house and even gave the girls Christmas and birthday presents. However, he had a falling out with the family on Halloween 1935 when, according to testimony he later gave in court, May said to him, "Mr. Powell, if that child Marie (who was more than a little pudgy) is going to have a baby you will be held responsible for it." Hotly denying the possibility, he broke off further relations with the Bannisters.

The other benefactor was Milton Trites, who owned a second-hand store in Moncton but lived near the Bannisters

at Berry Mills. Soon after they moved there in 1933 the house they built burned down and Trites helped them rebuild, even supplying the lumber. (It was actually not a bad shack, as shacks go, having two stories and sufficient room for the kids.) He also gave them food as well as articles from the store and then entered into a closer relationship with May. Having separated from his wife a few years previously, he needed a housekeeper, so he hired her for \$2 a week. Soon she was doing other wifely duties as well, working in his house three to five days a week and frequently staying overnight. Not surprisingly, namely on November 1, 1935, May announced that she was going to a midwife in Moncton to have his baby, and he did not see her again until December 29.

The role of Powell and Trites in the Bannister drama will become apparent after we pick up the threads dropped with the knock on the door.

When asked about the mitten, Daniel readily admitted it was his, and for a brief moment the Mounties thought they had their man, who clearly wasn't the brightest button in the box. Bright the Bannisters may not have been, but this didn't make them honest truth tellers and Daniel quickly added the first in a series of Bannister lies designed to shift the blame and/or exculpate the deed. Yes, the mitten was his, but he had lent it and its mate to Arthur when he (Arthur) was heading out to Pacific Junction on Sunday, and Arthur had lost one of them. (It turned out that Daniel, too, had been at the Lake home on the fatal evening and had worn his own mittens.) After taking Daniel to headquarters for questioning and releasing him the next day, the police concentrated on Arthur, who also fitted the description of the Bannister boy seen walking toward Pacific Junction on January 5. Their interest, first in him, then in Daniel again, and finally in Frances, was also aroused when Earle O'Brien told of a strange visit to Philip Lake's henhouse where he and Arthur camped on the night of January 2 in preparation for attending their trap lines the next day. (Of course the police questioned everyone known to have been in the vicinity of the crime on January 5/6.) About two in the morning two people arrived, one of them a girl wearing men's breeches, and called Arthur outside for fifteen or twenty minutes. Arthur explained to Earle that they were his brother and sister. They wanted him to go home as there was some tension in the family about his spending so much time at the Lakes', but he refused, as he needed to tend his rabbit snares the next morning. This was enough to hustle Arthur to headquarters for a lengthy interrogation during which he made a confession that turned out to be another of the Bannister lies. He admitted being at the Lake home on the fatal night together with two other men, whom he named. There was heavy drinking, he said, followed by a fight over Bertha during which he felled Philip with a piece of firewood after Philip (or someone) felled her. When the two named men were brought in and found to have perfect alibis, police began to disbelieve the story, especially when closer examination of the trail indicated that not one, but three people had made it, one of them a smaller person. Putting two and two together, they charged Arthur with murder, arrested Daniel, and held Frances as a material witness.

Further questioning of the three produced a modified version of the story that satisfied investigators for a while, as the Bannisters all said pretty much the same thing, probably having rehearsed it before the arrests. Admitting that Arthur lied in naming the two men—but only in order to protect his siblings—they said he went up to the Lakes' on Sunday evening (January 5) and found Philip drinking heavily. He joined in the festivities until Daniel and Frances arrived about 10:00 pm to bring him home (for the second time in three days). Bertha was in bed and Frances went into the bedroom to talk to her. When she came out, Philip made indecent advances toward her, and her brothers leapt to her defence. When Bertha came out of the bedroom to stop the fight Philip threw a stick of stove wood at her, hitting her on the head. Daniel then felled Philip with another stick and someone upset the oil lamp, at which point the Bannisters fled. When they had travelled some distance from the shack they could see the reflection of the flames and hear a woman screaming for help. The police surmised that Philip had been knocked unconscious and died in the flames with Betty while Bertha recovered just enough to flee with Jackie before succumbing to her wound.

There seemed to be enough to this story to charge Daniel with murder along with his brother but then it, too, quickly unravelled with revelations that added shocking new dimensions to the case.

The Mounties had also taken Marie into Moncton for questioning and then decided to ask for Frances' breeches when they returned her to Berry Mills. They were met by May who reluctantly and ill-temperedly handed them over, but absolutely refused to allow a search of the house, as they didn't have a warrant. Suspicions aroused, they reported it to the Moncton police, who knew the Bannisters better than they did, including the fact that May "worked" for Milton Trites, to whom they paid a visit. Somewhat reluctantly, Trites informed them that there had been a baby in the Bannister home at least since Monday, January 6. May told him on December 29 that she had delivered a nine-pound girl and on January 6 had invited him to come over and see her. (He testified later that he suggested the name "Thyra" for the infant.) This sent the police

and Mounties back to Berry Mills to ask to see the baby. This time May offered no resistance but said the infant was hers. She had given birth to it several months before in a cabin somewhere near Fox Creek—she didn't know exactly where—attended by an Acadian midwife whose name she couldn't remember, even though she had come to see her every night for two weeks. She had concealed the birth because her estranged husband had told her he would kill her if she ever had a baby. They didn't believe her and so brought her in a sleigh through a bad snowstorm to headquarters for further questioning, arriving about 9 pm, with the baby to follow as soon as the storm abated. Throughout the night they interrogated both her and Frances, crosschecking their stories in an attempt to get at least one of them to come clean. They already had a hunch as to the baby's real identity since the charred bones that initially looked like they could have been Betty's turned out to be those of the family cat, while continued searching failed to turn up her body. Their hunch was strengthened by further questioning of Omar Lutes, Otto Blakeney, and others who had seen Betty Lake alive. Blakeney told them to look for a bright, strawberry shaped birthmark on the top of the head, and that is precisely what they found on the infant in the Bannister home.

