CHARLES EDWARD DRIVER

Winnipeg's First Fingerprint Specialist

Written & researched by John Burchill
August 11, 2025. Winnipeg Police Museum

Charles Driver, 1903. WPS Museum

One hundred and twenty years ago, led by Chief J.C. McRae and Charles Driver, Winnipeg was at the forefront of fingerprinting in Canada.

Charles Driver was born on Jersey, Channel Islands. His father was a school teacher and later a clerk with the tax department in Yorkshire, England.

As a young man, Charles worked as a signalman and later as a ticket collector with the North Eastern Railway.

In 1887, Charles married Agnes Watson Scott in Yorkshire. They had one daughter, Mary Adine Driver, born in 1888. In 1891, the small family moved to Canada, settling in Winnipeg, where Charles worked as a clerk for the CPR railway and later as secretary to the Superintendent of the CPR.[1]

Charles was also a very capable photographer, putting on shows and entertaining friends and co-workers with hundreds of "limelight" (flash) pictures and stereoscopic photographs of his travels through Europe.

His skills as a clerk and cameraman caught the attention of Chief John McRae, who hired Charles to be his Chief Clerk, Stenographer, and Constable on June 19, 1901, to replace Albert Gomez Fonseca. Charles' starting salary was $60 per month, entering at the second level of a constable's salary, increasing to $75 per month in November 1901.

The Winnipeg Police had acquired a camera from Duffin & Company in 1899 to take pictures of arrested persons and to supplement their use of the Bertillon measurement system.[2] Between July 1899 and June 1901, when Charles was hired, the Winnipeg Police had already photographed 200 individuals for various criminal offences.

[1] A second child, Vivian Shirley Driver, was born in Winnipeg in 1906.

[2] The *Criminals' Identification Act*, passed by Canada on June 13, 1898, adopted the Bertillon measurement system for the identification of criminals. Developed by French anthropologist Alphonse Bertillon, the system was used to identify individuals using precise measurements of specific physical characteristics, including their arms, ears, nose, torso, head, face, feet and hands, as well as any distinctive features, including eye colour, scars and deformities.

Almost all North American police departments adopted Bertillon's methods for identifying criminals in the late 1890s. However, the process could be very time-consuming to take all the required measurements, and a different system of identification was proposed – dactylography, or fingerprinting, which only required printer's ink, a roller, and white card paper.

Fingerprinting as a means of identification had attracted the attention of British scientist Sir Francis Galton, a cousin of Charles Darwin. Known for his writings on heredity, Galton published a series of papers and several books on fingerprints between 1888 and 1893. Although he was not the first to propose the use of fingerprints for identification, Galton was the first to study it on a scientific basis, laying the groundwork for their use in criminal cases and adoption in Britain in 1901.[3]

On April 28, 1904, Chief McRae asked the Winnipeg Police Commission for permission to attend the International Association of Chiefs of Police (IACP) conference in St. Louis (he had gone to previous meetings in 1901 and 1903 in New York and New Orleans, respectively). The conference, held in conjunction with the World's Fair, had a presentation on fingerprinting by Sgt. John K. Ferrier of New Scotland Yard, an expert in fingerprinting. Colonel Mathew Kiely, St. Louis Chief of Police and Chairman of the IACP Bureau of Criminal Identification, presented his annual paper recommending the adoption of fingerprinting by its membership.

Kiely explained to the IACP delegates that fingerprinting was cheaper, simpler, and faster than the current system of bodily measurements. In addition, while it was virtually infallible, fingerprinting allowed for easy classification and centralization of records. Although older Chiefs were opposed to change, many came away with a desire to implement the new system in their departments – including Chief McRae.

IDENTIFY ROGUES BY FINGER MARKS

Chief Kiely Urges Adoption of System at Police Convention.

Colonel Mathew Kiely of St. Louis, chairman of the Bureau of Criminal Identification, presented the annual report of the bureau. The report considered principally the "finger-mark" system of identification. Within the last few years this system has taken precedence over the Bertillon system in many cities. Under the "finger-mark" system, when a criminal is arrested, an impression of his finger tips is taken through the instrumentality of printers' ink and a white card. An expert classification separates the impressions into four general classes, and those who are familiar with the method claim that it is easy to compare the impressions and to identify them.

