

LEST WE FORGET

THE MURDER OF EDWIN L. PEARSE

Researched and written by Detective Sergeant John Burchill

Edwin PEARSE was born in Devonshire, England, in 1885. At the age of 28, PEARSE immigrated to Canada as a farmer and settled in the Municipality of Assiniboia where he set up residence with his wife Kate at 454 Rutland Road.



Edwin Pearse

In 1915, just after the outbreak of the First World War, PEARSE enlisted with the Royal Winnipeg Rifles but, due to his age at the time (30), he was passed over for active service in favour of the 18-24-year-olds and placed into the Militia as a reservist. On April 22, 1916, after volunteers started to dry up, PEARSE was taken on as Private Edwin PEARSE #875426 with the Royal Winnipeg Rifles, 184th Battalion, under the charge of Lt. Col. W. H. SHARPE. On October 31, 1916, the 184th Battalion was sent overseas to Britain, disbanded, and the officers were divided up amongst the other serving battalions as they were required. On December 1, 1916, PEARSE was transferred to the 8th Battalion, sent to France, and fought in two of the bloodiest battles of the First World War - Vimy Ridge and Passchendaele. Twenty thousand Canadians died in these battles and over sixty thousand Canadians would die before the war ended on November 11th, 1918. To remember the signing of the Armistice and to honour those who died in the "the War to end all wars" November 11 was set aside as an annual national and international day of remembrance.

After the War, PEARSE returned home to 454 Rutland Road and became a fireman with the Municipality of Assiniboia. PEARSE remained with the Fire Department until 1921 when he joined the St. James Police Department under chief Constable WG AITKEN. (The old St. James Police station is still standing on the corner of Berry St. and Portage Avenue and is presently being used as a fire hall). He worked for the Police Department until 1930 when he left to become a guard with the Provincial Government. PEARSE worked for the Provincial Government as a guard at Headingley Gaol. He worked at Headingley for six months and was then transferred to the Vaughan St. Detention Home for Juvenile Delinquents located at 444 York Avenue in Winnipeg. He was not known to overstep his authority or become violent with the inmates. It was about this time that PEARSE and Kate moved to a new house at 237 Hampton Street in St. James. It was also around this time that PEARSE was diagnosed as having arteriosclerosis, or hardening of his artery walls.

On Thursday, November 11, 1943, PEARSE started his shift at the Detention Home. He was working evenings by himself, as was the policy at the time, and was guarding five youths who were awaiting trial in Juvenile Court. Three of the five youths were: (1) Leslie William YOUNG, 17 years old, by far the biggest of the five boys, was awaiting trial on six counts of break, enter and theft, (2) George Daniel JANSSENS, 15 years old, was awaiting trial for the theft of a bicycle the day before in St. Boniface; and (3) Lewis Glenn MCNEIL, 14 years old, was also awaiting trial on six counts of break, enter and theft. The other two were a 14-year-old and an 11-year-old. The youths were kept in a detention 'dormitory' on the main floor of the Detention Home. The dormitory was 12 feet square and held six beds. All five youths were kept in one dormitory. At night the rules were simple: lights out at 7:30 p.m. and no talking after lights out. The punishments for breaking the rules in the Home were clearly laid out and were used at the discretion of the guard; no food, no mattress, or a strap across the hands.



Vaughan Street Detention Home

Leslie YOUNG did not like the rules at the Home and told the other boys in the cell that they should try and escape. They worked out a plan whereby one of the boys would keep a shoe by placing it underneath his nightgown after they had changed. They would then surprise the guard, hit him over the head with the steel heel of the shoe to knock him out, tie him up and escape from the Home. They planned to catch a train to Kenora where YOUNG had some friends who could help them out. One of the boys did not like the idea and told PEARSE of YOUNG's plan to escape from the Home. PEARSE informed the Superintendent of the Home, Ronald JENNER, of Young's plans, but JENNER indicated to PEARSE that YOUNG had been a model prisoner and that he saw no reason to place him in confinement or segregate him from the other youths.