At first May stuck to her story—which Frances initially affirmed—and said she had witnesses, among them James Sargent and another man who saw her in Moncton a week or so earlier carrying a baby in her arms. Brought in for questioning, they both said they had seen her with a bundle which she *said* was a baby, but they had heard no sound from it, while Sargent had expressed surprise at her statement. She then named a woman from the Traveller's Aid Office but she said she hadn't even seen May, let alone a baby. When pressed by the sceptical interrogators, who suggested having her examined by a doctor to see whether she had recently borne a child, she became downright snarky. "No God-damned doctor is going to examine *me*," she exclaimed. She had shown similar foul temper when the police took her children into custody, calling the Mounties a "damned bunch of murderers and liars." When informed that the baby was to go to Moncton as well as herself, she flew into a rage and said "You can take the damned baby, but you won't take me as long as there is a drop of blood in my body." Then, about 2:30 in the morning, she did a complete about-face, and asked to make a statement to police, saying "I'm in enough trouble already. I'm going to tell the truth." In it she acknowledged that she had been lying, that the infant was in fact the Lake baby, and that Frances had brought it to her in the wee hours of the morning of January 6, telling her only that she had taken it from a burning house.

At the same time in another room Frances at first confirmed that the baby was her mother's but then under intense pressure (she was in a state of near collapse when brought in) she started telling a different story, which she was reluctantly to repeat numerous times with the addition of significant details during the hearings and trials that followed. Like the earlier ones, it was self-serving and incomplete, and certainly didn't represent everything she knew about the crime, but it was the most damaging testimony the police had against the boys, and even though she was equally implicated, the Crown used her as its star witness both against them and her mother and shielded her from prosecution in an adult criminal court, although she was later charged in a juvenile court. The gist of it is that Arthur went up to the Lakes on the afternoon of January 5 and she and Daniel came up later that evening at his request, arriving about midnight. (It was a three-hour walk.) She was not told the reason for the late night journey through deep snow (she said). Arthur was inside the house. Neither she nor Daniel entered but waited outside for about fifteen minutes, when Arthur came out and handed her the baby. She took off for home and the boys caught up with her about twenty minutes later, after which she saw the red glow of a fire in the direction of the Lake shack and heard a woman screaming. They arrived home about 3:30 am with the baby.

The interrogations were enough to charge May with engineering a kidnapping that resulted in murder, and the preliminary hearings both for her and her two sons began on January 13, precisely one week after Otto Blakeney's gruesome discovery. Before they were over near the end of the month, a new dimension of the crime was revealed. Local punditry had from early on pooh-poohed the possibility that one, or even two, skinny, rat-faced punks could have overcome such a powerful man as Philip Lake, even with a stick of wood, and the police agreed, although not before he was buried. On second thought they hastily had him exhumed for a complete autopsy that included x-rays. Sure enough, the x-rays revealed a .22 calibre bullet near the back of his skull. This touched off a search for a .22 rifle and when the police couldn't find one in the Bannister home they got up a crew to shovel through the snow along each side of the tracks leading from Bertha's body about the distance they figured someone could fling a gun. Before they were finished they had some help. By this time Frances was singing more freely, at least on matters that didn't implicate herself any further. Taken to the scene, she pointed out roughly where Arthur had thrown the barrel and butt of the .22 rifle he was carrying after breaking it in two on the railway tracks

about half way home. The barrel and bullet were sent to a ballistics expert in Montreal who had studied this new science in Paris and he reported that they matched perfectly. The front of Philip's skull was burned away completely but the rest of it was intact with no signs of a bullet hole. The only reasonable conclusion was that he had been shot through the forehead, which would explain why he was found lying face up on his back. This new revelation added the stigma of cowardliness to the crime and further stoked public outrage. Crown prosecutors knew they didn't have all the details, but they felt they had enough to win convictions on the charges they brought, which yielded the following story: In order to keep good things coming from their two sugar daddies, the Bannisters, May to the foremost, wanted a baby that would be either May's or Marie's, depending on whether it was to be attributed to Milton Trites or Albert Powell. When neither could produce one—for whatever reason—they decided to kidnap the Lake baby that Arthur had seen on his several visits to the home. Somehow (and the Crown never explained how in court) May prevailed on Arthur, Daniel and Frances to do the deed. Whether they intended to murder the rest of the family in order to hide Betty's real identity, or it happened as a result of a struggle to snatch the infant from its resisting parents, was also left vague, as was the issue of which of the trio—if not all of them—did the dirty deed, and exactly how he, she, or they did it. Incomplete though the story clearly was, it was the best the Crown prosecutors could come up with given the lack of reliable direct evidence, and so they went to trial with it.

The preliminary hearings in Moncton and the four trials that followed in Dorchester are a story in themselves, owing partly to the complexity of the case, partly to the incompleteness of the evidence, but mainly to the antics of the defence lawyer, H. Murray Lambert, who, as nearly as I could find out, was hired by Milton Trites. (The significance of this will be evident when we come to May's trial.) Whether he was trying to make a name for himself, or was sincerely convinced of the innocence of his clients—or perhaps it was some combination of the two—he used every ploy in the defence lawyer's book with a gusto that bordered on zealotry. He objected to virtually every piece of evidence the Crown entered, including the confessions (and was usually, but not always, overruled). He accused the police of using “third degree” interrogation methods and even brought an action against one of the Mounties. (It got nowhere, but he had made his point). He spun out alternative narratives from the evidence that bordered on the absurd. He caused as many delays in the proceedings and triggered as many adjournments as he could by tying the court up in legal knots, cross-examining witnesses at great length, etc. In short, he made a nuisance of himself, exasperating even the trial judge at times, but he wasn't entirely ineffective. There is no way of doing justice to all the ins and outs of the trials in the space I have here. Interested readers can turn to B.J. Grant's book, *Six for the Hangman*, mentioned above, which does a pretty good job of summarizing the accounts in the *Transcript* (taking nearly forty pages to do so; my own summary runs to seventy-nine pages). Instead, what follows is merely an overview of the highlights.