Chief Kiely, in his report, favored the general adoption of the system, and said that it was probable that a combination of the "finger-print" and the Bertillon systems would be adopted in St. Louis within a few months.

In many American cities the Bertillon system is used exclusively, and the older men of the association are opposed to making any change.

IACP Report recommending the adoption of fingerprinting. Saint Louis Republic, June 8, 1904

[3] A link to all of Galton's books and papers on the subject of fingerprinting can be found online at https://galton.org/fingerprinter.html. Galton also provided the first workable fingerprint classification system, which was later adapted by Sir. Edward Henry for practical use in police forces (the Henry Classification System).

MEAN THIEF.

Unsavory Individual Gets a Proper Sentence for Dirty Work.

Robert Plant, who betrayed a friend's confidence and stole a gold watch and $10 from Ray Wood, when the latter let him occupy his room, will spend the next six months in jail at hard labor, and in addition will be "mugged, measured and have his finger prints taken." In sentencing him, Magistrate Daly was very severe.

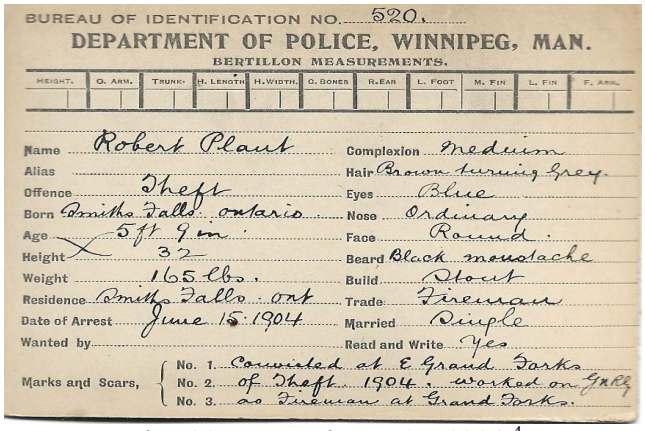
"You have very little consideration for those who go out of their way and try and help you along. You belong to the meanest class of thieves and I remanded you for a day yesterday to find out your record in Grand Forks. There your character has been an unsavory one, and I think a term in jail at hard labor is only a mild sentence for you."

Winnipeg Telegram, June 18, 1904

Within a week of the IACP meeting wrapping up in St. Louis, Winnipeg Police Magistrate Thomas Mayne Daly (who was also a member of the Winnipeg Police Commission), sentenced Robert Plant to six months' hard labour for theft – in addition to having his photograph (mug) and *finger prints* taken.

This is the first record of fingerprints being ordered in Winnipeg. While there are no fingerprint records that exist that far back, confirmation of Robert Plant's arrest for theft was verified by his Winnipeg Police "mugshot" card taken on June 15, 1904.

While there is no indication (yet) that this was a new practice by the Winnipeg Police, the timing suggests Magistrate Daly may have received a report on the effectiveness of fingerprinting for identification purposes from Chief McRae on his return from St. Louis a few days earlier.



Robert Plant, Winnipeg Police Identification Bureau Card #520. Arrested June 15, 1904 [4]

Nevertheless, within a few months, Charles was officially taking fingerprints as well as photographs as part of the Winnipeg Police identification process, in addition to the individual's name and description. The benefits of fingerprinting and its use by the Winnipeg Police were fully outlined in the March 11, 1905, edition of the Winnipeg Telegram. [5]

With the IACP proving the value of learning from other police agencies internationally, on September 6, 1905, the Canadian Association of Chiefs of Police (CACP), then called the Chief Constables Association of Canada, was founded in Toronto to help examine specific Canadian issues. With Chief McRae, the Winnipeg Police was one of the founding police agencies of the new Association.

[4] Note the Bertillon Measurement system at the top of the card. In later years, the fingerprint classification would be added to the left-hand side of the card, and eventually, the Bertillon measurements were dropped altogether.