At about 7:35 p.m. on Thursday, November 11, 1943, after the lights in the dormitory had gone out, Leslie YOUNG and Lewis MCNEIL started to talk and laugh very loudly. PEARSE went to the dormitory and told them to be quiet or they would lose their mattresses. The two boys were quiet for a while and then they started to laugh and yell again to try and get PEARSE angry. PEARSE returned to the dormitory and told YOUNG and MCNEIL to remove their mattresses from the room. Both YOUNG and MCNEIL were removing their mattresses from the cell when MCNEIL started to insult PEARSE. PEARSE raised his hand as if to strike MCNEIL so YOUNG stepped in, punched PEARSE full in the face, and shattered his nose. PEARSE started to fight back so YOUNG punched him in the face several more times before MCNEIL stepped into the fight. During the fight, PEARSE received lacerations to his chin and the left side of his head, bruises to his forehead, cheeks and eyebrows, and sustained bleeding to the tissues under both of his eyes. Less than two minutes later YOUNG had PEARSE on the floor with his arms around his throat telling him to, "be quiet or I'll kill you", Young held him that way until he lost consciousness. MCNEIL grabbed the guard keys from PEARSE's pocket and with the help of George JANSSENS they ran to the basement and picked up their clothes.

They changed out of their Detention Home nightgowns and then all three of them escaped from the building onto York Avenue.

The other 14-year-old youth that had not participated in the fight ran from the dormitory after YOUNG, MCNEIL and JANSSENS had left and tried to contact the police, but was unsuccessful. The youth then ran to the trustee's room where he informed George LLOYD and Christian STEERTZ, who had not heard the fight because they had been listening to Bing Crosby on the radio, that PEARSE had just been assaulted by the three other prisoners. LLOYD called police and Constables L. ELFINSON and R.M. BURNS of the Winnipeg Police Department attended and found PEARSE dead on the floor of the dormitory, his face covered in blood. An autopsy performed later by Dr. O.C. Trainer at the Misericordia Hospital found that the cause of PEARSE's death was a cerebral hemorrhage due to the rupture of the cerebral artery. He concluded that the rupture was precipitated because of high blood pressure incidental to the struggle and the excitement of the physical attack and that his arteriosclerosis was a contributing factor to the rupture of the artery.

After they escaped from the Detention Home the youths ran across Memorial Blvd. And attempted to get into the University of Manitoba (situated where Memorial Park is now). The doors were all locked so the youths ran across Broadway. At the rear of 306 Broadway, MCNEIL discarded a handkerchief used to clean the blood off of himself. They cut through the legislative grounds (where JANSSENS threw away PEARSE's key chain), ran down to the Assiniboine River, followed the river bank to the CNR Yards and then walked down the tracks to Portage Avenue East, where they stole a truck from the rear of the Codville Co. Ltd. They drove the truck to the Salter Street Bridge, abandoned it and walked to YOUNG's apartment at 120 Juno Street where he picked up some money. The three boys then walked to Sherbrook Street and then to Portage Avenue where they caught a streetcar to Main Street At Portage Avenue and Main Street, MCNEIL and JANSSENS got off the streetcar, walked over the Provencher Bridge and went to 259 Provencher Avenue where JANSSENS had been renting the attic room for a few weeks. YOUNG continued on the streetcar to the Rupert Street Police station and turned himself into Station Duty Officer, W.J. GRAHAM at 11:07 p.m. YOUNG was subsequently turned over to Detectives W. H. OWENS and A.E. PRICE of the Winnipeg Police Department. YOUNG indicated he had no idea that PEARSE was dead and he gave a voluntary statement regarding the incident. At the time of his arrest, YOUNG's hands and arms were still covered in PEARSE's blood.

At about 10:00 a.m. on November 12, 1943, Chief J.H. BAUDRY of the St. Boniface Police Department received an anonymous phone call indicating that JANSSENS and MCNEIL were walking east on Provencher Avenue towards the East St. Boniface Freight Line. Chief BAUDRY and Cst.s. M. MICHALCHUK and A.R. BRUCE immediately left the St. Boniface station and apprehended the two youths near Thibault Street. Both youths were turned over to the investigating officers, PRICE and OWENS, and a subsequent search found that MCNEIL had blood underneath all of his fingernails while JANSSENS had no blood on him at all. All three youths were charged with murder and returned to the Juvenile Detention Home.