When the preliminary hearings before Magistrate W.F. Lane were finally over on February 13, having been dragged out by Lambert's tactics as well as the sheer number of Crown witnesses and a long adjournment occasioned by the death of King George V, Arthur, Daniel, and May were committed to stand trial before the Circuit of the Supreme Court of New Brunswick, which opened its spring session in the Dorchester courthouse on February 25. The preliminary hearings had opened a month earlier with literally thousands of would-be spectators milling in Duke Street hoping to gain entry into the crowded police court. Even though most of the testimony was already given and reported in the papers, people flocked to Dorchester to hear it again, and of course to hear the verdicts, the object of much local speculation before they were delivered. The Windsor Hotel had long since been booked solid, residents did a land office business in renting rooms in their homes, and every train brought yet more itchy ears to the shiretown. As in the “Buck” and Sullivan cases, the press could not help remarking on the number of women present.

Having at first charged the boys jointly with the murder of Philip Lake, the Crown changed its mind as the result of Lambert's objection to the admissibility of a confession by Daniel that fingered Arthur while exonerating himself, and charged them separately, not only with Philip's murder but also with Bertha's (presumably by bludgeoning her with the rifle), and then added kidnapping just for good measure. May was charged with all six counts of kidnapping as defined by the statute on kidnapping viz: 1. with herself forcibly seizing Betty Lake; 2. with procuring Arthur, Daniel, and Frances to seize Betty; 3. with herself taking Betty away from Bertha with intent to deprive her of possession of the infant; 4. with procuring her said children to take Betty away, etc.; 5. with conspiring with her said children to abduct Betty with intent, etc.; 6. with assisting Arthur to escape the law by harbouring Betty in her home and representing her to be her own child, well knowing that Arthur had unlawfully taken her from Bertha. After the longest session in Westmorland County history, the grand jury returned true bills (meaning the cases could go ahead) on all counts against the

boys, but only on three of the six counts against May, namely those charging her with procuring and counselling her children to kidnap Betty (there really was no indication she had done it herself) and of harbouring her in order to assist Arthur to escape the consequences of his action. In the event, the boys were only ever tried on the original charge of murdering Philip, as a conviction would most probably lead to a hanging and make the other charges superfluous. (They were held in reserve in case of an acquittal.) The trials were held one after the other between February 25 and April 6, starting with Arthur's and ending with Daniel's. However, because the issues were rather different, and its outcome the most controversial, it will be best to leave May's trial until after we have finished with the boys. Doing so will also make the story much easier to follow, a great plus, as it's rather complicated.

Arthur's trial was the most straightforward of the three. It began with the testimony of Otto Blakeney, Omar Lutes, the doctors who carried out the autopsy, the Montreal ballistics expert, those who had seen Arthur going up to Pacific Junction carrying a rifle, and about thirty others. But the Crown's star witness was Frances, who not only repeated the story she told at the preliminary hearing but added that after Arthur went back into the Lake house and just before coming out again to hand her the baby, she heard something that sounded like a shot coming from inside. She also elaborated a bit on the trip she and Daniel made on January 2 when Arthur came out of the henhouse to talk to them. The three Bannisters were also in the Lake house that night, and the Lakes invited them to come again sometime for a visit. The Crown prosecutors interpreted the January 2 trip as evidence of a long-standing plan to kidnap Betty. It would have been carried out that night, they alleged, but Arthur unexpectedly found Earle in the henhouse, and so had to postpone it, even telling Philip he would like to come up again on Sunday (the 5th). She also admitted that the three had discussed the January 5 trip beforehand and that she expected to get the baby. There was other testimony to the effect that Lake was not a drinker, and that he and Bertha got along very well, thus punching the final holes in the Bannisters' earlier stories. Perhaps still smarting over May's accusation of improper doings with Marie, Albert Powell testified that the broken rifle entered as evidence in court was the same one he had seen in the Bannister home. Although complicated by the recital of all the evidence against May with a view to showing that Arthur had kidnapping in mind when he committed the murder, the Crown's case was essentially that there could be no question that it was Philip Lake who was murdered, in spite of the charred state of the body that made identification difficult; dentists had confirmed that the gold teeth were his. The tracks and the mitten led directly to the Bannister home, and these facts alone were sufficient for a conviction. But there was also Frances's testimony, obtained only with difficulty, which the Crown prosecutors dramatized in lurid detail, emphasizing the shot and the woman screaming for help.

Lambert's defence was nothing if not imaginative. It was not proved conclusively, he argued, that it was Lake who was killed, and the Crown must prove this beyond a reasonable doubt. The various testimonies regarding the gold teeth were conflicting, he said. (They were, but only on the most minor points). What was the motive for the murder, he asked. Why in the world would either Arthur or Frances want a baby? And was the baby found in the Bannister home really the Lake baby? Even after May's confession, which was not admitted in court, as we will see, Lambert continued to raise the possibility that it was hers, saying the confession was extracted by harsh interrogation methods. It was also unclear from the evidence, he alleged, which of the boys did the shooting. "Are you going to guess," he asked the jurors. The evidence would admit of other interpretations than the Crown was reading into it. Maybe Bertha was about to leave Philip and so made arrangements with some other person as yet undiscovered to take the baby. The testimony of the ballistics expert was worthless. You can get an expert to say anything if you pay him, and, anyway, the science is unreliable. Furthermore, if Arthur had no clear motive for killing Lake, Lambert could suggest someone who did, namely her real husband, Marshall Ring, who was working in the Brunswick Hotel in Moncton. But, no doubt aware of the thin evidential ice on which he was skating with such arguments, Lambert put most of his effort into an emotional appeal to the jury. Arthur was just a poor boy who had come to court practically in rags, with no money to hire a bevy of expert lawyers to fight the full force of the RCMP and the Attorney General's office, a poor boy that never had a chance in life and was incapable of such a crime. "Take a look at that boy there," he said to the jurors. "Does he look like a boy who would go up there and commit a brutal murder?" His voice quivered as he broke down in well-rehearsed tears begging them to give the poor boy a chance.