[5] Although Charles is identified as being in charge of the Identification Bureau in the newspaper, it was part of his duties as Chief Clerk. It was not until May 3, 1911, that the position of fingerprint expert, photographer, and records clerk was created under the Chief of Detectives. The position, Superintendent of Identification, was established on March 19, 1930.

Finger Marks as Means of Identification

Local Police Department Adopts the System Which Has Proved a Success Wherever Tried --Very Simple and Mistakes Are Unknown

Three Types of Finger Marks

WHORL ARCH LOOP

APART from the fascination that a subject such as this would naturally have on the average mind, the novelty of the method, its many evident qualities of commendability, and the practicability of the system for identification purposes in a hundred and one walks in life makes the study of the use of finger prints, recently introduced by the local police department, most interesting to those to whom proper identification is a matter of necessity. In 1823 Dr. Purkenje, a professor of physiology and pathology, read before the University of Breslau, a Latin thesis on finger impressions, in which he gave nine standard types, and suggests a system of classification, but his labors failed to attract the attention they merited. A German savant had been found seated at his study table dead. His right forefinger, pressed on a half finished manuscript, formed a circular blot. When Dr. Purkenje came to examine the body he was struck with the wonderful clearness of the finger imprint. Like an inspiration it suggested the possibilities of finger print study and gave rise to the paper mentioned above. He was laughed at for his trouble. He was as a matter of fact, the first European to specialize in the now universally adopted system of identifying criminals by finger prints.

Used in the Orient

The Chinese passport for centuries has been a government stamped piece of oil paper on which the traveler impresses the tip of his finger. Long ago the Celestials discovered that this was an effectual means of preventing the transfer of passports as the ridges of no two fingers are alike. It is only during the last few years that finger prints have been used as a reliable means of identification. Sir William Herschell began about forty years ago to put finger prints into practical use in India. In registering the sale of purchase of land many illiterate natives insisted on an original method of signing documents, by impressing their ink-daubed thumb on the paper.

Reduced to a Science

Seventeen years ago Prof. Francis Galton took up the study, and in a few years reduced the subject to science. He experimented and found the best means of taking imprints from the fingers. He collected the finger prints of a large number of persons, some of which were taken at intervals of several years. He established the fact that the papillary ridges on the finger tips are permanent through life. Every person thus carries about with him ten infallible witnesses as to his identity. A child is born with its finger lined in a certain unique way; the fingers grow in size, but throughout boyhood, manhood and maturity the patterns remain unchanged. From infancy to senility, and until after death the finger prints remain true to their first form. Injuries may partially destroy them, but never entirely, and as the injury heals the original lines assert themselves exactly as before. Comparison has been made with finger prints between the taking of which there had been a lapse of forty years, without their showing any variation.

No Two Alike

Here, therefore, is nature's own method of identification. No two finger prints have ever been found to be exactly alike, and Professor Galton calculates that the chances of two being alike is one in 164,000,000; consequently if two finger prints coincide, it is practically certain that they are the prints of the same finger. Obversely, if they differ, it is equally certain that the impressions are made by different persons.

Bertillion Mentioned

The Bertillion or anthropometrical system of identification by measurements and which has yielded excellent progressively improving results each year, has its weak points. Skilled persons are required to take the measurements, read the instruments, and use the decimal notations. The number of measurements to be taken are considerable; three for the length of head, three for width of head, three for length of forearm, three for length of left foot, three for length of left little finger, and three for height, or eighteen in all; the mean of each group of three is taken as the final measurement. In addition to these, marks or scars are searched for, and so the authropometric record of one person occupies the measurer between thirty and sixty minutes. Owing to the liability to error in measuring or in recording the measurements, it has been found desirable to allow for a possible variation of two millimetres, and in one case a difference of three and a half millimetres was found between the readings of two experts on the same subject.

Advantages of Finger Prints

On the other hand, with the finger prints, the facility with which they are made, the clearness of the impression themselves, every little detail being, as a rule, sharply defined and easily seen with the help of an ordinary magnifying glass, and the method of taking, are strong recommendations for adoption universally. The only materials required for taking the impressions are a flat piece of copper or brass, a bottle of ordinary printer's ink, and a small rubber roller to spread the ink on the copper or glass. The finger is rolled carefully (without rubbing) on the copper and then on the paper. To take impressions of all ten digits occupies only five minutes or less, and in this short time an absolutely accurate record, without any possibility of error, is obtained, without skilled labor or instruments.

