

# **WHEN RALPH FINDLAY LURCHED AND FELL**

Victor Speer



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IN the pale moonlight of a warm night, in September 1875, a door opened softly in the big farmhouse of Ralph Findlay, in the township of Sombra, county of Lambton, about a hundred and fifty miles west from Toronto, and a man stepped out. He was clad in nightshirt and trousers. In his hand he carried a lantern, that cast a circle of fitful light about him as he walked. He crossed swiftly from the house to the barn. There were noises in the barn. The horses were neighing and stamping. The figure with the lantern paused and listened, then hastened to the nearest door. The noises ceased as he approached. He stepped forward and opened the door. A shot rang out in the night. He choked, swayed, and fell forward on the floor, the lantern in his hand. So he lay.

The terrified squealing of the horses died away. Their stamping ceased. The minutes passed. A figure crept cautiously out of the barn, peering into the face of the man prone on the floor, and vanished in the night. The swish of his feet could be heard as he sneaked along in the shadow of the fence beyond the barn and near the house. Then all was still. No sound came from house or barn. The lantern in the stiffening hand had gone out. So had the life.

The door of the house opened cautiously a second time. A woman stood in the doorway. She held a light above her head and suddenly shouted: "Get up! Get up!" Lights popped out in the house. The woman and three men ran out of the house and across to the barn. They went straight to the nearest door. They peered in. The light of their lamps fell upon the lifeless figure on the floor.

"Oh, my God! The horses have kicked him to death! Go for my father!" shrieked the woman. One of the three men ran to the horses, bridled one of them, leaped upon him and went galloping through the night to the home of Farmer Rankin, nine miles away, to tell him that his daughter's husband had been kicked to death by the horses. The other men beside the body in the barn knelt and looked at the dead man, then crossed to the horses and found them in their stalls, but with their halters slipped. The woman ran screaming back to the house and to her two little children. The two men hastened for some of the neighbours. They came in the night and bore the body into the house. The Rankins, father and sons, came galloping with doctors before the dawn. But Ralph Findlay was beyond all need of doctors.

They started a coroner's inquest at once. Mrs. Findlay told how she was in bed with her husband, and they heard a noise in the barn. He got up, slipped on his trousers, and went out. He stayed so long that she became alarmed, arose, went to the door, heard nothing, and then roused the inmates of the house and ran to the barn, where they found him dead on the barn floor.

William Smith, the hired man, who rode away to notify the Rankins, told of being awakened by Mrs. Findlay's cries and going out to the barn and finding Findlay dead. The other hired men, Buchanan and Reed, told of being awakened and rushing out and finding the dead man. They were under the impression that horse thieves had sneaked into the barn to steal the horses, that Findlay had caught them in the act, and they had shot him and escaped. The Department of Justice at Toronto was notified by telegraph. Murray was near St. Thomas on another case. The Department telegraphed to him to go immediately.

"I arrived there on the day of the funeral," says Murray. "I never had seen such a crowd of farmers as had gathered there. I was a stranger to them all. Findlay was a highly esteemed, educated man. He had been a professor and had taught in various schools, and was considered one of the best mathematicians in the province. I learned from neighbours, who were at the place for the funeral, that several years before he had bought the farm of two hundred and fifty or more acres, stocked it well, and shortly before moving on to it he married Sarah Rankin, daughter of a big farmer in the adjoining township of Dover. She was a rosy, good-looking, stout woman of about twenty-seven when her husband was killed. He was a man of gentlemanly appearance and about thirty-eight years old. He had three hired men, Smith, Buchanan, and Reed, and also a hired girl. There were two children, a little boy and girl. The hired man Smith had gone away once and spent some months in the lumber

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woods of Michigan, but returned and resumed his work with Findlay.

"All was confusion and excitement around the place. Farmers were talking, and women were gathered in groups, some weeping, others full of anger or fear. I saw the hired girl out near the well and quietly learned what she knew. Smith, the hired man, had been to Wallaceburg, five miles away, on the evening of the murder, but had returned in good time and retired with the hired man Reed. The hired girl went to bed as usual, and was awakened by Mrs. Findlay's crying: 'Get up! Get up!' I next talked with Reed, a young fellow about nineteen years old. He said he and Smith slept together, that they went to bed as usual, that he slept soundly until he heard Mrs. Findlay shouting: 'Get up! Get up!' Reed jumped out of bed at once, he said, while Smith still was sleeping. He shook Smith, who was hard to waken, and they went downstairs and out to the barn. Buchanan, the hired man, told me his story too, similar to the others.