Unfortunately for Lambert's reputation as a defence lawyer, Arthur didn't help his case any by his demeanour in court. Although he took a keen interest in some of the proceedings, for the most part he appeared quite unconcerned, wearing an expression somewhere between a contemptuous smirk and an inane grin. On several occasions he found something amusing in the ghastly testimony of Blakeney, Lutes, and others who had viewed the bodies. (During the preliminary hearing, the exhibition of Philip's gold teeth in an envelope struck both boys as hilarious, as did the description of bloody handprints

in the snow.) It was probably a show of bravado, bolstered by a belief that Lambert was going to get them off the hook.

The trial judge, Chief Justice Barry of the New Brunswick Supreme Court, tried to be fair in his charge to the jury, but he clearly believed Arthur was guilty, and it showed. He said that if the jury should find that Arthur, either alone or accompanied, went to kidnap the baby and did something to cause Philip's death, it was murder, whether or not he actually intended to kill him. Nothing in the evidence warranted a reduction of the charge to manslaughter. It was "murder or nothing," he said. After pointing out that much of the evidence was circumstantial and that the Crown must prove its case beyond a reasonable doubt (standard procedure), he rehearsed Frances' testimony and said it was corroborated in many particulars by others (such as Earle O'Brien). The main questions to answer were: Was the body found in the ruin Philip's? Was the rifle Arthur's? Did the bullet found in Philip's brain come from it? Also to be given serious consideration: Why were the Bannisters prowling around in the night carrying a rifle and a hunting knife? "They certainly were not shooting rabbits in the middle of the night." Considering the tenor of his charge, it's somewhat surprising that the jury deliberated nearly three hours before returning a verdict of "guilty." When it did, Arthur looked bewildered. Lambert rushed over to him and said, "It's hard luck, boy." "It could have gone either way," Arthur replied, as a sickly smile replaced the inane grin. Sentencing was postponed until after the other two trials. Lambert announced almost immediately that he would try to appeal.

Daniel's trial, which began on March 31 and ended on April 6, was largely a repetition of Arthur's in that the Crown called the same string of witnesses who repeated in somewhat abbreviated form the same testimony they had given at the preliminary hearing, at May's trial, and again at Arthur's. However, the prosecutors did not specifically allege that Daniel participated in the actual killings, something he denied almost from the moment of his arrest. While still in the police lockup awaiting his preliminary hearing he asked and was allowed to make a late-night confession, saying, "the police ain't going to hang an innocent man. That's the reason I sent for you (RCMP Inspector Harris). I'm going to tell it all." Apparently, he flattered Arthur, insisting that he himself was outside the house at the time of the shooting, and he may have offered other details as well. (Whether they would have been true or not is another matter.) We will never know exactly what he said because Lambert objected to the confession being admitted as evidence, charging that it was made under duress. The judge ruled that the Crown didn't sufficiently prove that it was *not* made under duress, and quashed it. Lambert objected to it because it strengthened the case against Arthur, and he hoped to get both boys acquitted. The Crown wanted to use it to show that Daniel was a confessed accomplice in the murder. The ruling frustrated the prosecutors, but there was enough other evidence to show that he was there that night, and that was all that was needed to win a murder conviction. This is because there was, and still is, a provision in the Criminal Code of Canada making accomplices in a crime equally guilty with the principal, and this the prosecutors hammered on, as well as on the Bannister plan to abduct the baby. In his address to the jury the leading Crown prosecutor declared that the "twelve good men and true" had only four questions to decide: Was Lake murdered? Was he murdered by the Bannisters? Was Daniel a member of that "party of death?" Was Lake murdered in the kidnapping of the baby?

Lambert's defence was very similar to the one he had made for Arthur, based on the fundamental principle of Common Law that the accused does not have to prove his innocence, while the prosecution must prove his guilt beyond a reasonable doubt. He was now prepared to admit that the baby brought into the courtroom on numerous occasions was Betty Lake, but not that it was the same child taken from the Bannister home. Again he questioned the identification of Philip's body, charged that the Mounties had intimidated Frances, dismissed the testimony of the ballistics expert as worthless, and even claimed there was no clear evidence that a murder had been committed. Arthur's conviction was no argument, he said, because he was appealing it, and the witnesses who said they saw him going up to Pacific Junction that fateful afternoon were just trying to get their names in the papers. Again he ended with an emotional appeal, complete with quaking voice and copious tears, for the "poor foolish boy who went along because his brother and sister asked him to go." He urged the jurors to value human life and follow the golden rule, for "some day one of your boys may be tried on a similar charge," etc.

In his charge to the jury Chief Justice Barry again essentially supported the Crown's arguments (while of course mentioning "reasonable doubt" and explaining the use of circumstantial evidence). Several times he cited the statute on accomplices and pointed out that Frances' evidence was corroborated in many particulars. So, the verdict is hardly surprising, but Lambert's defence does seem to have had some effect on the jurors. After deliberating nearly two days, indicating considerable discomfort in holding Daniel as culpable as Arthur, they returned a verdict of guilty but added "a strong recommendation for mercy," something the jury that convicted Arthur did not do. Barry ignored the recommendation and passed the sentence required by law on both boys, but he didn't do so with pleasure. Like Judge Fraser in the case of "Buck," it weighed

heavily on him. He went to his chambers to compose himself and, according to the *Transcript* “for a time it appeared he might not be able to carry on. Tears dropped from his kindly eyes and were sternly wiped away. His voice faltered and he paused. A gallant effort enabled him to master his feelings and do his duty.” The boys, by contrast, appeared cool and undisturbed by the terrible words. (I will return to their attitude when we come to the actual hanging.)