In General Use

This system has been adopted in Great Britain, India, Austria, Japan and Siam. It has been in use by New York state for nearly two years, the collection at Albany gaol amounting to nearly 10,000 impressions, and is now in use in Montreal, Toronto and Winnipeg. Finger prints are classified under four distinct headings: "arches," "loops," "whorls," and "composites," the first three of which are shown in the cuts illustrating this article.

Aid to Detection

Of course, these four headings are divided again into sub-classifications. With regard to finger prints being an aid to detection of crime, it is seldom that the forger leaves his finger impressions, he usually leaves someone else's name, etc., and the swindler some feigned handwriting, but this does not apply to the more serious cases of murder, burglary and housebreaking. In such cases time after time it has been clearly demonstrated that the system is of the greatest importance to aid in the seeking of a clue to the identity of the perpetrator of a crime. In cases of murder, the marks left by the blood-stained fingers have been photographed and compared with the finger prints of the habitual criminal on file in the bureau, and eventually identified and the crime brought home to an individual who would perhaps never have been suspected but for the clue which nature had provided.

One Illustration

This is illustrated by the following from the London Daily Telegraph: "George Gage pleaded guilty to the burglary in the house of Beneveste Vidal, in East London. D. R. Muir, for the prosecution, said that the burglary took place at 30 St. Peters square, Hammersmith, whilst the household were in bed. On the kitchen table the lady of the house found an ordinary drinking glass, which had evidently been used by someone in the night time for the purpose of having a drink. On the glass the police sergeant, to whom it was handed, observed some marks of finger prints. He, therefore, at once took the glass to Inspector Collins, the officer in charge of the finger print department at Scotland yard. Inspector Collins was also given the names of three or four suspected persons known to be habitually engaged in burglaries in that neighborhood. One of the names given was that of the prisoner. Within half an hour of his having been given George's name and supplied with the drinking glass, Inspector Collins found in the records of his department the finger prints of the prisoner, an ex-convict, and identified them absolutely as being the same as those found on the glass. When the prisoner was arrested by Sergeant Allen he asked the officer how it was he knew him to be the man. Sergeant Allen replied: 'You left something behind you.' 'What do you mean, finger marks?' and Allen replied 'yes.' Apart from the finger prints and his own statements and the fact that he was in the neighborhood on the day before the burglary, and disappeared immediately after it, there was no evidence against the prisoner at all.

"The Recorder—This new method of identification by finger prints appears to be very valuable, and will put an end to any possibility of error in the future, but I should like to know how the system is worked."

No Two Alike

"Mr. Muir proceeded to explain with great lucidity the whole system as now carried out at Scotland Yard, and which was first put in practice for police purposes in India. From birth to death and judging from examinations of Egyptian mummies, for thousands of years after death, the finger marks of an individual never change. In Scotland Yard Inspector Collins has now a collection of 50,000 of them, no two had ever been found to be alike, and it might be said therefore that every person carries about with him ten marks of identity (on each finger and thumb) which so far as experience has gone, there was no possibility of mistaking. Mr. Muir added that this was the second case of the present session in which the material evidence for the prosecution was of finger prints.

"The Recorder—It is a most important discovery, and will be of great assistance to us in the administration of justice.'

"His lordship passed sentence of four years penal servitude."

Used in United States

The following dispatch from Pittsburg, dated Feb. 11 of the present year, shows that the system has also been used successfully in the United States:

"The mystery surrounding the disappearance of an Adams Express company's package containing $5,650, consigned on Jan. 18 by the treasury department at Washington to the Citizens National bank, of Newcastle, Pa., has been cleared by the confession of Leroy Love, a messenger in the employ of the company. Love, who lived in Newcastle, confessed after being in the 'sweat box' for five hours. He then accompanied the detectives to his home and returned $5,377 of the money. The robbery was traced by a dumb print on the seal. Every man who had handled the package was compelled to have his prints of his thumb made. Love was one of the last to submit his thumb print. When he did a similarity was noticed and his arrest and confession followed. The young man is but 22 years old."

