# A Case of Seduction: Sexual Violence and the Law in Southern Alberta, 1922

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**Abstract:**

The Phillips seduction case, tried in a Lethbridge, Alberta court in 1922, reveals that the extent to which the law of seduction empowered women to pursue justice in cases of sexual assault was limited by the ways in which patriarchal society regulated women's sexuality. May Phillips was a white, American-immigrant teenager living with her family in the Wrentham sectional house in 1922. She was repeatedly assaulted by John Johnson, the forty-year-old section foreman. In court, both crown and defense characterized Phillips and Johnson in ways that reflect patterns present in other seduction cases. The degree to which May Phillips and John Johnson fit social expectations of, respectively, the victim and assailant of seduction was a key aspect of the case. The law against seduction, in which precedents were steeped in highly gendered and patriarchal notions of morality and social purity, only protected women who would be understood by the court as deserving of protection. Establishing moral superiority over the perpetrator was crucial. Although pregnancy and abortion were often common to seduction cases the victim was required to prove that she was previously chaste.

**Acknowledgements:**

To all victims of sexual violence in a society that delegitimizes rape past and present. Especially to May Phillips, the injustices perpetrated against you were awful and it is my hope that someday no woman will have to feel the devastation of rape. Women entering the legal system to redress a sexual crime in the 1920s faced similar patriarchal assumptions about the believability of a woman's testimony that occur today. This work acknowledges the women overcoming sexual assault in society and hopes that the connections to women that have struggled in the past offer continuity to the narrative of resistance for women. Lastly without the support of my honours supervisor, Kirk Niergarth, I would not have undertaken this study, thank- you for your continued support and encouragement.

| Table of Contents | |
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Detective Lawrence walks up to the Canadian Pacific Railway (CP) section house in Wrentham, Alberta. The day was August 19th, 1922. The community was in Southern Alberta, amongst the plains of farmland that have been attracting farmers to this area over the last few decades. Lawrence had recently received information that indicated a sixteen-year-old girl named May Phillips had been seduced by the section foreman John G. Johnson. Phillips and her mother Maud were residents of the section house. Maud kept house for Johnson while May and her siblings attended school in town.

Inside the section house, Lawrence spoke first to Maud, noting May's age before speaking to May herself, who was noticeably pregnant. In the presence of her mother, May told Lawrence "he had been been with me on two occasions previous to that of March this year." In the crime report, May Phillips stated that "she tried to fight him off."[1] The first occasion was in the fall of 1921 and the second occasion was during the winter of 1921 and 22.[2] She explained how she discovered she was pregnant in April and confronted Johnson, who denied responsibility.

So informed, Lawrence left the house and promptly issued a warrant for Johnson. In a community of less than a hundred he was easy to track down, and by 3 p.m. of the same day he was in front of the Magistrate in Lethbridge, remanded until five days later when the Preliminary Hearing of *Rex vs. J.G. Johnson* commenced in Lethbridge. Johnson appeared before the court that day under the charge that he "did unlawfully seduce a girl named May Phillips of Wrentham... the girl being of or above the age of sixteen years and under eighteen years of age not being his wife

[1] Crime Report compiled by Alexander "Scotty" Lawrence, 22 August 1922, Alberta Provincial Police Fonds, Glenbow Archives J-2.
[2] Ibid.

and of a previously chaste character, contrary to section 211 of the Criminal Code of Canada."[3] J.C. Hendry, the lawyer representing Phillips, calls Dr. John Stanley Wray to authenticate her pregnancy. Next J.C. Hendry begins his examination of Phillips by establishing her age as the charges in court vary dependent on the age of the victim. The establishment of May's age was less of a legal challenge than proving that she was previously chaste. If May could be shown to have been sexually experienced, it would have placed her outside the protection of the law.

Lawrence's case files documenting the investigation and trial of *Rex v. John G. Johnson* for criminal seduction of a girl under the age of 16 are housed in the Glenbow Archive. These files are among a number donated by Detective Lawrence, documenting his days policing in Southern Alberta in the first half of the 20th century. In contrast with other files in the collection this file is larger and more detailed. It includes 46 pages of documents including personal letters between the accused and the victim's family, the transcription of the preliminary hearing, and the crime report compiled by Lawrence.

Why was "seduction" the charge brought against Johnson? As will be discussed, the court transcript suggests to the modern eye that rape would have been a more appropriate charge. But, what did "seduction" mean in the context of 1922 Southern Alberta? Studying the Phillips case in comparison to other sexual crimes in North America during this period places the charge in context. It also reveals the extent to which the outcome of the trial was contingent on the degree to which May Phillips, the accuser, and John Johnson, the accused, fit social expectations or archetypes of victim and perpetrator.

[3] Preliminary Hearing, 19 August 1922, Alberta Provincial Police Fonds, Glenbow Archives J-2, m2119 – Appendix 1.

First, the case will be presented in detail and the legal context of seduction will be described. Second, Johnson's character will be studied in comparison to the archetype of the perpetrator in a sexual offence trial. Lawrence's criminal file on *Rex v. Johnson* includes personal letters written by Johnson to members of the Phillips family. In the absence of his testimony do these letters reveal the way the community would have perceived him? The final chapter compares the characteristics of Phillips that align with other cases of seduction that ended in a conviction, and where her case deviated from the norm.

Defined, patriarchy is a belief in the superiority of men formalized into a system of domination that seeks to upholds traditional gender roles. Seduction law was based on the patriarchal belief that a father was the head of the household, and that he held ownership over the sexuality of his daughters. A father could sue on behalf of his daughter for a broken promise of marriage that would have left her a destitute mother. Seduction could also be the charge forwarded by a girl pregnant by her rapist but lacking the evidence that would be believed in a court of law. In the case of fifteen-year-old May Phillips the evidence suggests she was raped, but the charge pursued was seduction.

**Historiography**

The work of feminist historians, including Constance Backhouse, Karen Dubinsky, and Lesley Erickson offer the historical context for May Phillips' case. All three historians focus on the law's impact on women and their agency in navigating the legal system. The particular charge at issue in the Phillip's case, seduction, is the subject of Patrick Brode's *Courted and Abandoned.* Brode traces the evolution of seduction law during Canada's history. Pregnancy in seduction trials provided evidence of intercourse. Angus McLaren and Arlene McLaren's *Bedroom and the State*

studied access to illegal birth control and abortions in Canada prior to changes of the legal code in 1967.

Backhouse's *Petticoats and Prejudice: Women and Law in Nineteenth-Century Canada* (1991) argues that being a woman interacting with the legal system in the 1900s meant facing "differential treatment and prejudice within the irrefutably male legal system" along the parameters of class and race.[4] Often cases of seduction and infanticide were centered on the experience of poor women who lacked appropriate resources.[5]

Written in 2008, Backhouse's *Carnal Crimes: Sexual Assault Law in Canada, 1900-1975* discusses women and their interactions with the courts for sexual abuse crimes. Backhouse focuses more on feminist theory, like that of Lorenne Clark and Debra Lewis in this book over her last. Their argument that "rape laws were never meant to protect all women" informed Backhouse's understanding of the division in justice along the lines of race and class.[6] Cases studied by Backhouse offer comparisons to the case of May Phillips.

