

7 St. Johns Ave., undated picture courtesy City of Winnipeg Property and Planning. The house was torn down and is now the site of the Ukrainian Orthodox Church.

The Ghost House of St. Johns
OR
OF BOYS AND FROGS

by John Burchill, VP

Some Boys were playing at the edge of a pond. To amuse themselves they threw stones at the frogs that lived there, killing some. The frogs cried out they should stop, as sport to the Boys was death to the Frogs. The moral of this old Aesop's Fable is to always stop and think whether your fun may not be the cause of another's unhappiness.

On July 2nd, 1904 George Gaspard Nagy died. He was buried in St. Johns Cemetery. Nagy had just finished building a home for his family on property he acquired in 1903 at 7 St. Johns Avenue near the cemetery.

George Nagy came to Manitoba in 1880 with his family and assumed the honorary title of Nemes or Baron of Hungry when his father died. In 1882 he married Rachel Gomez, the daughter of Don Derigo Nojada Gomez da Silva Fonseca (William Gomez), one of Manitoba's early settlers who arrived here from the Danish West Indies via New York in 1860. William Gomez himself died on April 22, 1905. He was also buried in St. Johns Cemetery.

On October 21st, 1905, at 12.30 a.m., the following entry was made in the Winnipeg Police 'Occurrence Book', which was available to view at the counter of the old James Street police station. "Second house east of Main, on St. John's avenue, is believed by some people to be haunted at night between 11 and 12 midnight; there are parties of men hanging around this house, also in basement, awaiting the appearance of the spook; this house is at present unoccupied."

Several reporters read the entry and, intending to be humorous, wrote the following article that appeared in the Manitoba Free Press the next day, appearing in both the morning and evening editions of the paper:

There is a ghost in the north end of the city that is causing a lot of trouble to the inhabitants. His chief haunt is in a vacant house on St. John's Avenue near to Main. He appears late at night, and performs strange antics, so that timid people give the place a wide berth.

A number of men have lately made a stand against ghosts in general, and at night they rendezvous in the basement and close around the haunted house to await his ghostship, but so far he still remains at large.

The owner of the house, Rachael Gomez Nagy, sued the Manitoba Free Press alleging that by reason of the publication she had lost her ability to sell the property at market value, having been depreciated as a result of its 'haunted house' reputation. At trial several witnesses were called who either decided to withdraw their offers, or offered less than was being asked by Mrs. Nagy based on the newspaper reports.

The trial opened with Constable John Street, who joined the Winnipeg Police on November 25, 1903, by reading the Occurrence Book entry relied on by the newspaper, into court.

The issue at trial was whether you could defame or cause injury to property by publication. Justice D.A. MacDonald, in his ruling of December 14, 1906, found that it could not. "In the days of conjurations, enchantments, and witchcraft, when these and like superstitions were rife" such a suit may succeed. However "in this enlightened age and generation and in this modern city of Manitoba to find that such an article is a slander would be a calumny upon its people".

However the decision was appealed and on April 8, 1907, a majority of the Manitoba Court of Appeal overruled the decision of Justice MacDonald on the grounds that the existence of ghosts generally was untrue and the Free Press would have known this when it published the article. Justice Richard, for the majority stated that unless the Court took judicial notice of the fact ghosts did not exist, "the falsity of the statement could never be absolutely proved". However as "educated men [we] should, assume that there are no such things as ghosts, and that therefore the statement is necessarily false." As such the Free Press "must be held to have [published the story] without reasonable justification or excuse".

The fact that superstitious people would be likely to assemble at the house, and when so assembling would likely make trouble, is something that would have occurred to the reporter and sub-editor had they taken time to remember that, while they themselves and other people of the educated class, would only treat such a report as jocular or harmlessly contemptuous, the more ignorant of humanity through reading it be naturally and readily aroused to commit such overt acts as happened in this case."