Left Tell-Tale Marks

By means of finger prints a very clever arrest was affected in connection with a recent extensive burglary in the jewelry store of Councillor Bickley-Hanley, Staffordshire, England. The perpetrator left behind him a very distinct finger print on the plate glass shelf in the window. This was photographed and sent to Scotland Yard, who forwarded a photograph certificate that they were those of a man named Davis, whose impressions had been taken at Wakefield prison. Davis was arrested by the local police on this information. He stoutly denied the offence at first, but subsequently made a full confession. Another case is that of a burglar, in entering a window, having left the imprints of his hand in the freshly painted window sash. These marks were photographed, the man was identified, arrested and convicted.

Another extract from the London Daily Telegraph of November, 1904, will bear repetition, as showing the efficacy of the system. It is as follows: Four men were arrested simultaneously yesterday in different parts of London in connection with the great robbery of west end jewelers some years ago, when they got away with valuables worth over £12,000. The thieves seemed to have left no clue, but the detectives found finger prints on a piece of candle. The prints were found to resemble those of a well-known thief, and he and his confederates were traced and watched. They returned to their London haunts some weeks ago with plenty of money. All were caught in their beds this morning by detectives disguised as milkmen. Part of the stolen jewelry was recovered.

Latest Developments

The latest development tends to make the life of the criminal intolerable. An eminent member of the Medico-Legal society, Dr. Carson, has invented a method whereby finger prints, though invisible to the eye, on almost every conceivable object, can be developed as though on a photographic plate. At a recent experiment he took an ordinary sheet of note paper, and at his request Sir William Collins laid his fingers upon it for a moment. The closest scrutiny failed to reveal any marks left upon it. Then Dr. Carson sprinkled his mysterious powder upon it, blew it off, and lo! the imprint of Sir William's fingers was revealed. Upon the ebony writing desk before him Sir William placed his fingers. A different powder was applied, and again a perfect reproduction of the finger markings followed. Such, then, are some of the wonders of the finger print system.

Of course it is not claimed that the finger prints are of practical use except as a valuable and reliable means of identification. When used in conjunction with photograph and description as above its importance cannot be overestimated.

Introduced in Winnipeg

The bureau of identification at Winnipeg was inaugurated by the board of police commissioners on the recommendation of J. C. McRae, chief of police, some years ago, he recognizing the value of such a record, with the increase of population and consequent increase in crime the collection has grown until now it contains well on to one thousand records. After investigating the finger print methods it was added, and at the present time the record of prisoners under arrest for criminal offences in the police station are taken in the following manner: After being photographed, full face and profile, by Driver, who has charge of the bureau of identification, the following particulars are written on the back of card forming the mount for finished picture: Name, alias, offence, place of birth, age, height, weight, residence, date of arrest, complexion, hair, eyes, nose, face, beard or moustache, build, occupation, married, single or widow, able to read and write, and description of marks or scars.

The finger prints are then taken on a form similar to that in use in Scotland Yard and Albany prison and are filed for future reference. During the year 1904 over 200 records and photographs were added to the collection.

Charles Driver, in charge of the Winnipeg Police Identification Bureau. Winnipeg Telegram, March 11, 1905.

In September 1906, at the first annual meeting of the Chief Constables Association in Toronto, Chief McRae read a paper on the system of policing in Manitoba. He concluded his remarks with a recommendation that all police departments in Canada adopt a similar system of identification. Chief McRae noted that the Winnipeg Police had dispensed with the Bertillon measurement system and took only fingerprints and photographs of arrested individuals. While some departments, he noted, still used the Bertillon system with photographs, others only recorded a basic description along with a photograph.

Finger Print System.

May I be permitted in passing to express my hearty approval of the finger print system as a means of positive identification. The importance of it is becoming more apparent every day. We are in a peculiar position at the present time. Some cities are using the Bertillion system of measurements and photo; others merely a description and photo, while others again are using all of these with the addition of the finger print records. If some uniformity were adopted, a central bureau provided, with data compiled from contributions from the various cities in each district or province, and provision made for a generous interchange between the various cities, much good might be attained. In Winnipeg we have not been using the Bertillion system. Photo, description and finger prints are taken and filed.