*Improper Advances* (1993) is history "informed by contemporary sexual politics."[7] Dubinsky charts "the history of sexual violence in Ontario so that we can begin to understand the meaning rape held for residents of the province during the late nineteenth and early twentieth

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[4] Constance Backhouse, *Petticoats and Prejudice: Women and Law in Nineteenth-Century Canada* (Toronto: Women's Press, 1991), 8.

[5] Ibid., 7.

[6] Constance Backhouse, *Carnal Crimes: Sexual Assault Law in Canada, 1900-1975* (Toronto: Published for the Osgoode Society for Canadian Legal History by Irwin Law, 2008), 9.

[7] Karen Dubinsky. *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago, [Ill.]: University of Chicago Press, 1993), 1.

century."[8] She "examined the stories of four hundred Ontario women who, between the years 1880 and 1929, brought their complaints of unwanted, physically coerced sex to the police."[9] The law viewed men as the sexual aggressor and instigator, legislation was meant to protect the maidenly victim. On the other hand, some politicians were afraid women would use the provisions of the bill to victimize men.

Both Dubinsky and Backhouse draw on Lorene Clark and Debra Lewis's book *Rape: The Price of Coercive Sexuality* to offer insight into rape and patriarchy in society. Clark and Lewis "link rape to two key elements of patriarchal society: its denial of sexual, social and economic autonomy for women, and its corresponding appropriation of women as male sexual property."[10] Both of these elements, as we shall see, are evident in the Phillips case. She is seen as both her father's property and as a sexual outlet for Johnson.

Lesley Erickson's *Westward Bound* investigates how the law governed the actions of people in Western Canada. Her inclusion of cases that were representative of racism and classism embedded in the law highlights the imbalances in the credibility attached to the testimony of a victim of sexual assault. As Erickson compiled her archive of cases, she began to recognize "similarities in the treatment of different groups and the strategies of different offenders became more apparent, as did the underlying logic, or assumptions, of the criminal law"[11] governing the west. The patriarchal regulation of Aboriginal women was an example of the discriminatory

[8]Dubinsky, *Improper Advances*, 13.
[9] Ibid., 3, 4.
[10] Ibid., 33.
[11] Lesley Erickson. *Westward Bound: Sex, Violence, the Law, and the Making of a Settler Society*, Vol.1496-4953 (Vancouver: UBC Press for the Osgoode Society for Canadian Legal History, 2011), 12.

application of the law.[12] Even those who fit society's image of a likely perpetrator, however, could escape punishment under the law if their alleged victims did not meet society's expectations of a maidenly victim. Likewise, the overrepresentation of farm labourers found guilty of seduction reveals settler attitudes towards unattached bachelors and migrant labour.

Rather than an analysis that focuses on the effects of the law, *Courted and Abandoned* explores the law of seduction itself from its feudal origins until its ultimate demise.[13] Patrick Brode argues that dismissing seduction cases as merely patriarchal denies the complex negotiations over the parameters placed on women.[14] Victorian-era Canada was in a state of cultural transition. The social purity movement in the late 1800s influenced the development and application of seduction law. Likewise, he argues that the crime of seduction has always been linked to unwanted pregnancy. Citing the views of Chief Justice Robinson, "few things, perhaps, could be less desirable, than that parties should be encouraged to suppose that an action for seduction could be maintained upon the mere proof of criminal intercourse, not followed by the birth of a child, not even by pregnancy."[15]

And in 1922, May Phillips was pregnant. Birth control and abortions were illegal in Canada, restricted by both the government and the medical profession. Angus McLaren and Arlene McLaren's *The Bedroom and the State* document the history of birth control and abortion access in Canada between 1880 and 1967. Through the use of court records and death certificates, pertaining to the prevalence of unsuccessful abortions in Canada, they were able to show national trends. They argue that "Canadian fertility was brought down without the massive aid of any

[12] Erickson, *Westward Bound,* 59-67.
[13] Brode, *Courted and Abandoned*, 194.
[14] Ibid., x.
[15] Ibid., 45.

modern contraceptives."[16] Birth control and abortions were illegal, yet people sought knowledge about controlling fertility through alternate means. Through the personal letters to Margret Sanger, a birth control advocate from America, women were learning about how to have sex for pleasure rather than for reproduction.[17] Thus women were able to control their own fertility through alternative channels of knowledge, like writing to Sanger. Still, the illegal status of abortions ultimately limited their options.

Today's understandings of intersectional feminism were unavailable to the people in the past. Some historians argue that evaluating people through a modern lens is unfair. Others however see rereading historical documents through a theoretical perspective as a way to focus on the intersections of disadvantage for women in the past, and the historical implications on the present. A file may have been read for the influences of patriarchy, but the additional factors of race, class, and age can be neglected. May Phillips' position as a white woman does not exclude her from the discourse of race. The impact of white privilege in courts deserves more research, rather than being assumed as the common experience. Mrs. Phillips and her daughter navigated a patriarchal legal system that considered women subordinate to men in order to ensure the restitution of honour and for financial assistance to support her daughter's unborn child. Both white supremacy and patriarchy allowed May Phillips to navigate the system with fewer obstacles because the law was meant to "protect" white, maidenly women.

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[16] Angus McLaren and Arlene Tigar McLaren, *The Bedroom and the State: The Changing Practices and Politics of Contraception and Abortion in Canada, 1880-1997*, 2nd ed. (Toronto: Oxford University Press, 1997), 30.

[17] Ibid., 54-70.

## Chapter 1: Law

Based on the court transcripts, when Maud Phillips learned May was pregnant she confronted Johnson: "May says you have her in the family way… have you?"[18] Johnson denied knowledge of the pregnancy, but Maud did not allow him to dodge the question. "Have you done anything to get her in the family way?"[19] she persisted. With a single word, "yes,"[20] Johnson acknowledged his culpability.

Maud began to look for solutions. At first she thought Johnson might be able to obtain medicine to cause a miscarriage, as she put it to Johnson, "could [you] get any medicine to get her right?" He agreed and promised to get a pass to go to Lethbridge on the next train.[21] Johnson was unable to obtain the necessary medicine, whether or not he decided to try is unclear. After this failure, with May's due date drawing nearer and Johnson becoming less willing to accept responsibility, Maud decided to turn to the law.