The date of the double hanging was set for June 20, but it didn't happen then, nor was this the end of the brothers' trials. As promised, Lambert appealed Arthur's conviction to the Supreme Court of New Brunswick (Appeals Division) on the grounds that the evidence, which was purely circumstantial, including Frances', would admit of other interpretations, for example that the Bannisters were attempting to aid Bertha to escape from Philip. Perhaps Lake attacked them when he discovered what they were up to and one of them killed him in self-defence. The judge found this “pretty hard to swallow,” accepted the Crown's arguments, and rejected the plea—whereupon Lambert applied for leave to appeal the rejection to the Supreme Court of Canada, citing a number of arcane legal technicalities on which the New Brunswick court had supposedly erred. It, too, was rejected, but in the meantime (by now it was late May) he had appealed Daniel's conviction to the New Brunswick Supreme Court. He dragged up many of the same arguments mounted against Arthur's conviction and of course they were dismissed as well, but he also added another, namely that Judge Barry had erred in his charge to the jury in implying that Daniel knew full well that the kidnapping might result in murder when there was nothing in the evidence *presented* from which *the jury* could decide whether “Daniel Bannister knew, or ought to have known, murder was probably or possibly a consequence of the kidnapping.” As a result of this narrow technicality, the new Chief Justice and two other judges on the Supreme Court of New Brunswick granted Daniel a new trial, set for June 24, on the grounds that Chief Justice Barry “took from the jury the very point they had to decide, namely whether the accused knew...etc.” The immediate effect was to postpone Arthur's June 20 hanging to August 20 in case Lambert wanted to call him as a witness for the defence.

Daniel's second trial was at first essentially a rerun of his first one. Many of the same witnesses repeated much of the same testimony, some of them for the sixth time, and the Crown tried once again to enter Daniel's confession in evidence. Once again the trial judge, a different one from the one who presided over his first trial, ruled against it on the grounds that the Crown hadn't proven sufficiently that it wasn't coerced, even though two fellow prisoners in the police lockup testified that he had talked freely to them about his intent to make a confession. Once again the Crown's arguments seemed to overwhelm the defence in spite of this setback. At this point Lambert decided to roll the dice and call Daniel to the stand, the only witness he called in any of the four trials. It was Daniel's last chance for an acquittal, and he blew it. The gist of his testimony was that he did not know what the visits to the Lake home those two frozen nights (January 2 and 5) were all about, and if he had known there was any harm to be done he would never have gone. He just went along because his siblings asked him to, and they never mentioned the purpose. As far as he knew, Bertha was going to run away, and he was just going up with Frances for company. Moreover, he did not know that a baby was taken, even though his brother and sister had carried one eight miles through deep snow. In fact he didn't even know there was a baby at the Lakes; he only “guessed” it was a baby, although he admitted under cross-examination by the Crown that “it looks like it now.” He also refused to admit that he had signed a statement to police that he had loaned his mittens to Arthur, even though when shown the statement he said “that looks like my writin” and admitted that he knew their discovery would connect him with the crime he had just finished saying he had no idea would be committed. Other gaps in his knowledge included the fire in the house and the fact that Arthur had a rifle with him. On the other hand, he clearly recalled the sounds of a man and woman fighting in the shack although he was not in it on the fatal night. The net effect of his testimony was to seriously undermine Lambert's contention that Daniel was a poor retard who didn't really understand what was going on. As the *Transcript* put it, “The youth, prior to his testimony, had been represented in arguments of...his counsel to be of low mentality but to the majority of spectators... his actions on the stand belied the suggestion. He proved to be anything but a slow thinker and his use of the English language revealed a better education than most persons thought he possessed.” (One of the prisoners who testified to his willingness to make a confession also said that he read quite a bit in his cell.) After this performance, Lambert's tired arguments about the dubious identity of the body, the unreliability of the ballistic evidence linking the bullet to the Bannister gun, his implausible alternative scenarios “suggested” by the evidence, and of course his emotional appeal to the jury, rang increasingly hollow, while the Crown prosecutor had no difficulty making mincemeat of the testimony. Just for good measure, he added his own passionate address to the jury, excoriating Daniel for trying to shift all the blame onto his siblings and dwelling on the lurid details of Philip's body scorching to a cinder, Bertha grievously wounded and almost naked fleeing through the frozen night in a frantic effort to retrieve her stolen baby while carrying her other poorly clad child, found frozen with his little arms out-

stretched toward her, etc. (Even though the boys' trials were only about Philip's murder, the Crown didn't hesitate to draw in the others as well to increase the dramatic effect.) Daniel "sat stolidly following every word. Gone was the vacuous grin which had characterized his demeanour throughout both trials." Once again the trial judge told the jury that it could not return a verdict of manslaughter, even if it felt Daniel bore less guilt than his brother; it was "murder or nothing." The only surprise was that the jury took three hours and forty minutes to find him guilty of murder for a second time, this time without a recommendation for mercy. Once again the death sentence was pronounced, this time for September 23, and it was announced that Arthur would join him on the scaffold on that day.

And yet it still wasn't quite over. Nothing if not persistent, Lambert appealed Daniel's second conviction (he finally gave up on appealing the rejection of Arthur's appeal) and it was heard in a special session of the Supreme Court of New Brunswick. This time he argued that there were sufficient grounds for a reduction of the charge to manslaughter and that the judge was in error in not charging the jury to this effect and also in not pointing out the possibility of alternate scenarios, viz. that the murders were the result of domestic violence or that the bullet found in Lake's brain ricocheted after striking something else. Again Crown attorneys had little difficulty in pointing out the contradictions in his arguments and the appeal was dismissed, only to be followed by applications for the sentences to be commuted to life imprisonment. When these also failed, the hangings went forward as planned.