Experience has taught that the Bertillion measurements vary a good deal in the hands of different operators and that the criminals themselves are able even to combat the measurements to a great extent by massage treatment. It seems to me that as a means of positive identification the finger prints afford what we are looking for and I hope that the time is not far distant when it will be adopted and come into general use not only all over Canada, but throughout the United States.

Chief McRae addresses Chief Constables.
Winnipeg Tribune, September 24, 1906

However, McRae concluded, if a single system were adopted and a central bureau of identification was created that all police agencies contributed to, "*much good might be attained*."

A delegation from the Chief Constables Association subsequently made a presentation to the Minister of Justice on January 4, 1907, asking the government to establish a central criminal identification bureau that used both fingerprints and the Bertillon system. They believed that a central bureau under federal control would secure uniformity of identification and would greatly assist police departments throughout the country.

Justice Minister Allen Bristol Aylesworth was suitably impressed by the delegation that he promised his due consideration. While a central bureau was not immediately forthcoming, by Order in Council of July 21, 1908, the Department of Justice sanctioned the collection of "fingerprints" pursuant to the *Identification of Criminals Act*, Canada Gazette, vol. 1, p. 3484.[6]

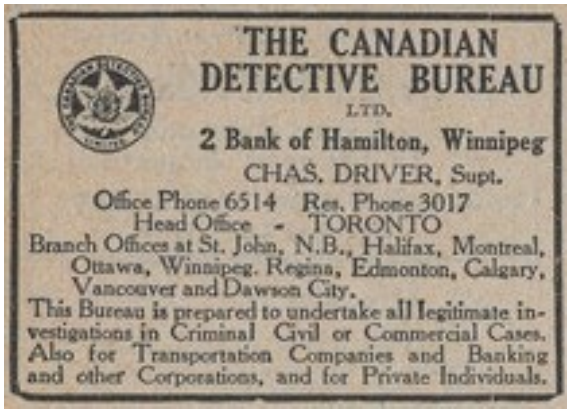
By February 1911, offices were secured for the Canadian Criminal Identification Bureau in Ottawa, across from the Parliament Buildings on Wellington Street. As early fingerprints in Winnipeg were taken in duplicate, classified and filed, when the national bureau was formed, the accumulated duplicates from Winnipeg were forwarded to Ottawa to form a first contribution.

A Winnipegger's Promotion

Charles Driver.

Mr. Driver has been appointed superintendent of the Canadian Detective Bureau, Ltd., with offices in the Bank of Hamilton building.

January 5, 1907, Winnipeg Free Press



THE CANADIAN DETECTIVE BUREAU
LTD.
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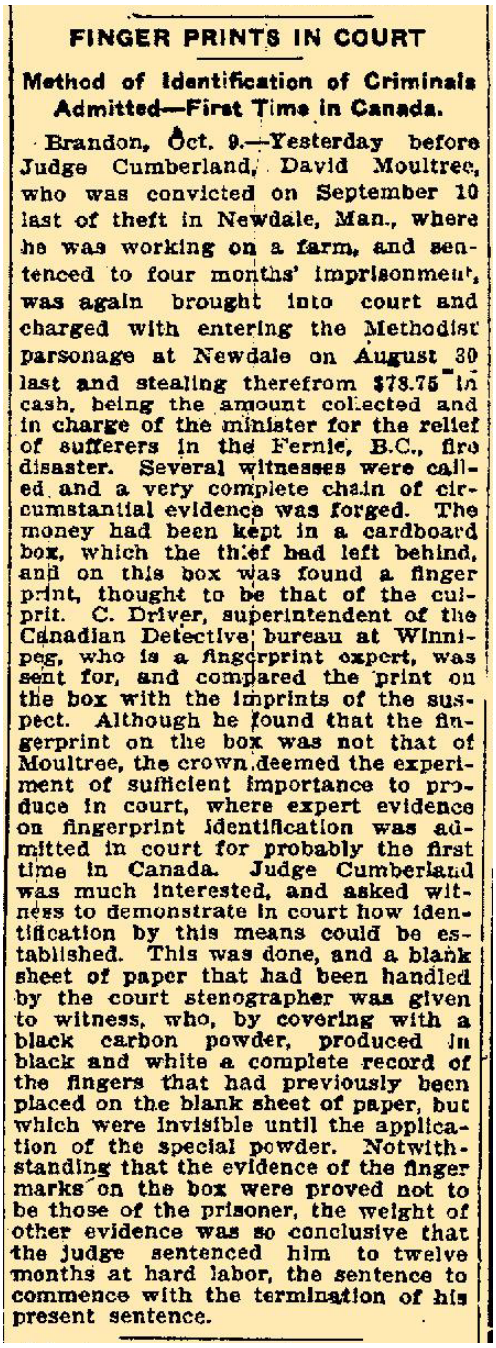
CHAS. DRIVER, Supt.
Office Phone 6514 Res. Phone 3017
Head Office - TORONTO
Branch Offices at St. John, N.B., Halifax, Montreal, Ottawa, Winnipeg, Regina, Edmonton, Calgary, Vancouver and Dawson City.
This Bureau is prepared to undertake all legitimate investigations in Criminal Civil or Commercial Cases. Also for Transportation Companies and Banking and other Corporations, and for Private Individuals.