The definition of rape was and is understood through varying perspectives. Sandy Ramos' study of sexual crimes in Montreal between 1803 and 1843 reveals patterns in the prosecution and conviction of these crimes. She argues that what constituted rape was understood through the different individual perspectives of those involved in the court. "Female complainants defined rape in terms of personal violation; the accused conceived of it in the context of negotiation of their sexual access to women; judges and juries conceptualized rape in terms of the dominant ideas

[18] Preliminary Hearing-178 A, 19 August 1922, Alberta Provincial Police Fonds, Glenbow Archives, J-2., p.18 Appendix 6.
[19] Ibid.
[20] Ibid.
[21] Ibid.

about appropriate gender relations."[22] Thus judges and courts utilized sexual assault trials to disseminate the dominant construction of ideal womanhood and propriety. All of these differing perspectives influenced what could constitute rape in court.

Deciding on which sexual crime was to be pursued in court arose from collaboration between the victim, magistrate and, in some situations support from male family members.[23] Patrick Connor argues that some women would have chosen to describe their rape as the lesser crime of attempted rape because of advice received from the magistrate.[24] Like seduction, a charge of attempted rape, was often a compromise in a system that was hesitant to convict a man of a capital crime. Likewise, the seduction case brought against Johnson was set in motion by a letter Maud Phillips sent to a lawyer, J.C. Hendry. The letter reveals the dynamics of social class at play in the case – Johnson was in effect the Phillips' landlord – and shows that Maud was not fully aware of what remedy the law could offer:

"Kind Sir,

> I am writing to you for advice concerning one John Johnson who has got my daughter in the family way. We have tried to get along with him because he is a foreman and he promised to pay expenses when the girl comes to be confined but now he says he will not pay any of the expense…Can he make us move out as long as the girl is carrying a child for him? He wants to marry her; it's why he is acting so unbearable. But we don't consider him a fit in

[22] Sandy Ramos, "A Most Detestable Crime": Gender Identities and Sexual Violence in the District of Montreal 1803-1843," *Journal of the Canadian Historical Association* 12, no. 1 (2001): 28.
[23] Patrick J. Connor, "The Law Should Be Her Protector": The Criminal Prosecution of Rape in Upper Canada, 1791 – 1850." *Sex without Consent: Rape and Sexual Coercion in America.* New York: New York University Press, 2001. 108.
[24] Ibid.

> for a husband, for any kind of a girl…He is not make a living for himself. The girl will not be 17 years old until the 14th of December and she will be a mother between the 1st and the middle of Dec. Can we sue him and get any thing out of him…? We are poor and my husband works for wages as we have 7 children of our own. So please advise me with what you can do for us in regards to the case and oblige.[25]

Maud evidently believed the court had the power to offer financial compensation to a woman pregnant out of wedlock. A self-identified poor mother of seven, Maud conveyed her hope that the legal system could force Johnson to fulfill what she saw as his obligations towards her daughter. She did not know the exact recourse available to her through the law but through seeking the assistance of Hendry she began the process of understanding the crime rendered against her daughter, and the crime most likely to receive a conviction. It is unlikely Maud understood the probability of a specific sex crime versus another leading to a conviction for her daughter. Her question; "Can we sue him and get any thing out of him?" suggests that she understood the courts could offer financial compensation. The extent to which Mrs. Phillips influenced the decision to pursue the charge of seduction versus another charge.

Seduction, like attempted rape, was considered a lesser crime in the courts. In fact, the crime of seduction distorted the division between the civil and criminal courts.[26] Seduction was considered a civil offence, and in the criminal code it is included under the section "Offenses Against Religion, Morals and Public Conveniences" while, on the other hand, rape was considered

[25] Mrs. W.L Phillips to J.C. Hending, 14 August 1922, Alberta Provincial Police Fonds, Glenbow Archives, J-2.
[26] Brode, *Courted and Abandoned,* 94.

a criminal "Offence Against the Person and Reputation".[27] The placement of the law within the Criminal Code itself connected the crime of seduction with the preservation of morals in society. In the case of *Queen v. Doty* (1894) the prisoner was originally charged with rape. In the opinion of the jury the evidence would not support the charge of rape, he would be convicted on the lesser offence of seduction. On appeal the prisoner's counsel argued that rape and seduction were distinct offences. In upholding the trial judgment seduction became known as the lesser crime of rape.[28]

Mrs. Phillips mailed her letter and within the week Detective Lawrence was taking her testimony in her home. In the 1920s few women had knowledge of criminal law and of the criminal courts. These areas continued to be deemed the 'public' sphere particularly unsuitable for 'respectable' women.[29] As a consequence, most women had little awareness of what went on in the courts in practice. The negotiations between the Phillips family, and Detective Lawrence about which charge to press against Johnson are unknown. The Crime Report suggests she was raped but that was never listed as the charge. The evolution of the crime of seduction allowed for a consolatory form of justice that was the preferred course of action for some.

Could May Phillips' pregnancy have deterred her from bringing forth a charge of rape? Those convicted of rape were guilty of a capital offence, and deceased men can not financially support a child. One purpose to pursing a charge of seduction was to receive financial compensation, and another was a vindication of wrongdoing. May Phillips did not pursue a charge of seduction because she wanted to force Johnson into marrying her; she sought a charge of seduction because it offered her a higher chance of conviction with the potential for financial

[27] Graham Parker, "The Origins of the Canadian Criminal Code" in Brode, *Courted and Abandoned,* 91.
[28] Brode, *Courted and Abandoned*, 91.
[29] Erickson, *Westward Bound,* 120.

compensation.

**The Evolution of Seduction**

Patriarchy was a driving force behind the creation of seduction law from its beginnings as a tort in the 1600s. The head of the household, the patriarch, was the authority figure within the home and he derived honour from the chastity of the women in his household. Brode argues that at the onset of the Tort of Seduction its main function was to "acknowledge a daughter's position in the family as one of servitude; an interference with this service gave her master (father) a right to sue for damages."[30] When the 1837 Seduction Act sought to formally remove the loss of service impetus from the law it was meant to argue that the loss of family honour was the real crime.[31] The changes to the law did not disrupt its patriarchal foundation and the father's honour would continue to be the major impetus for the charge of seduction.

The crime of seduction encompassed a variety of moral offenses, like a broken promise of marriage that resulted in pregnancy. This was the statute that Amelia Hogel used to pursue charges against Philip Ham. In 1824 the two were no longer together. Although an explicit promise of marriage did not occur, Hogel was pregnant three years into their courtship. When Ham refused to marry Hogel her father brought forward the charge of seduction. Like Brode, Backhouse argued that the application of the law was rooted in patriarchal ownership of women's sexuality as marriageable property.[32] The case required the standard proof of a loss of service to the father and proof of previous chastity.

Yet, May Phillips never wanted to marry Johnson; this was not a case of a broken promise

[30] Brode, *Courted and Abandoned,* 7.
[31] Ibid. 38.
[32] Backhouse, *Petticoats and Prejudice,* 40-44.

of marriage. In the court transcripts May Phillips states that Johnson wanted to marry her but she would not do it.[33] A common solution to a seduction case was a fast marriage, but this was not the redress May Phillips sought. Johnson asked May to marry him in letters but never approached her father about the proposition.[34] Maud Phillips did not consider Johnson a viable marriage partner for any girl let alone her daughter.[35] In Phillips' case the charge of seduction was not meant to result in a marriage.