Throughout both the preliminary hearings and their trials, spectators were struck by the boys' apparent nonchalance that suggested something disturbing in their characters. They sat calmly through Frances' testimony, breaking out in pleased grins and nudging each other when she became mum under questioning. They even smiled and gazed around the courtroom during Otto Blakeney's ghastly testimony. When not wearing their inane grins they took on a look of stubborn defiance that did not fade even during the passing of the death sentence. Arthur "literally sprang to his feet" and "stepped blithely to the dock with a smirk on his pale face. He stood rigidly with his chin high and his usually loose mouth clamped tightly shut. . . Daniel also was stoic and showed no signs of weakness. . ." Other reported details, however, suggest that this was their way of showing bravado, and that they were far more affected by the prospect of the gallows than they let on. Other inmates saw Arthur slump against his cell wall when his handcuffs were removed and heard him mutter to himself, "that's what that means." As they were led away after sentencing Daniel was heard to mumble something about being innocent (he also interrupted the judge during sentencing to deny he had committed the murder). "Arthur, still defiant, snapped at him: 'Don't cave in now. Shut your mouth.'"

As mentioned above, reporters were not allowed to interview the prisoners at any time, but a few details of their incarceration and hanging managed to leak out and were picked up by the press. Although not good readers (but nonetheless not entirely illiterate) the boys, and especially Daniel, took to reading the Bible supplied by the Salvation Army soon after their confinement in the police lockup. It was said to have fascinated them both, and Daniel boasted on one occasion of having read nineteen chapters in one day. A Salvation Army chaplain was with them to the end and is said to have held long conversations with them. They also attended church services in the jail on occasion, even joining in the choir. However, the effects of the Gospel were limited unless they explain their nerve right down to their last moment. Certainly, we hear nothing of repentance or any confessions of guilt, in fact quite the opposite. Daniel apparently hoped for a reprieve from the death sentence until his last hours, but when it didn't come he was cool and contemptuous. Arthur "showed an ugly disposition and a tendency to bitterness," refusing to relent or be placated. Both had good appetites and slept well, even on their final night, even bearing up under the sounds of the gallows being constructed within earshot.

The brothers did not have many visitors, but three family members came to say goodbye the day before their execution. May was not one of them, as she was in Kingston Penitentiary, as we shall see. They were Marie, Frances and, surprisingly enough, their father, William, who had also visited in August. Described as a "forlorn-looking old man," "stoop-shouldered and grey," he had been living for some years on a farm in River Glade but after the arrest of all the other Bannisters he moved into the Berry Mills house and looked after Marie, who had hitherto been in the care first of the Salvation Army and then the of the poorhouse. So maybe there was another side to the story of his abandoning the family that we don't know about. Apparently, the meeting with Frances was rather strained, especially between her and Arthur. Except for their joint appearance at the preliminary hearing and their joint sentencing, the boys were kept apart and only brought together during the two-hour death watch before the hanging. What they said was not made known, but there were probably also some tense moments between them.

As would be expected given the public interest in the trials, the double hanging attracted a lot curiosity seekers to Dorchester, but they had to make do with the general air of anticipation in the village, as the hanging itself was done inside the jail, not outside in a specially built enclosure as were those of Buck and Sullivan. Only the minimum number of officials (the Sheriff and his Deputy, ministers of the gospel, physicians, and of course the hangman) witnessed it. To ensure that reporters didn't sneak in (some tried) the whole village was patrolled by RCMP officers, many in scarlet dress uniform, and the jail was closely guarded. The gallows were erected in one of the cells in the women's ward on the second floor, in fact in the same one May occupied before being sentenced to the penitentiary. The heavy weight that jerked Buck and Sullivan into eternity was not used again. Instead, officials returned to the old "drop method," cutting a hole in the cell floor to install a set of steel trap doors that had been used in a hanging in Amherst, thus allowing the bodies to drop into the cell below where the death watch had just been held. To make as little public spectacle as possible, the time was set for 1:00 am (Wednesday, September 23) and not made known to anyone except officials. Nonetheless, by Tuesday evening cars lined the roads in all directions and large crowds gathered around the jail in anticipation.

Daniel was the first to step onto the trapdoors and did so in his stocking feet. He stood calmly as the hangman placed the black cap over his head and the noose around his neck. He had prepared a prayer for the occasion and when he found the noose too tight to recite it out loud, he requested that it be loosened. This was granted and in his prayer he asked the Lord for forgiveness and remarked that he was being hanged for a crime committed by somebody else. Standing next to him, Arthur, who wore an almost new pair of shoes (most of the time he wore gum rubbers, as did Daniel) maintained his bravado and defiance to the end. Just before the death march began he said, "I am not saying I am innocent..." Witnesses could not hear the rest of the sentence but it was probably to the effect that others were guilty as well. Much of his resentment seems to have been directed at his siblings—and who can blame him? They were more than content to let him be the fall guy while doing what they could to save their own skins. The heavy steel doors made a considerable noise when they fell and inmates as well as spectators near the jailhouse knew exactly when the dreadful moment came. No relatives came to claim the bodies. They were placed in coffins waiting in the corridor and buried by lantern light in a simple service on the hillside behind the jail, less than two hundred feet from the scaffold. When the sun rose, a black flag flew over the jail at half-mast in a sign of mourning that was probably not deeply felt by many. In this, as well as in the bizarre nature of the crime that occasioned it, Dorchester's last hanging most closely resembled its first.