Charles Driver, Supt Canadian Detective Bureau

[6] By Order in Council of March 20, 1911, the process or operation of photographing was also sanctioned as an additional means of identification for the purposes of the Criminal Identification Act, Canada Gazette, vol. 1, p. 3484.



FINGER PRINTS IN COURT

Method of Identification of Criminals Admitted—First Time in Canada.

Brandon, Oct. 9.—Yesterday before Judge Cumberland, David Moultree, who was convicted on September 10 last of theft in Newdale, Man., where he was working on a farm, and sentenced to four months' imprisonment, was again brought into court and charged with entering the Methodist parsonage at Newdale on August 30 last and stealing therefrom $78.75 in cash, being the amount collected and in charge of the minister for the relief of sufferers in the Fernie, B.C., fire disaster. Several witnesses were called and a very complete chain of circumstantial evidence was forged. The money had been kept in a cardboard box, which the thief had left behind, and on this box was found a finger print, thought to be that of the culprit. C. Driver, superintendent of the Canadian Detective bureau at Winnipeg, who is a fingerprint expert, was sent for, and compared the print on the box with the imprints of the suspect. Although he found that the fingerprint on the box was not that of Moultree, the crown deemed the experiment of sufficient importance to produce in court, where expert evidence on fingerprint identification was admitted in court for probably the first time in Canada. Judge Cumberland was much interested, and asked witness to demonstrate in court how identification by this means could be established. This was done, and a blank sheet of paper that had been handled by the court stenographer was given to witness, who, by covering with a black carbon powder, produced in black and white a complete record of the fingers that had previously been placed on the blank sheet of paper, but which were invisible until the application of the special powder. Notwithstanding that the evidence of the finger marks on the box were proved not to be those of the prisoner, the weight of other evidence was so conclusive that the judge sentenced him to twelve months at hard labor, the sentence to commence with the termination of his present sentence.

Charles Driver, fingerprint expert
October 10, 1908, Winnipeg Free Press

While Charles Driver would have taken some of the fingerprints forwarded to Ottawa, he had resigned from the Winnipeg Police several years earlier, effective January 14, 1907, to take a position as Superintendent of the Canadian Detective Bureau.

Working out of the Bank of Hamilton Building, the Canadian Detective Bureau handled all types of criminal, civil and commercial investigations. As part of their services, Charles also conducted expert fingerprint examinations.

In fact, it was during the trial of David Moultree [sic] on October 9, 1908, in Brandon, Manitoba, that Charles testified, possibly for the first time anywhere in Canada, as to the method of fingerprint identification.

Moultrie had been charged with entering and stealing $78.75 from the Methodist parsonage in Newdale. The money had been kept in a cardboard box, and from a complete chain of events, Moultrie was the only suspect.