In 1880, Elizabeth Harvey, a serving girl in Barrie, Ontario worked in the home of James Burns. Before going to town one morning he asked whether she wanted anything from town. "He then tried to get into bed with her. "I did not want him to', she testified at trial, 'he coaxed me, he said if he did any harm he would marry me.' After she became pregnant, Burns refused to marry Harvey. He warned her "he could get lots to say they had to do with me".[36] She brought the claim in her father's name although they were estranged. The judge ruled that she was not able to sue on her own behalf. Harvey navigated a system that claimed she was not an autonomous being, but rather the ward of a man in a patriarchal legal system.

Maud Phillips enlisted the law to seek justice on her daughter's behalf, yet it was her husband Willard, May's father, whose presence justified the trial. Without the presence of her father Phillips would likely not have been in the court. Marriage was meant to unify a pregnant woman to her 'seducer", but when marriage was refused pregnancy becomes the problem.

[33] P.H., A-84, 10.
[34] P.H. A- 208
[35] Maud Phillips to Mr. Hendry. Appendix 2.
[36] Brode, *Courted and Abandoned,* 77.

**Pregnancy and Abortion**

Seduction was a crime steeped in Victorian-era morality. As Brode explains, a "woman bearing an illegitimate child in the 1880s 'bears the whole burden, becomes an outcast, is driven from home disgraced and ruined.' The seducer, who was at least equally responsible, did not share in the infamy and if anything, his companions might consider him a fine 'fellow'".[37] Forty years later, at the time of the Phillips case, the same sexual morality prevailed even if it was increasingly common for women to be pregnant outside of marriage. "Single women were expected to be 'chaste'. 'Illegitimate' births were stigmatized; yet the percentage of these almost doubled between 1921 and 1939."[38] Pregnancy outside of marriage was on the rise even if it was not accepted. During Mrs. Phillips' lifetime, birthrates were on a steep decline. In order to lower the birth rate, either people need to cease having intercourse or use some form of birth control. The state had not yet legalized any official knowledge of birth control for public dissemination yet women were still seeking knowledge about their own fertility and securing illegal abortions.[39]

Inadvertently Maud's letter to her lawyer revealed another crime in the Phillips case. Maud and May Phillips were confronted in court with the illegality of admitting to seeking an abortifacient. When Maud Phillips was on the stand she was questioned about this issue:

Q. You would rather have had an abortion than May have a child?

A. I would not consider it an abortion at that time.

[37] Ibid., 82.
[38] Prentice et al., *Canadian Women: A history*, 260. in *No Choice: Canadian women tell their stories of illegal abortion,* ed. The Childbirth by Choice Trust, 1998. 43.
[39] McLaren & McLaren, *Bedroom and the State.*

Q. You thought it was too early for that?

A. Yes, sir.

Although abortions were illegal until 1969 many women deemed terminating a pregnancy before the first trimester as presenting no moral infraction. Angus McLaren and Arelene McLaren argue that "women remained true to the traditional idea that until the mother felt the fetus "quicken" it was permissible to take whatever measures necessary to make herself "regular".[40] Married women who claimed to have had a miscarriage did not incite the same suspicion that single women did. Single women had fewer resources. McLaren and McLaren argue that "with a single woman there was the chance of the doctor, neighbors, or even the police investigating."[41] Abortions were performed under the radar and outside the public sphere but they still occurred.

The Phillips family perceived May's pregnancy to be a problem. Maud Phillips' initial response was to confront Johnson, the man who allegedly raped her daughter, to access an illegal abortion. Since there was no legal way to end the pregnancy, Maud sought remedy through the law itself to make Johnson offer some financial support to May. While the law of seduction was a highly patriarchal one -- conceiving of Johnson's assault on May as a crime against May's father and family -- it was one of the few avenues open to Maud in pursuing justice for her daughter. The law was meant to protect morally upstanding women and girls, like May Phillips, but in acknowledging seeking an abortion she did damage to her reputation in the eyes of the law. To counter this damage, if the Phillips family could present evidence that substantially discredited Johnson's character, the prosecution for seduction was more likely to succeed.

[40]McLaren & McLaren, *Bedroom and the State* ,38.
[41] Ibid. 40.

## Chapter 2: John Johnson and the Archetype of the Likely Perpetrator

When Maud Phillips took the stand, J.C. Hendry directed his question towards establishing the relationship between the Phillips family and Johnson. He looked over at Johnson, "That is this man here, the accused?

A. Yes, sir.

Q. He was living at your home or where you were living?

A. We were really living in his house."[42]

Johnson was the foreman of Wrentham section of the CP Rail track. There existed a power imbalance that threatened the position of the Phillips family. When the family moved to the section house Mrs. Phillips had no knowledge of Johnson had already sexually assualted her daughter. Phillips lived with her assailant, and "he was getting his meals there" where she lived.[43]

Mr. Phillips was the next sworn witness in the criminal seduction trial of his eldest daughter. As the father, he was responsible for the protection of his family. Mr. Phillips was working on the farm in nearby Conrad, and his family was outside of his protection. However, if the children were to get an education they needed to be closer to the schools. He presented a signed letter from Johnson, dated on May 4th, 1922 as evidence to the Judge.

> Dear friend…I will let you know that 'May' is over it now and this is all right, but I feel sorry about that so now "Phillips" can you come up to Wrentham and take your family back to Conrad. …I should never say a word if it had been my fault, but this is 'May's own fault,

[42] P. H. Q-172 - A - 173, 19 August 1922, Appendix 3.
[43] Crime Report by Lawrence, 19 August 1922, 2.

but I will act 'May' as a murderess now. I have always talk good about May, but I will never say a good word about may more because she is a heathen…there is plenty of room but I [don't] want to see them more when they have played a trick like that and I wish May was in Hell.[44]

The letter was written a month after Phillips discovered she was pregnant. Johnson had failed to secure the necessary medicine to induce an abortion, and May Phillips was carrying his child. It is unclear exactly what trick he believed had been played against him. Lawrence, however, believed that Johnson was abusing his position of power to take advantage of a girl living in his house.

According to Lawrence, Johnson threatening to evict the family if they sought justice was a form of immoral manipulation. Lawrence wrote in the criminal report that he suspected "[Johnson] being section Foreman had full control over [the Phillips family], and perhaps that may have been his reasons for taking the advantage of the girl."[45] He held a position of power over Phillips because he controlled her access to shelter. Further, "this might have been the attitude of the accused after he had found out the girl was unable to do away with the child as he expected she would as he more than once induced the girl to do away with it."[46] Johnson was not wealthy but he did manipulate the Phillips family by leveraging their access to shelter and education contingent on May's silence. His relative wealth and power did not assist him in the course of the trial but rather further discredited his character.