"I had not seen Mrs. Findlay or Smith. In fact, wherever I went I was followed by a throng of people, who dogged my footsteps and crowded forward when I stopped. Two of Findlay's brothers were there. One of them was a Customs officer at Port Stanley, and the other, John Findlay, was a merchant also at Port Stanley. John Findlay was in a frenzy of excitement. He went about exclaiming that his brother was murdered, and beseeching me to find the murderer.

"I drew back from the throng of country folk and looked them over. My eye lighted on the keen, intelligent face of an old fellow, and I walked over and called him aside. He said his name was McLean, and he lived about a mile away, his house being in plain view. We chatted, and suddenly the old fellow said:

"This summer I was out looking for my cattle beyond the woods, and I stopped here for a drink of water. There was no cup at the pump. I walked into the kitchen and Smith and Mrs. Findlay were on the floor. She jumped up and said Smith was taking a thorn out of her foot.'

"While we were talking McLean nodded towards the outskirts of the crowd and said: 'You see that fellow in the blue shirt? That's the hired man, William Smith.' I looked and saw a hangdog sort of fellow standing apart from the others. The minister had not arrived, so I sat quietly watching Smith, who chewed a piece of grass and paced slowly to and fro. The minister came and the crowd rushed around him, John Findlay shouting for justice. I walked through the house and out of the back door. I saw a stout woman back of the house, moaning and wringing her hands.

"'Oh, my God! Oh, my God!' she was crying, swaying to and fro as she cried.

"'Are you Mrs. Findlay?' I asked.

"'Yes, yes. Oh, my God! Oh, my God!' she cried.

"'Come here. I want you,' I said roughly.

"'Oh!' she gasped.

"I led her well away from the house and the crowd, to a quiet corner where an old log lay. She sat down on the end of the log. I stood up. I looked at her fully five minutes without speaking or moving. She rocked to and fro, moaning and crying bitterly at first, and all the time exclaiming: 'Oh, my God! Oh, my God!' But as the silence lengthened, I noticed her look at me through her fingers as she held her hands to her face. When she looked she ceased crying, but immediately would resume her lamentations and moans of 'Oh, my God! Oh, my God!'

"'You might well say: "Oh; my God!"' I exclaimed suddenly.

"'Oh, my God! Oh, my God!' she answered, rocking violently.

"I bent over her with my face close to hers. 'Are you not afraid to mention the name of God, you murderer? I do not sympathise with you, but I do sympathise with your two little children. Their father murdered, and their mother hanged!'

"'Oh, my God!' she moaned and shuddered.

"'Don't you dare say that,' I thundered. 'Speak some other name but not the name of God.'

"Suddenly Smith came into sight near the house.

"'Look at that villain!' I said to her, and she raised her head and looked toward the house and saw Smith.

"'Oh, my God!' she shrieked.

"'I told you before not to call your God to witness,' I said, my mouth close to her ear. 'You know what your God knows of this!'

"'Oh, oh, oh!' she gasped and put up her hands as if to shut away a hateful sight.

"She began to pant like a hound that is exhausted. She gasped and clutched at the empty air. She rocked and

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swayed and beat her clenched hands together and struck herself upon the forehead, temples, and bosom. I waited. The vision of the crime was before her, the clutch of the sense of guilt was choking her. She writhed in mental and moral agony. She shut her eyes and turned away her head, but turn where she would, the crime confronted her.

"Out with it! I said. 'Tell me the truth. I want nothing but the truth.'

"She looked up and her eyes were like those of an ox in whose throat the butcher's knife has been buried.

"Oh!' she husked, in a hoarse whisper. 'Will you hang me?'

"I am not in a position to say what will become of you, but I do pity your children,' I answered.

"With a gulp she lurched back, clutched at the log, sat up and, dry-eyed and sobless, told me the story of the crime. She blamed Smith at the outset. She said he did it and had caused all the trouble. When he went to Michigan to the lumber camps it was because her husband had discharged him. While in Michigan, Smith had corresponded with her, and had brought to her a bottle of strychnine, with which she was to poison her husband. She had failed to do it, but when Smith returned she persuaded her husband, much against his will, to hire Smith again. On the evening of the murder she gave Smith \$1 to go to Wallaceburg, five miles away, to buy a bottle of brandy to give him courage. He bought the brandy and came back and went to bed as usual, sleeping on the outside of the bed he shared with young Reed. He sneaked out when he thought all were asleep, went to the barn, untied the horses, and began to slash them so that they would make a noise. Mrs. Findlay woke her husband and told him he'd better go out to the barn. He went, and Smith shot him as he entered. No one but Mrs. Findlay heard the shot. She arose when she heard it, and let Smith into the house. 'I finished him,' said Smith, as he entered. 'Good boy,' she said, and closed the door. Smith had another drink and went upstairs to bed, and after all was still she opened the door and began to cry: 'Get up! get up!'