May's trial was the most controversial of the four because of its outcome. If there is one thing still remembered in popular culture about the Bannister affaire it's that May should have swung instead of her sons, or at least alongside them. The Crown argued that she planned the kidnapping, perhaps even the murders, in order to make either or both Milton Trites and Albert Powell believe the Lake baby was either hers or Marie's and so force them to continue supporting her and her family, and that she coerced or persuaded her children to carry out the deed. Common sense and all the circumstantial evidence would suggest there was some truth in this, as it's highly unlikely the kids came up with the idea themselves. Nonetheless, she was only convicted on one count of kidnapping, namely harbouring the infant in order to help Arthur, making her an accessory after the fact but not an accomplice to either kidnapping or murder. She got the maximum sentence, but it was only three and a half years in the penitentiary, which she served in Kingston because there were no facilities for women in the Maritime Penitentiary at that time. What follows here is not a defence or an apology for May, but an attempt to explain why the outcome of the trial was perhaps not wholly perverse.

As mentioned above, the grand jury threw out the charges that she had kidnapped the baby herself and found true bills only on procuring and counselling (essentially the same charge, but the law loves wordiness), and harbouring. Given the lack of direct evidence, in order to make "procuring and counselling" stick, the Crown had to show that she intended to use the baby to extract money from Trites and Powell, and for this it needed the cooperation of Trites and Powell. Of the two, Powell was the Crown's best ally. Very sore over May's accusation of improper relations with Marie (whether there was anything to it is another matter), he willingly related the confrontation both at the preliminary hearing and at the trial and added on the latter occasion that she had threatened to shoot him. He identified the .22 rifle as the one he had seen in the Bannister home and when asked by the Crown prosecutor if May had ever asked him for money he said he had often received written orders for groceries, which he filled. This was damaging testimony, but it was also vague how the kidnapped Lake

baby was to be both May's and Marie's. Powell was definitely a hostile witness but Lambert was able to savage his character and undermine his credibility by insinuating that he had used the cloak of religion to cover his improper relations with a thirteen-year old girl. Powell had revealed that he had spent \$229 (a fair amount in those days) on groceries and clothes for the family and Lambert asked the jurors whether they really believed "it was religion that prompted the man to spend \$229 on these girls."

Once he had made his statement to police about the baby in the house, Trites had no choice but to give his testimony in court, but he was extremely reluctant to implicate May in outright blackmail or prior knowledge of the kidnapping. He was even coy about whether she told him on November 1 that the baby she said she was going away to have was his. When pressed on the matter he asked for and received the protection of the court (meaning his statements could not be used against him) and only then admitted that she had "intimated" that she was leaving his employ to have a baby. He said that she never asked him to pay the laying in expenses at the time or since. He admitted sending her \$10 by way of Arthur sometime in December but insisted that he owed her for five weeks when she left (he had been paying her \$2.00 a week for housekeeping) and was adamant that he was not giving her five weeks in advance. He admitted receiving a letter from her before making the payment, but couldn't remember the date of it. He reiterated several times that she never tried to get money for child support and never tried to palm off a doll on him; in fact he had never seen her carrying a doll around.

Mention of the doll requires me to back up a step. Allegedly in order to convince Milton that she had given birth, May carried a large doll wrapped in a blanket around the streets of Moncton on Christmas Eve, its "squeaker" removed to prevent notice that it was in fact a doll. Several witnesses saw her, the doll was discovered in the Bannister home (they all said it was Marie's Christmas present), and taken as evidence of her central role in planning the kidnapping. Milton's assertion that he never saw her carrying a doll around, or trying to pass it off as a baby, appears to have been an attempt to undermine that argument.

When the story of the murders broke, followed by the boys' arrest, Trites did not abandon the family. He brought groceries and wood into the house, drove Daniel home after his initial detainment for questioning, along with more groceries supplied by the police, and read the newspaper accounts to May, who apparently couldn't read well enough to follow them herself. He insisted in court that she didn't say specifically whether the baby found in her house was hers or not. When the police took her to Moncton during a snowstorm on the evening of January 10 he stayed with Marie and the baby until the storm abated and they returned to collect the infant in the middle of the night. In short, Milton still had some feelings for May and tried to do her as little damage as possible, with the result that although their relationship was a key element in the Crown's case, it was not as strong an argument for intent to blackmail—and hence planning the kidnapping—as the prosecutors would have liked.

If it was difficult to prove intent to blackmail, it was even harder to prove beyond a reasonable doubt that May either planned the kidnapping or procured her children to carry it out. Again, this was largely because its star witness, Frances, did everything she could to avoid implicating her mother. Frances was a reluctant witness who alternated between tears and stubborn refusal to answer questions, but, piece by piece, she admitted that she and her brothers had knowingly gone after the Lake baby (Arthur was the one who told them there was one in the house), that the two trips to Pacific Junction were talked over in the house when her mother was "somewhere," in it, that May and Marie were home when the three left for Pacific Junction on January 5, and that her mother was pleased when they brought the baby in at 3:30 a.m. and placed it in her bed, telling her it had been taken from a burning house. When the trio returned empty-handed from Pacific Junction in the wee hours of January 2 she didn't ask where they had been. They didn't tell her where they were going on January 5 and never referred to Betty as the "Lake baby" in the house. In short, according to her testimony, her mother knew nothing of the kidnapping.

Frances also tried to cast doubt on the Crown's allegation of blackmail as the motive for the kidnapping, denying that she ever heard any conversation between her mother and Powell about Marie going to have a baby. She now thought his promise to make her and Marie beneficiaries of a life insurance policy was "just talk," and said that although he bought groceries for the family on occasion, it was "not so very often." The doll was bought on Christmas Eve for Marie. Her mother had carried it in the streets for a while before James Sargent drove her and the two girls home. Nothing was *said* on the way about it being a baby (Sargent testified that he *assumed* it was a baby) and the squeaker was removed because Marie didn't like it. It was never taken out of the house after that until the police seized it as evidence.