[44] J. Johnson to W.I. Phillips, 4 May 1922, Alberta Provincial Police Fonds, Glenbow Archives, J-2, p.18, Appendix 6.
[45] Crime Report by Lawrence, 22 August 1922, 1.
[46] Ibid. 2.

Johnson as an older, unattached, Swedish immigrant fit the popular construction of a potential rapist in many ways.  have noticed that patterns in the prosecution of sexual crimes create a commonly conceived of archetype of a potential perpetrator of sexual assault. It was easy to see Johnson as a likely perpetrator because of his exploitation of the family's living situation, his age, and prejudicial attitudes towards immigrants at the time.

Character was gendered in the 1920s. A woman's character was directly tied to her chastity but for men character could be attained through actions and words. Maud had already alluded to Johnson's letter in her testimony. She recounted how Johnson had written "one of those letters and [how her] husband made him come apologize for the names he had called [her] and [her] daughter in those letters. [Maud did] not remember all he said but he promised to pay some of the expenses and afterwards he said he would not pay the expenses as he did not think it was his."[47] Johnson had renounced having abused Phillips' daughter, renounced his culpability in her pregnancy, and left her a destitute mother. Although John Johnson's deposition is not recorded in the archives, the letters written by Johnson included in the criminal file reflect the presentation of his character in court. Erickson argues "farmwomen and their families believed that there was less shame attached to (and perhaps felt justified in) laying a charge of sexual assault against men who possessed bad reputations in the community".[48]

Johnson, as a Swedish man, was not considered an ideal immigrant during the 1910s. The reasons he left Sweden and the reasons he chose to settle in Wrentham are unknown because his life history before this trial was not deemed important, yet the fact that he is Swedish is recorded.

[47] Preliminary Hearing Q - 181, 19 August 1922, Alberta Provincial Police Fonds, Glenbow Archives, J-2, p.18. Appendix 3.
[48] Lesley Erickson, *Westward Bound*, 129.

Race and ethnicity were important factors that could diminish the level of legal protections offered to an alleged perpetrator of sexual assault.

In some cases, good character or wealth might counter the stigma of race and ethnicity for men charged with sexual offences. For example, in the early 1900s, thirteen-year-old Daisy Reid was an orphan girl living in Stratford, Ontario. Working wherever she could, she eventually found herself in a laundry owned by a Chinese man, Charlie Lee Hing. A few days later Reid had a sexual encounter with Hing, and later she charged him with seduction. When confronting Reid's charge, Hing's race made him a likely perpetrator. In this case however, his social standing in the community, compared to the working-class Reid, counteracted the racial stigma. Hing owned a laundry, as well as a restaurant in the community. His status was hard to reconcile with Canadian perceptions of Chinese men. Pon argues that Hing was understood as an exception – "One Good Chinaman"- to what were perceived to be the norms of Chinese masculinity.[49] Further, letters in court revealed that Reid and Hing had been involved in a romantic relationship before the allegations were made. The racial ideals of the time worked against Reid. The fact that a white woman would willingly become involved with a Chinese man was evidence of her immoral character. Thus, Reid was characterized as a woman of loose moral standards despite her age. Wealth could provide a loophole for men accused of sexual assault. If the accused could position himself as being of a higher class than that of the victim, there was a greater likelihood that his perspective will be believed over the victim.

Unlike Hing, Johnson was insufficiently well established or regarded in the community to

[49] Mona-Margaret Pon, "The case of the 'One Good Chinaman': Rex v. Charles Lee Hing, Stratford, Ontario, 1909," in *Ontario since Confederation: A Reader*, eds. Edgar-Andre Montigny and Anne Lorene Chambers (Toronto: University of Toronto Press, 2000), 157.

successfully defend his character. Discrediting the reputation of Johnson allowed the Phillips family to establish their moral superiority in court. In order to maintain this superior position, May Phillips needed to prove, that unlike Daisy Reid, she conformed to the ideal victim.

## Chapter 3: May Phillips and the Archetype of the Seduction Victim

Although May Phillips was under the legal age of consent when she was first assaulted by Johnson, she was still burdened with the task of proving her innocence. When Phillips took the stand to testify against Johnson, her family's honour depended on her ability to convince the court of her chastity in spite of the fact of her pregnancy. This was a challenging task.

She was understandably reluctant to describe her sexual encounter with Johnson in the courtroom. "What did he do, what did he want to do?" her lawyer asked. Silence. "Do not be scared of anyone, just tell right out what happened".[50] May paused before explaining, "He put me in danger of being in the family way".[51] Phillips must maintain that the sex that led to her pregnancy was the limit of her sexual experience. "Have you ever had connections with any other man but Johnson?" her lawyer asked.[52] "Johnson is the only one and he coaxed me into it," May stated.[53] This is what she claimed at the trial, but not in the crime report collected by Lawrence.

In the crime report Lawrence recorded what May Phillips originally told him of her assault: "He pulled the covers down and got into bed beside her, and went on to assault her. She tried to

[50] Preliminary Hearing Q – 33, 24 August 1922, Alberta Provincial Police Fonds, Glenbow Archives, J-2, 6. Appendix 5.
[51] Ibid. A – 37. Appendix 5.
[52] P.H. Q- 86., 19 August 1922
[53] Ibid.

fight him off at the time as she was not feeling well, and did not want to have nothing to do with him after he assaulted her got up and left the room."[54] May Phillips henceforth decided to keep her younger brother in bed beside her to prevent Johnson from attacking her again.[55] This account does not suggest she was "coaxed" into engaging in sex with an older man, but rather that she actively resisted and took steps to prevent reoccurrence.

May Phillips was a young, white, and pregnant teen living in rural southern Alberta. The level of justice a victim of sexual assault deserved depended on whether or not they embodied the characteristics of ideal femininity. The reputation of the victim was put on trial to determine her adherence to maidenly virtue. The societal belief that certain women were deserving of justice for sexual abuse while others were not formed the basis of the ideal victim archetype. Victims both adhered and deviated from this ideal, as is evident in the cases of seduction in Canada in the early 1900s. In contrasting this case to other cases of seduction the divide between victims of sexual crimes, as to whether they are deemed deserving of justice is revealed.

**Demographics**

In 1905, Willard and Maud Phillips married in Oregon, within the next year they had their first child. May Phillips, their eldest, was born in Sherman County, Oregon in December 1905.[56] During the first decade of the 20th century, 700, 000 American immigrants settled in Canada. "According to [the listed] occupation, about 65 per cent of the immigrants arriving from the United States ha[d] been farmers or farm laborers."[57] American farmers moved in large numbers to

[54] Crime Report, 22 August 1922.
[55] P.H. A- 63.
[56] P.H. Q- 194, 195., 24 August 1922, 194, 195.
[57] "Nearly Two Millions Immigrants in Decade," *Globe and Mail,* May 27, 1911.