A set of fingerprints was found on the box, and while Charles testified they did not belong to Moultrie, the Crown (and likely the Defence) deemed his testimony on the identification of fingerprints to be sufficiently important that he had Charles testify.

Thomas Dickey Cumberland, Judge of the County Court, Western Judicial District, in Brandon, was very much interested in the process of fingerprinting, and he asked Charles to demonstrate the process of taking fingerprints and examining them to the court.

Notwithstanding that the fingerprints did not match, Moultrie was convicted and sentenced to 12 months in jail based on the rest of the evidence.[7]

By 1911, Charles had taken on a management position with the Theil Detective Agency, a large organization with 19 offices in the United States and Canada, including Winnipeg. By 1912, Charles had moved to Montreal, ostensibly to continue his detective work, leaving his family in Winnipeg.

[7] While the details of the case are only published in the newspaper, Manitoba Public Accounts show that Charles was paid $26.45 for appearing as a witness in the trial of R. v. Moultrie in 1908.

On September 28, 1912, Charles married Meriam Eyden at the All Saints Church in Datchworth, Hertfordshire, England. Charles indicated he was a *widower* and worked as a detective in Montreal. In late 1912, Charles and Meriam moved to Australia from England, living in Milson's Point, St Leonards, New South Wales, where Charles worked as an accountant. They returned to England in 1924, eventually settling in Enfield, Middlesex. Charles died in Edmonton, Middlesex, in 1941.[8]

Interestingly, Charles' first wife (Agnes) also declared herself a *widow* in the 1916, 1921, 1926 and 1931 Censuses. Even her obituary in 1941 stated she was a widow. Yet there was no obituary for Charles – a man who helped pioneer fingerprints in Manitoba, the manager at a large detective agency, and who had a wife and small child still at home. Furthermore, it appeared he was alive, but he also claimed to be a widower. How is this possible?

In Canada, Divorce is a federal responsibility under the *Constitution Act, 1867* (s. 91(26) *British North America Act*). However, the first *Divorce Act* was not passed by the Parliament of Canada until 1968. In Manitoba, if you wanted a divorce in 1912, you had to petition the federal government to pass private legislation granting the divorce.

Because of the notoriety and expense associated with the cost of lawyers, witnesses and travelling to Ottawa for relief, many couples were unable to bear the cost of getting a divorce, and separated. Some, like Charles, even remarried.

> For this reason, identifying deserted, deserting, and otherwise separated husbands and wives is a difficult task. For some husbands or wives, there were few advantages to revealing they had been abandoned. Being deserted reduced social status; abandoned wives might qualify for charitable assistance, but single women and widows had higher social standing and more options, both economically and for remarriage. Personal shame led many others to hide their pasts, while others may have had no interest in remarriage.[9]

It was not until 1918 that *Walker v. Walker* (1918), 28 Man. L.R. 495 (C.A.), affirmed by the Privy Council in England [1919] A.C. 947 (P.C.), became the first divorce case to be heard in any court of Manitoba. [10]

For constitutional lawyers, *Walker v. Walker* provides a good overview of how English law was received in Manitoba at the time of Confederation. For genealogists, it's also a good lesson that the spouse of a widow/widower may not always be dead in Western Canada before 1919 if you cannot find an obituary or death certificate (since the Northwest Territory joined Confederation at the same time as Manitoba, the reception of English law would be the same).

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[8] I would like to thank "eyden1" on Ancestry for their help in locating Charles and Meriam when they left England until Charles died in 1941.

[9] Beverly Schwartzberg. *"Lots of Them Did That". Desertion, Bigamy and Marriage Fluidity in 19th Century America* (2004). J. Social History, at p. 574. Also see Constance Backhouse. ""Pure Patriarchy": Nineteenth-Century Canadian Marriage" (1986) McGill LJ 265.

[10] From 1867 to 1949, the Judicial Committee of the Privy Council was the highest court of appeal for Canada. During this period, its decisions on Canadian appeals were binding on all Canadian courts, including the Supreme Court of Canada. Ongoing cases that had begun before those dates remained appealable to the Judicial Committee. The final Judicial Committee ruling on a Canadian case was rendered in 1959.