Frances' testimony may not have been very believable on the surface of it, but the Crown relied heavily on her other

statements in the murder trials and was understandably reluctant to discredit her as a witness. Since Milton denied that May ever asked him for child support, and there were no witnesses who directly contradicted Frances' version of the doll story, it is at least understandable that some jurors had a reasonable doubt that May either planned the kidnapping or procured her children to carry it out. We can never know for sure, but some of them seem to have thought it consistent with the evidence presented to them that they did it on their own, thinking that Milton would feel morally obligated (as opposed to deliberately blackmailed) to continue supporting the family.

Lambert also deserves some of the "credit" for the unsatisfactory verdict. His performance at May's trial was vintage Lambert. He raised his usual objections to practically every piece of evidence the Crown entered, with the usual result that it was admitted anyway, with his objections noted. As would happen again at Daniel's trials, there was one exception to his failures: He managed to persuade the judge to exclude May's confession that the baby found in her home was the Lake baby and that she had lied about it being her own. His grounds were the same as the ones that got Daniel's confession ruled inadmissible, viz., that it was coerced, or at least made under extreme pressure. Even after many other witnesses identified the baby as Betty Lake he kept raising the possibility that it was hers after all, claiming Trites' testimony as a substantiation. It's doubtful any of the jurors really believed this, but it may have raised at least a shadow of a doubt in some of them. In his summary address to the jury he shifted grounds and admitted it was the Lake baby but said there was not a jot of evidence that she had seized it (ignoring the fact that this charge had been quashed by the grand jury and was irrelevant to the case) or was connected with the abduction, laying particular stress on Frances' testimony. What he lacked in logic, he more than made up for in emotion. May was just a poor woman who "had worked hard and alone to rear her family," and was up against the combined forces of the RCMP and the Attorney General's office, both of which resorted to "third degree methods" to win a conviction. The jury should also consider the cultural level of people like the Bannisters. It was not out of the ordinary, he asserted, for a strange baby to be brought into such as home as theirs. "It was different from most homes, the children growing up like animals out there in the wilderness."

Unlike that of her sons, May's demeanour in court, whether calculated or not, was bound to arouse pity. Gone was the feistiness of her first days in detention, replaced by a state of near collapse. At her first appearance at the preliminary hearing she burst into "great racking sobs and listened to testimony with her head wrapped in her arms." The sobbing continued almost unabated throughout her trial except when she stared straight ahead at the floor, or gave way to an occasional angry outburst. Spectators and even the judge on one occasion were disturbed by her state of mind and this, too, must have weighed on the hearts, if not the minds, of some of the jurors who, of course, were all men.

The trial judge may also have (inadvertently) had something to do with the verdict in his charge to the jury. It's true that he stated near the end that "no one heard Mrs. Bannister instruct her children to seize the baby, but Mrs. Bannister wanted a baby for some ulterior reason. [She had earlier in 1935 tried unsuccessfully to adopt one from an orphanage and there was also a lot of to do about that during the trial.] What reasonable conclusion is there but that they were acting on instructions when they prowled about in the night, one armed with a rifle, the other with a wicked looking knife [Daniel carried a hunting knife and lost it at the scene, but it was never alleged that he used it in the killings] and carrying a baby home to place on their mother's bed?" But he also instructed the jury that she was to "have a fair trial according to the evidence" and warned of the danger of convicting her on the uncorroborated evidence of Frances. He reviewed the law on each count against her but then launched into an especially detailed explanation of how she could be convicted on the third, namely being an accessory after the fact by harbouring the infant, and perhaps some of the jurors took this as an indication of what they should find, strictly following the evidence and leaving room for reasonable doubt.

Whatever the reason for it, the jury was divided. When it filed back, the foreman, a Fred Estabrooks of Middle Sackville, asked if it could report that it found unanimously on one account but disagreed on the other two. The judge replied that it was technically possible but urged them to go back and talk it over, with a little give and take on both sides, and come back with a unanimous verdict on all counts. In about five minutes they did so, but it was not the one the judge expected. At her sentencing, which, along with the boys', followed immediately after Daniel's first trial, he told her she was most fortunate that the jury found her guilty of so little and expressed his displeasure over the verdict. "I cannot understand how the jury failed to convict you on either the second or fourth counts of the indictment." (She would have gotten at least thirty years for that.) A lot of other people couldn't understand it either, but perhaps the explanation offered here (and nowhere else that I am aware of) will help.

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Finally, *what happened to Frances?* (I hear you ask.) The Crown prosecutors agreed with Lambert that, according to the law on accomplices, she was as guilty as her brothers, but since the Crown needed her as a witness it didn't charge her with either murder or kidnapping. Instead, she was kept in the women's quarters in the Moncton police station, which, according to the speculation of newspaper reporters (who were not allowed to interview her), did not displease her; indeed, if set free, they thought, she would probably be loath to leave the "best home she ever had." She "learned many useful handicrafts" and received "splendid treatment, a good shelter, and good food," the latter with noticeable effects. From "a slight girl" with a "worn, dragged-out look" when she entered in January, she became "healthier in appearance" and "more plumb" by July, and "overly plump" and even "obese" by the end of September. She "chewed gum with great energy," spent a lot of time listening to the radio the police gave her and, apart from an initial weeping fit when told of Arthur's conviction during her mother's trial, displayed "absolutely no emotion" (at least none that was reported) about their prospective hangings. As late as July 10 it was still not known if she would be released or sent to a women's institution for care. Finally, on September 22, the day before the hangings, the Attorney General's office charged her with abduction before the juvenile court. She appeared before a magistrate *in camera* (meaning there were no newspaper reports) immediately after being taken to Dorchester to say goodbye to her brothers. I was unable to learn the result of the hearing. There was nothing about it in the Moncton newspapers before the end of January 1937 when I stopped searching on the assumption that the press had lost interest in the Bannisters. So now I will stop writing about them before you do, too—and also because I am out of space.

Gene Goodrich