Southern Alberta in the early 1900s. The booming southern Alberta economy of coal, rail, and farming brought the Phillips family to Wrentham, Alberta. The community of Wrentham was incorporated in 1913, shortly before the Phillips family settled in the area in 1916.[58] In many ways the Phillips family fit into the rural Americanized community.

Mr. Phillips' farm was far enough from Wrentham to warrant the parents living in separate locations in order to send the children to school. Education was clearly important to the parents, since they were willing to divide the family so that their children could attend school. Mrs. Phillips was expected to take on domestic duties while living in the section house.[59] Although they lacked financial means, the Phillips family supported the children receiving an education. The family did not have the level of financial freedom that characterized middle and upper-class households. Maud Phillips domestic labour in the sectional house precludes them from middle class status. Yet, this was a small community and many residents shared the Phillips' socio-economic status.

When the victim was of a lower class than her assailant she was less likely to receive justice for her assault. It was a hot summer day in Ontario on July 8th 1907. Mary Ann Burton called out to a group of young men at the local landfill. Among them was Joseph Gray, a young teamster that owned his own horses and trailer. He would haul scrap wood from the site to homes throughout the area, often the wood was to start fires to cook on wooden stoves. Mrs. Burton's house backed directly onto the landfill; she lived the life of the working poor. Today, a former tenant that had rented a room within Burton's house paid her a visit while her husband was away at work. An innocent request for wood was met with a chain of strategic actions taken by Joseph Gray so he

[58] Wrentham Historical Society, *Homestead country: Wrentham and area.*(Wrentham Historical Society, 1980), 5, 595.
[59] Crime Report by Lawrence, 19 August 1922.

could assault her.[60] Yet on 15 July 1907, Joseph Gary was found innocent of the charges of rape against Burton. Backhouse argues the defence sought to "characterize Mrs. Burton as lacking in respectability, as the sort of woman who was not worth the trouble of convicting a man for rape."[61] Mrs. Burton's sexual assault was viewed through a classist lens that diminished the damage rendered to her person. May Phillips was of a lower class than her assailant, in order to gain a conviction, she would have to prove her morality.

May Phillips was not born in Canada, or in Britain, but she was part of the preferred white American immigrant class; a fact that bolstered her credibility. White people were privileged based on societal hierarchies that enhance their level of credibility over that afforded to people of colour. White supremacy was embedded into the basis of the legal system because it was originally designed to protect citizens deemed worthy of protecting; bodies that matter. The courts were more likely to believe a white woman was sexually abused than a woman of colour. The value attached to a woman's body in Canadian society was based on white supremacist ideals.

The acceptability of an immigrant as a valid Canadian citizen was directly tied to a combination of nationality, ethnicity and race. In the early 1900s, immigrants who were not perceived as 'valid' Canadians were viewed with suspicion. The credibility afforded to immigrants was diminished by their foreignness. Annie Nagey, a mother, wife and Hungarian immigrant, sought redress for the violent sexual assault committed by her hired hand, Josef Kozma.[62] Nagey's husband often was absent and Kozma stayed in the barn without her husband present. In his defense he stated that they had been having an affair. Nagey only had her word and in September

[60] Backhouse, *Carnal Crimes*, 17-20.
[61] Ibid. 28.
[62] Erickson, *Westward Bound.*130.

1917, the courts ruled that Kozma was not guilty. "Because Nagey was a married woman and a mother, the onus fell on her to uphold standards of sexual morality in her husband's absence."[63] Her ethnicity, in combination with her age, and marital status "transformed the court proceedings into a classroom through which Anglo-Canadian judges and juries could impose, or teach, their own vision of sexual morality, femininity, and appropriate class relations on marginalized immigrant communities."[64] Nagey's case became an example of how not to behave, and showed who the courts were unwilling to protect.

Indigenous women were the first people to experience systematic sexual abuse in Canada. Lesley Erickson argues that "imperial agents were prone to link the abuse to indigenous women to the larger conquest of the land: the physical conquest of indigenous women's bodies reinforced the bonds between heterosexual violence and the larger colonial project."[65] One example of injustice occurred at a murder retrial in Calgary in the year 1889. "The police discovered the 'mutilated body of a murdered squaw'" in the bedroom of William "Jumbo" Fisk.[66] There was overwhelming evidence that pointed to his guilt including Frisk's blood-stained handprint on the bedroom wall. Nevertheless, the judge needed to remind the jury to "forget the woman's race and consider only the evidence at hand" because the man had already been acquitted once. He was eventually charged with manslaughter, a lesser charge than the one usually meted out in an investigation with evidence this convincing.[67] Much like seduction's relationship to rape, manslaughter was thought of as the lesser charge or murder and thus resulted in less severe

[63] Erickson, *Westward Bound* ,131.
[64] Ibid., 130.
[65] Ibid., 44.
[66] Ibid., 16.
[67] Ibid.

punishments.

**Character**

Chastity was not enough for a female to be deemed worthy of the protection of the law, her character had to withstand cross-examination. Tanovich argues, "sexual assault is different from other serious violent offenses not only because of the gendered nature of the crime but also because of the way in which it is defended".[68] Hugh Brown was the lawyer cross-examining Phillips. He was tasked with defending John Johnson, and therefore aimed to discredit the character of Phillips. When she took the stand, he asked:

"Q. Do you know Roy Curry?

A. Yes, sir.

Q. He stayed at the section house?

A. Yes, a short time.

Q. Do you remember when he came into your room?

A. No sir, he was never in my room.

Q. You have forgotten that?

A. He was never in.

Q. If he comes here and says that he was what would you say?

A. He was not in, I am sure.

Q. If he comes here and says that he was what then you would say he was lying?

A. Yes, sir. [69]

Questioning a woman's sexual history was a tactic used to discredit the victim's testimony by damaging her reputation through real or perceived relations with men. Verified chastity was a

[68] David M. Tanovich. "Whack' No More: Infusing Equality into the Ethics of Defence Lawyering in Sexual Assault Cases." *Ottawa Law Review* 45, no. 3 (2013): 503.
[69] P.H. Q 128-A 133., 19 August 1922, Appendix 4.

stipulation of seduction law. Tanovick argues that "whacking the complainant includes humiliating or prolonged cross-examination" that "seek[s] to put the complainant on trial rather than the accused."[70] Brown's line of questioning attempted to discredit the complainant through casting doubt on her previous chastity. If he was able to cast reasonable doubt on her propriety, even through the use of false accusations, then Johnson was more likely to be acquitted.

If Mr. Brown could diminish the character of May Phillips, then his client stood a better chance of being acquitted. Phillips had a boyfriend, Eric Erickson, during the time Johnson was sexually abusing her. Although there was nothing inherently impure in teenage courtship, there was the potential of premarital sex. Brown directly asks Phillips about the extent of her sexual relationship with Erickson.