"As she sat on the log she told me the story. I immediately got John Findlay, the brother, and old man McLean. I gave Findlay a book and pencil and she told the story again, while he wrote it down.

"Go back to the house and the crowd,' I said to her, when she finished. 'Don't open your mouth or say a word to that murderer. I am not going to arrest him now.'

"She started back, tearless and no longer moaning.

"Begin to sob," I told her, and straightway she resumed her moaning and crying, with mutterings of 'Oh, my God! Oh, my God!'

"The minister began the service. The hearse arrived. The coffin was carried out. The people entered their waggons. The procession was about to start. I was watching Smith. I saw him hang back and I sent old man McLean to him.

"Smith, ain't you going to the funeral?' asked McLean.

"No,' said Smith. 'Too much to do.'

"Go on and get your coat or people will say you did it,' said McLean.

"Smith got into a waggon and drove to the cemetery. He was placed well up toward the grave. They lowered the coffin. Some clods fell on it with a rattle and a thud. Smith turned his back. I stood right behind him. As he turned I said, right in his ear: 'Go and take your last look at the man you murdered.'

"He started as if he had been knifed.

"I ain't murdered no one,' he said, pale as a candle.

"Go, look at that coffin, going down into the grave,' I said.

"He would not look. It seemed as if he could not look. I arrested him, and, calling the constable, had him taken away quietly and locked up. It did not disturb the burial.

"Then came the battle. I foresaw the tremendous elements of influence that would rally to avert a conviction. I reopened the inquest, put Mrs. Findlay on the stand and she told her story. She and Smith were committed to Sarnia gaol. I searched the house and found the strychnine in the bottle. I went to Michigan and made a tour of the drug stores, and in St. Louis, Michigan, I found the druggist who sold the bottle of poison to Smith. I proved by young Reed that the gun used to shoot Findlay was kept in the barn, and Reed had seen Smith reload it a few days before the murder. While Mrs. Findlay was telling her story on the stand, Smith burst out: 'Oh, you villain, you will hang both of us.' Her answer was characteristic: 'Oh, my God!'

"While Mrs. Findlay and Smith were in gaol awaiting the trial, she corresponded with Smith, writing him notes and lowering them from her cell window to his cell window, by means of a thread made by unravelling her

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stocking. The gaoler finally got the correspondence, and it was turned over to the sheriff; but when called for in court it was not to be found. The failure to produce it caused a great deal of talk.

"Judge Moss presided at the trial. He is dead now and this case came in his first year on the bench. The Crown was represented by the present Judge MacMahon, a descendant of the distinguished French MacMahons. Smith was defended by a very able lawyer, David Glass, of London, now dead. Smith belonged to a prominent order, of which no member ever was hung in that county. At the assizes, in October 1875, Smith was tried and convicted of murder. In Canada there are no verdicts of degrees of murder. A prisoner is guilty of murder or manslaughter, or is acquitted, or the jury disagrees. When a prisoner is convicted of murder, the judge has no alternative but to sentence him to be hanged. For manslaughter the sentence may be for life or for any less term down to three months. At the trial of Smith, Mrs. Findlay went on the stand and swore to her story.

"Mr. Glass took an objection to the legality of the evidence. It was carried to the Court of Appeal of the Province, then to the Supreme Court of Canada, and finally to the Privy Council in England. It was a precedent case. The Privy Council sustained the rulings of the trial judge, that Mrs. Findlay's evidence was admissible under the circumstances. It was over a year after Smith's conviction, when the Privy Council passed on the case. Smith was sentenced to be hanged. Through the influence of his counsel, who was a very prominent party man at that time, his sentence was commuted to imprisonment for life. He died in the Penitentiary after serving fifteen years, or more. Mrs. Findlay was in gaol for a couple of years, or more, and finally was released without trial, and went back to her people. Smith was about thirty-two years old, and vastly unlike the man he murdered, either in appearance or education.

"It was a case in which the countryside at first was united on the theory of horse thieves. To me the theory was worthless, for the horse thieves would not have unhaltered four horses and turned them loose in a barn, but would have haltered them and led them quietly out. It was a case where, the general history of all concerned, prior to the crime, supplied the possibility of an adequate motive in the form of a desire to be rid of Findlay. The woman's grief was sham. McLean's thirst in the summer which caused him to walk unannounced into the kitchen of the Findlay house, led to the clue that caused me, upon seeing how unreal was the woman's sorrow, to crowd her for a confession. Her imagination pictured to her the crime when she strove in vain to shut it out. Imagination is the key that has unlocked the secret of many a crime. Imagination conjures up all the potent fears that the guilty dread. It causes many crimes but it also betrays many a criminal."