

**“I WAS A GOOD GIRL WHEN HE MARRIED ME”:  
ISSUES OF RESPECTABILITY AND GENDER IN  
A NORTHERN ONTARIO MURDER TRIAL**

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DEPARTMENT OF HISTORY

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## INTRODUCTION

A few years ago, a friend asked me to describe my hometown.

Thunder Bay was as far north as she had traveled; without good reason, she was unlikely to make the trek another nine hundred miles northeast. Cribbing a phrase from a writer since forgotten, I told her Timmins was like a 'pretty girl with a dirty face.' Even now it's the analogy I like best. I have many happy memories of summer days spent at the family camp; it remains one of my favourite places. But these memories inevitably clash with what I came to know as a crisis staff member with the Canadian Mental Health Association (CMHA). Isolation and poverty weighed heavily on the working poor, muting their lives until they were nearly invisible, and domestic violence was common enough to be gallingly routine. As a community, Timmins offers considerable opportunities. However, it needs to be acknowledged that its benefits are commensurate with socio-economic status.

My family's roots in the north run deep and are well-established. After graduating from the University of Toronto in 1911, my paternal grandfather established a pharmacy in Cobalt; for many years he was the only pharmacist that far north. My mother came from Chatham to Cobalt as a nurse with the VON in the late fifties; after my parents married they settled in Timmins. My father practiced dentistry there for forty years, while my mother was a public health nurse for nearly as long. I mention these things because in a small town they take on an amplified significance, something not lost on me during the research for this project. I knew of Greg Evans, Clara St. Cyr's defense counsel, because he had at one time been a patient of my father, and an uncle in my extended family was a partner in his law firm, Evans, Braggagnolo and Sullivan.

Notwithstanding Greg's own generosity and kindly nature, it was easy to approach him because we shared a history of sorts. We could identify one another by name and there was a sense of kinship in having once lived in the same place.

That sense of place underlies my reason for choosing the St. Cyr trial as a thesis topic. The St. Cyr home was on the route I walked when I left work in the evenings, and during my time at CMHA I met women who were very much like Clara; that we all share ties through this place, my hometown, makes the story for me a personal one. I must admit it is my desire that Clara's story particularly, and that of the north generally, be represented with respect (and, one hopes, fairness). As with the stories of battered women, the north and its historical or social significance have been overlooked for far too long. It is my hope to bring some small balance to the ledger.

At the heart of this thesis is a trial, *R. v. Clara Irene St. Cyr*. In 1948 Clara was a thirty-two year old mother of six. Born in St. Lucie, Quebec but raised in Gogama, Ontario, she was eighteen when she met Jerome "Jerry" St. Cyr, an outdoorsman who knew the area well. They married shortly after and moved to Timmins. Their fourteen-year marriage would later be characterized in the press as tumultuous, frequently violent and marred by deprivation and emotional abuse. On March 4<sup>th</sup>, 1948, Clara killed her husband with an axe following a domestic dispute. Her trial was held in Cochrane at the Spring Assizes of the Supreme Court and lasted approximately two weeks until March 25<sup>th</sup>, culminating in a verdict of 'not guilty'. Therefore, the case provides ample commentary on the complex and unique ways in which race, gender and class were constructed as signifiers of values and social mores in

Timmins.<sup>1</sup> For example, newspaper accounts initially referred to Clara as an ‘Indian’. Given that Jerome was a white man, and given that racial tensions were at times palpable within the community, one might expect this to have had a negative impact on the case. For reasons that will be discussed in later chapters, the issue evaporated, diffused in large part by publicity which cast Clara in a non-threatening and even appealing light.

Neighbours who testified in the *Daily Press* as to Clara’s character were careful to describe her as a ‘good woman’ which was closely linked to her role as a ‘mother’. Her children were always clean and well-mannered; further, Clara worked two jobs in order to provide for them. She had a reputation for being honest and hardworking despite severe obstacles. Portraying Clara in this way made her familiar or ‘legible’ in that it generally reduced the story of her life to a pastiche of the ‘ideal’ woman, a paragon which has its roots in the Victorian era. As Shari Thurer explains, “...the True Woman (was) virtuous, gentle, devoted, asexual, limited in interests to creating a proper refuge for her family and to tenderly guiding her children along appointed ways.”<sup>2</sup> Clara may have been acquitted in part because the jury was sympathetic to her image as a young, long-suffering but sweet-natured mother.

The trial’s position in legal history is also of interest. *R. v. Clara Irene St. Cyr* one of the earliest cases to plead successfully a defense of what is now recognized as

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<sup>1</sup> I wish to acknowledge that my understanding of race, gender and class as social constructions, moulded by such variables as social location, economics and/or a given era – essentially, ‘time and place’ - has been influenced by historians like Karen Dubinsky. For more of a discussion on this topic, I would refer readers to Karen Dubinsky’s book, *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago: University of Chicago Press, 1993); especially Chapters One and Two.

<sup>2</sup> Shari Thurer, *The Myth of Motherhood: How Culture Reinvents the Good Mother* (New York: Houghton Mifflin, 1994), 183.

‘battered wife syndrome’.<sup>3</sup> The landmark case of Lynn Lavalée – commonly held to be the first time such a defense was successfully argued – came in 1986, nearly forty years after Clara’s trial. There are, in fact, an astonishing number of cases that bear striking similarities to Clara’s own. Although the parameters of this study dictate that only a few can be included here, it is nonetheless worth asking what determines innocence in one case and guilt in another.