Mrs. Nagy was subsequently awarded \$1000 in damages and costs.

The Free Press appealed to the Supreme Court of Canada, not only on the grounds that you couldn't slander property, but that the onus was on Mrs. Nagy to prove that the story was false [i.e. that ghosts don't exist]. In asking the Court to uphold the Court of

Appeal's decision, Mrs. Nagy's lawyer cited Aesop's Fable about Boys and Frogs, suggesting that the Free Press should not be excused on the grounds that they merely intended the article to be humorous. Malice should be presumed from the recklessness of the publication.

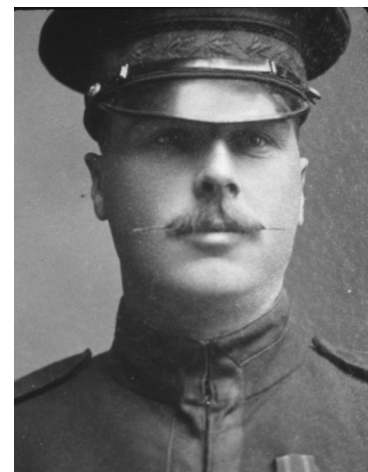
The Supreme Court was obviously persuaded and on November 5, 1907, a majority found in favour of Mrs. Nagy. Justice Idington in a concurring opinion stated "In the recklessness and indifference these facts display, I find abundant evidence of malice and hence a legal remedy for such a palpable wrong. [The newspaper] dressed up the original entry in such a way as to distort the statements it contained, by making them positive instead of being colourless as they stood, and by expanding, and adding to them so as to render the publication more attractive, more sensational, and more damaging — and then published it."

Although 'educated men should assume that there are no such things as ghosts', in only a few short years Sir Arthur Conan Doyle, the creator of Sherlock Holmes, came to Winnipeg to discuss spiritualism and the afterlife. Commenting on his first night in Winnipeg, Conan Doyle wrote in his 1924 book "Our Second American Adventure":

"We attended a circle for psychical research [in Winnipeg] which has been conducted for two years by a group of scientific men who have obtained remarkable results. The medium[s] ... psychic gifts are both mental and

physical. The circle, which contained ten persons, including my wife and myself, placed their hands, or one hand each, upon a small table, part of which was illuminated by phosphorus so as to give some light. It was violently agitated, and this process was described as 'charging it.' It was then pushed back into a small cabinet made of four hung curtains with an opening in front. Out of this the table came clattering again and again entirely on its own, with no sitter touching it. I stood by the slit in the curtain in subdued red light and I watched the table within. One moment it was quiescent. A moment later it was like a restless dog in a kennel, springing, tossing, beating up against the supports, and finally bounding out with a velocity which caused me to get quickly out of the way. It ended by rising up in the air while our finger-tips were on it and remaining up for an appreciable period."

So maybe ghosts do exist? Perhaps it was the spirit of George Nagy, or that of his father-in-law, returning to the house he could not enjoy in life. It is unfortunate for the Manitoba Free Press that Sir Conan Doyle did not come to Winnipeg a few years earlier to help illuminate the learned members of the Court. However Sir Conan Doyle did return to Winnipeg in 1932, after his own death but before the death of Justice MacDonald, as an apparition in a teleplasmic protrusion from Mary Marshall's nose during a séance conducted by Dr. Thomas Glendenning Hamilton, a Canadian doctor and former member of the Manitoba legislature from 1915-1920.



Sgt. John Street circa 1909, joined the WPD on Nov 25, 1903 and retired on pension July 31, 1936.



Justice D.A. MacDonald was appointed to the Court of Kings Bench in 1906 and Chief Judge in 1928. He died in 1937 and is also buried in St. Johns Cemetery.



University of Manitoba Archives and Special Collections, Hamilton Family fonds, Annotated Photo Album, Groups XII-XIII - #44, First Sir Arthur Conan Doyle Face Downloads