Under the Juvenile Delinquents Act, the Juvenile Court judge had sole jurisdiction over youths appearing before him. The Act portrayed youths as misguided and in need of aid, encouragement and assistance, but not punishment. However, if the offence before the judge was indictable, and the accused was 14 years old or more, the judge could have the youth's charges transferred to the 'ordinary courts' where he would be proceeded against in accordance with the provisions of the Criminal Code. The punishments for any offence under the Juvenile Delinquents Act ranged from (a) an indefinite adjournment, or remanded 'sine die', (b) a fine not exceeding \$25.00, (c) placement into the custody of their parents, a foster home, or the care of a Children's Aid Society, or (d) commitment to an industrial school. Under no circumstances could the youth be sentenced or incarcerated in any penitentiary, jail, or police station where adults were imprisoned unless the youth had been sentenced by the 'ordinary courts'. On Saturday, November 13, 1943, Juvenile Court Judge F.A.E. HAMILTON transferred the three youth's charges to the Police Courts after an application was made by Winnipeg Police Chief George SMITH to have the charges transferred. An appeal was launched on the grounds that Judge HAMILTON did not have the jurisdiction to transfer the charges but that appeal was quashed by Justice DYSART on November 23, 1943, on the grounds that it afforded the youths the protection of a jury while protecting the interests of the community. The youths now faced a sentence of death or life in prison if convicted of murdering Edwin PEARSE.

On Monday, May 8, 1944, George JANSSENS appeared in the Court of Kings Bench before a jury and Chief Justice H.A. ROBSON. The trial lasted 3 days and both MCNEIL and YOUNG were called as witnesses by the defence. Both MCNEIL and YOUNG indicated to the court that JANSSENS was not involved in the fight and on Thursday, May 11, 1944, the jury found JANSSENS guilty of escaping custody, but not guilty of murder. Chief Justice ROBSON sentenced JANSSENS to one year at the Portage la Prairie Gaol for First Offenders for escaping custody.

On Wednesday, May 17, 1944, Lewis MCNEIL appeared before Justice DYSART in closed chambers. MCNEIL pled guilty and on Saturday, May 20, 1944, Justice DYSART sentenced MCNEIL to 18 months for manslaughter to the Portage la Prairie Gaol for First Offenders with a 12-month concurrent sentence for escaping custody.

On Friday, May 12, 1944, Leslie YOUNG appeared in Court of Kings Bench before a jury and Chief Justice ROBSON. During the trial, the defence tried to establish that YOUNG attacked PEARSE in order to defend Lewis MCNEIL who was about to be struck by the guard and that he had no intention of escaping. The defence claimed that PEARSE was an overbearing guard, that he provoked the entire incident, and that his death was not due to YOUNG hitting him but to his arteriosclerosis. The trial lasted 7 days and ended on Friday, May 19. The jury found YOUNG guilty of murder and of escaping lawful custody.

Chief Justice ROBSON, when sentencing YOUNG for the murder of PEARSE, used all the wisdom that came with his position and decided that, 'the killing was the result of a "chance-medley" and there was no plan to inflict bodily injury on PEARSE with a view to escape'. Justice ROBSON blamed the circumscribed conditions and

irksome restraint inside the Detention Home as likely to make anyone want to escape. He claimed PEARSE's 'diseased arteries' and that he provoked the attack because his language and attitude to the lads that night exceeded the bounds of discretion. Justice ROBSON felt that the circumstances were of such a nature that they sufficiently deprived YOUNG of the power of self-control and that YOUNG acted on impulse before his passion had time to cool. Justice ROBSON continued, stating that, "In my earnest consideration I come to the conclusion that YOUNG is not incorrigible and that the penitentiary is not the place for him". ROBSON sided with the defence. He did not take into account the fact that YOUNG had planned on escaping from the Detention Home that same morning that he had a juvenile record of violence including pointing a sawed-off shotgun at youths in the area of Teulon, Manitoba, in March 1942. Justice ROBSON sentenced YOUNG to 23 months for murder to be served at the Portage la Prairie Gaol for First Offenders. He also gave YOUNG a 12-month sentence for escaping custody which was to run concurrent with the sentence for murder.

Since Chief Justice ROBSON could not find Leslie YOUNG incorrigible after murdering Edwin PEARSE, the Portage la Prairie Gaol must have made him incorrigible. From April 25, 1944, when he sawed the bars out of his cell window and escaped from the Portage Gaol, until his death in Vancouver on May 8th, 1984, Leslie YOUNG was charged and convicted of 135 more offences.

Edwin PEARSE had answered the call to serve his country during The Great War. He served in two of the worst battles of that war and survived only to die still serving his country and within a few hundred feet of the Cenotaph on a day set aside for remembrance.



The Cenotaph

Sources:

Winnipeg Centennial Library, Micromedia/Periodicals/Circulation, Newspaper Archives.

Winnipeg Police Department Historic Files, Re: Death of Edwin Pearse and Coroners Inquest Report (1943).

Winnipeg Police Museum and Historical Society records and archives. Re: Edwin Pearse and the St. James Police Department.