"Q. Suppose Eric says he has been with you, what would you say?

A. I am positive he has not and so is Eric…"[71]

This line of questioning had no bearing on whether or not Johnson had sexually assaulted Phillips; it was an attempt to prove she had previously consented to sex. If Mr. Brown could convince the judge that Johnson was only one of the men that Phillips had slept with the severity constituted by her assault would be diminished. In order to be considered a victim of seduction the complainant had to be considered "of previous chaste character". Dubinsky argues that a tactic used by the defense was to toss out a number of men's names to a woman on the witness stand, forcing her to deny that she had either 'kept company' or had connections with them. Even if she denied knowing these men, a cloud of suspicion was created.[72] In Phillips' case her relationship

[70] David M. Tanovich, "'Whack' No More", 499.
[71] P.H. Q/A- 134., 19 August 1922, Appendix 4.
[72] Dubinsky, *Improper Advances,* 27.

with her boyfriend was used to suggest she was not a virgin at the time of her assault.

The caveat of chastity in seduction trials thus allowed perpetrators to rape girls under the age of consent without serious recourse if they had ever had sex in the past. Matilda Mangelman was a thirteen-year old domestic servant in court to testify against Phillip Connelly, an agricultural labourer in Alberta. Mangelman's honesty about her sexual history separated her from the image of an ideal victim. The law was not designed to protect women and girls that did not safeguard their virginity as a prized marriage commodity. Lesley Erickson used Mangelman's case to show how the defense was able to portray the complainant as sexually deviant even though she was under the age of consent.[73] Both the perpetrator and the victim occupied similar positions in society, the labouring class, but Mangelman's failure to embody the young pure virgin exempted her from legal protections despite her age.

Reputation was also based on Christian ideals for women in society. Rather than a unique problem of youth in the 1920s, the threat of modernity "was premised on a familiar white, middle-class, Christian domestic ideal" and the maintenance of the status quo.[74] Despite greater access to employment, politics, and education, young women were viewed in terms of their biology. Adolescence for girls was "preparation for marriage and motherhood," and therefore required strict moral guidance.[75] A binary emerged between young women. There were those destined to marriage, and those the law would not offer protection to. Dubinsky argues that "females who had stayed out late, had accepted rides from men, had been drinking, or had had previous romantic

[73] Erickson, *Westward Bound*, 133.
[74] Cynthia Comacchio. "Dancing to Perdition: Adolescence and Leisure in Interwar English Canada." *Journal of Canadian Studies* 32, no. 3 (Fall 1997, 1997): 11.
[75] Ibid, 2.

involvements (whether sexual or not) were often reluctant to report their assault."[76] Certain women were deemed outside of the protection of the law because of their reputation. Girls who attend dances with boys invited suspicions about their morality.

Mr. Brown knew that Phillips had attended dances in the area and used this fact to make more believable his accusations of sexual impropriety:

Q. Do you remember being at a dance hall and dancing with a fellow and saying to him that you wished the lights would go out so that you could have some fun?

A. No, sir.

Q. You do not remember?

A. No, sir.

Q. You must remember May that you are under oath and if these men should come and speak against you in this way you should be careful what you say?

A. I am sure of what I am saying.[77]

The connection of the dance hall to dangerous youth was more of a reflection of the fears of adults rather than of a genuine corruption. As Cynthia Comacchio notes in her study of adolescence and leisure in interwar Ontario, "a mother with a daughter and two sons attending [Ottawa Collegiate School] testifie[d] that she had never permitted them to go to any school dances because of 'rumours' about what really went on, 'not only drinking but looseness of morality,' involving 'hip flasks and hasty marriages."[78]Accounts from students that testified in the trials concerning dances at the school dispelled these rumours but the parental concerns highlighted the uneasiness of changing Canadian culture. Parents were responsible for the preservation of the purity of their daughters. The increase in leisure time in the 1920s allowed young people greater autonomy. A

[76] Dubinsky, *Improper Advances,* 33.
[77] P.H. Q- 139 -A- 141., 19 August 1922.
[78] Comacchio, "Dancing to Perdition," 11.

lack of supervision on the part of her parents did not result in the rape of their daughter but their supposed negligence diminished their morality in the view of the court. Were they the "irresponsible and negligent, modern parents [that] did not know how their children spent their leisure hours, who their companions were, or where they went after school[?]"[79] The reputation of the family was tied to the reputation of their young women, and vice versa.

In the courtroom the identity of the perpetrator and the victim are juxtaposed. Johnson's reputation was tarnished by the evidence presented by the Phillips family. In contrast Phillips identity as a young, white girl offered greater credibility to her testimony than that afforded to Johnson. Although she was pregnant on the witness stand she was able to convince the judge that she deserved some form of justice. The questions surrounding her reputation and chastity were attempts to establish the worthiness of her virtue. Not only was the Phillips family able to discredit Johnson's character but they were able position themselves as morally superior.

**Conclusion**

The testimony of May Phillips, a white 16-year-old American immigrant of previously chaste character, is in contrast to the character of John Johnson, an unscrupulous Swedish bachelor in his forties. Seduction cases offered a level of protection to women that fulfilled the conditions of ideal femininity; white, young, respectable and chaste. Women who did not fit this ideal would not be protected by the law. Thus women in society were evaluated against the characterization of ideal femininity as to whether or not their testimonies of sexual assault were to be believed.

[79] Comacchio, "Dancing to Perdition", 5.

John Johnson was an older, Swedish immigrant, bachelor. His reputation in the courtroom and the community was significantly tarnished by the letters presented as evidence. Lawrence's conclusions about Johnson, that he was leveraging his position as section foreman in order to silence May Phillips, reflect a low perception of his character. His position within the CP, and Wrentham was dismantled when Johnson's attempts to blackmail the Phillips family into not pursing charges against him backfired. His character was sufficiently tarnished in the court proceedings and he was convicted on the charge of seduction.

Seduction law was informally considered the lesser crime of rape. Yet pursuing a charge of seduction did not preclude the actual crime of being raped. The likelihood of being able to convict a man of rape without corroborative evidence outside of the testimony of the victim was rarely possible. Johnson does not deny that he impregnated May Phillips, but rather he suggests that she is sexually impure. Although seduction was formed as a patriarchal law the Phillips family was able to attempt to utilize the law to gain financial compensation to support the unborn child.

Rape is still prevalent and rarely prosecuted. Women are often told their sexual assault does not warrant a charge of rape. Often women are deemed promiscuous because of their sexual history or their dress. They are told they were asking for it. May Phillips was raped, but through forwarding a charge of seduction she is simultaneously able to gain support for her child and prove that a crime was committed against her. Her hesitation to outright state she was raped was tied to the language necessary to obtain a conviction in a seduction trial. Seduction can be conceived of as the lesser charge of rape where evidence is lacking, or a child needs to be supported, but that does not mean Phillips consented to sex. Rereading the case file from the perspective of intersectional feminism reveals the negotiations women undertook in order to gain a form of justice for their assault, women continue to enter into these negotiations today. In understanding the

historical position of seduction vs. rape the case of May Phillips offers the insight that society has only gone through a marginal change. The same categories of oppression still exist and restrict a woman's access to rape convictions even in the absence of seduction law.

Re:- John G. Johnson.- SEDUCTION.
Of Girl under 18 years.

From information received and acting under instructions from the Officer Commanding Division. I beg to report that on the afternoon of the 18th inst I received information to the effect that there was a girl at Wrentham living with her mother in the section House who had been seduced by the above named. On the morning of the following date accompanied by Const Brohman with car 16 I proceeded to Wrentham to investigate the above. On my arrival I interviewed a Mrs Phillips (Mother) of the girl in question and she stated to me that her daughter "May Phillips" a girl who is not quite 17 years of age was in the family way and that the above named man was said to be the father of the child. In the presence of her mother I interviewed the girl and she states that she became pregnant in the month of March this year, illicit intercourse took place between the 1st and the 15th of said month at the section house one evening, but the girl is not quite sure of the exact date that intercourse took place. She states that the above named man came into her bed room about midnight between the above mentioned dates. He pulled the covers down and got into bed beside her, and went on to assault her. She tried to fight him off at the time as she was not feeling well, and did not want to have nothing to do with him after he assaulted me he got up and left the room. He made other attempts in the same manner afterwards, and about a month after I found that I became pregnant and told Johnson of my condition, and he said that he did not believe it. He had been with me on two occassions previous to that of March this year. The first occassion was in the fall of 1921 and the second occassion was during the winter of 1921 and 22. and when he now discovered my condition he wanted me to take drugs to do away with it. On one occassion he went to Lethbridge for the purpose of obtaining drugs for me to take, but my mother would not stand for it, and it appeared that he did not obtain what he wanted. He now claims that he is not the father of my child and that he was not responsible for me becoming pregnant. The girl claims that she want be 17 years of age till some time in December when in that month she will be confined. The father of the girl being away I was unable to interview him at this date. I apprehended the above named man on a warrant issued by myself and brought him to Lethbridge where he appeared before Magistrate Parker at 3 p.m. and the accused was remanded in custody

COPY.

Wrentham May 4th 1922.

GOING.

W.L. Phillips.

Dear friend I like to write few words to you, and it is about your family and your know all about it, and I will let your know that "May" is over it now and that is all right, but I feel sorry about that so now "Phillips" can you come up to Wrentham and take your family back to Conrad. I can never see your wife and "May" more, and "May" She is like a murderess to me now. I have done what I could for your family but I want see them more now in this houses I should never say a word if it had been my fault, but this is "May's own fault, but I will act "May" as a murderess now, I have always talk good about May, but I will never say a good word about may more because she is a Wenthen, but now Mr Phillips I have to let you know that I will have the folks out from here to the 15th of (May) 1922. there is plenty of room but I want see them more when they have played a trick like that and I wish May was in Hell. ENDS.

Yours truly
SGD. J. Johnson.
Wrentham.

34. Q. Did he do anything to you when you were lying down?

A. Yes, sir.

35. Q. What did he do?

A. He insulted me.

36. Q. What do you mean by he insulted you?

A. He did something he should not.

37. Q. Tell us right out what he did, you know what he did?

A. He put me in danger of being in the family way.

38. Q. Do you know the meaning of the word connection?

A. Yes, sir.

39. Q. Did he have any connection with you?

Objection to this question was made by Mr. Brown.

A. Yes, sir.

40. Q. When did you see him again after that night?

A. He came down several times to see me and late that Fall he took me out again for a car ride, but I took my little brother along as my mother would not let me go alone with him and while we were out he sent my little brother away up to a shed to see if there were some boys there.

41. Q. Did anything happen while your brother was away?

A. Yes, we went down the track.

42. Q. Who?

A. Mr. Johnson and I.

43. Q. How did you go down the track?

A. On the speeder.

44. Q. Did anything happen while you were down the track?

A. We had the same connections again.

125. Q. Who were you going with?

A. Eric Erickson.

126. Q. Eric treated you pretty good?

A. Yes, sir.

127. Q. Did he ever give you any money?

A. No.

128. Q. Do you know Roy Curry?

A. Yes, sir.

129. Q. He stayed at the section house?

A. Yes, a short time.

130. Q. Do you remember when he came into your room?

A. No sir, he was never in my room.

131. Q. You have forgotten that?

A. He was never in.

132. Q. If he comes here and says that he was what would you say?

A. He was not in, I am sure.

133. Q. If he comes here and says that he was then you would say he was lying?

A. Yes, sir.

134. Q. Suppose Eric says he has been with you, what would you say.

A. I am positive he has not and so is Eric and he told Johnson that.

135. Q. How do you know he told Johnson that?

A. He told him that before mother and father.

136. Q. When he came into your room that night you were not feeling well and you told him you were not feeling well?

A. Yes, sir.

137. Q. That was the only reason why you objected to him coming in?

A. No, I did not want him in my room.

138. Q. But that was the only reason you gave him for not wanting him?

A. Yes, sir.

139. Q. Do you remember being at a dance hall and dancing with a fellow and saying to him that you wished the lights would go out so that youbcould have some fun?

A. No sir.

140. Q. You do not remember?

A. No sir.

141. Q. You must remember May that you are under oath and if these men should come and speak against you in this way you should be careful what you say.

A. I am sure of what I am saying.

142. Q. What did you ask Johnson for this medicine for?

A. I was in the family way and wanted something to get rid of it.

143. Q. He did not get you it?

A. No.

144. Q. You thought if you could get rid of it no one would know?

A. Yes.

145. Q. No one knew at home?

A. I told my mother.

146. Q. Before you asked for this medicine?

A. Yes, she asked him too.

172. Q. That is this man here, the accused?

A. Yes, sir.

173. Q. He was living at your house or where you were living?

A. We were really living in his house.

174. Q. Did your daughter May ever have any conversation with you about Johnson?

A. No, not until this has turned up.

175. Q. What month was that?

A. It was in April she told me about it.

176. Q. April 1922?

A. Yes, sir.

177. Q. In consequence of that did you do anything?

A. I went to Johnson about it.

178. Q. Tell us what happened between you and Johnson?

A. Johnson was in his room and my boys were in his room with him and I went in and ordered my boys out and I said May says you have her in the family way, and I said have you, and he said I do not know, and I said have you done anything to get her in the family way and he said yes. I asked him if he could get any medicine to get her right and he said yes, and I said get it right away and he said he would have to get a pass to go to Lethbridge and he got a pass and went to Lethbridge on the next train.

179. Q. When he came back what happened?

A. He said he could not get it.

180. Q. Did you have any further conversation with him when he

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