Consider the following cases a small window into the issue. In 1872, Elizabeth Workman, a native of Mooretown (just outside Sarnia) was hanged for the murder of her husband, James. In 1909 Annie Robinson of Warren, Ontario was sentenced to a jail term that effectively ended life as she knew it for the murder of her husband, James Robinson. Angelina Napolitano was convicted in 1911 for the murder of her husband Pietro; in 1940 one Mrs. Frances Harrop of Winnipeg was sentenced to hang for the shooting death of her husband George, despite evidence indicating that she probably acted in self-defense.<sup>4</sup> There are yet others. Greg Evans, Clara’s defense counsel, also served as defense in *R. v. Lister* in 1950, wherein Annie Lister was convicted in the shooting death of her husband, Ted, in Timmins; or the case of Lina Thibodeau, an Acadian found guilty of her husband’s murder in 1955. Despite the fact that beating one’s wife became an offense punishable by law in 1909, in a majority of

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<sup>3</sup> For an outline of the Canadian criminal code and the concept of ‘reasonableness’ as it applies to the case of Angelique Lynn Lavalée, see Patricia Kazan, “Reasonableness, Gender Difference and Self-Defense in Law” *Manitoba Law Journal* 24 (1997): 549-575. For a brief discussion on the Lavalée case and the gender bias or paternalism that may have inspired the decision, see Elizabeth Cormack, “Do We Need To Syndromize Women’s Experiences? The Limitations of the ‘Battered Woman Syndrome’” in *Violence Against Women: New Canadian Perspectives* eds. Katherine M. J. McKenna and June Larkin (Toronto: Inanna Publications and Education Inc., 2002), 277-284.

<sup>4</sup> “Woman Declares She Shot Spouse in Self-Defense” *The Fort William Daily-Times Journal* April 18, 1940, p.5, and “Winnipeg Woman Is Sentenced to Hang For Murder” *The Fort William Daily-Times Journal*, May 9, 1940, p.15.



these cases, the fact that the women had been beaten provided no defense at all.<sup>5</sup> Of this list, Clara was the only woman acquitted, even in light of a full confession.

To appreciate fully this extraordinary turn of events, this thesis examines *R. v. Clara Irene St. Cyr* on a number of fronts. Firstly, it examines the community in which the St. Cyrs lived – a single-industry, resource-based town, the nature of which created obvious and stable dichotomies: in Timmins, ‘masculinity’ and ‘femininity’ as constructs or ideals, were construed as mirror-opposites, with public spaces and public entertainments existing largely for miners and other men in the community. The home and family, a much smaller, more private realm, was ‘feminine’ in that its duties and obligations were essentially ‘women’s work’, often regarded as an expression of healthy womanhood. In this community, public and private spaces were clearly gendered, delineated by the expectations incumbent upon the sexes.

With such an understanding, this thesis also examines the ways in which these ideals became part of public discourse during the trial through the newspapers. *The Daily Press* and the *Porcupine Advance* would disagree as to who made the better victim of the pair. It is interesting to note, for example, that in order for Jerome to appear as the ‘dutiful breadwinner and patient husband’ Clara would be cast as a ‘bad woman’ and yet worse mother. This is not simply a case of semantics or tabloidism, however. These ideals, though they are constructs and often specific to time and place, are time-worn and heavy with meaning: people in the community strongly responded to a particular version

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<sup>5</sup> For a useful summary of Canadian law and its effectiveness (or lack thereof) in addressing violence against women, see Elizabeth A. Sheehy, “Legal Responses to Violence Against Women in Canada” in *Violence Against Women: New Canadian Perspectives* eds. Katherine M. J. McKenna and June Larkin (Toronto: Inanna Publications and Education Inc., 2002), 473-491.

of events. It may well be, as Clara's defense counsel noted, that northern Ontario, as a territory reflexively masculine in form and expression, was a mitigating factor in *R. v. Clara Irene St. Cyr*. Mr. Evans served as defense in five cases wherein women were accused of murdering their husbands. Each received sentences; Clara was the only one to be acquitted, possibly, as Greg suggested, because there existed a sense of chivalry among male jurors in the North<sup>6</sup> and Clara was 'good' enough: motherly, penitent, in need of protection and so, restitution.

In sum, this thesis posits that a number of related factors led to a verdict of 'not guilty': the *Daily Press* won public sympathy for Clara in portraying her as a 'good mother' and a 'good wife' who could have been more so if her husband had lived up to his obligations. At trial Clara had a skilled lawyer who ably argued that her fear of Jerome was reasonable, as were her actions on the night of March 4, 1948; moreover, Clara was a conventional woman who tried hard to live up to her role as a wife and mother, and the jury responded to her as such. No less important a factor was the social climate of the north: typically employment for women was rather limited, and there were few public services to which Clara could have appealed. In his defense, Greg Evans noted as much, acknowledging that Clara was in effect a trapped woman. Such a tacit acknowledgement of the obstacles Clara faced may also have helped to secure her freedom. It is no small irony that the limited parameters for 'good women' (usually

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<sup>6</sup> Conversation with Greg Evans, August 12, 2003. For an illustrative discussion of chivalry and its impact on female defendants, see also Carolyn Strange, "Wounded Womanhood and Dead Men: Chivalry and the Trials of Clara Ford and Carrie Davies" in *Gender Conflicts* eds. Franca Iacovetta and Mariana Valverde (Toronto: University of Toronto Press, 1992), 149-188. Further, Albert Hassard details the story of Clara Ford in his book; though not unproblematic, his rendition is interesting as an early retelling of the case. Albert R. Hassard, *Not Guilty and Other Trials* (Toronto: Lee-Collins Company, 1926), 7-28.

constructed as a virtue) appeared for what they were within the trial – strictures that permitted years of sexual abuse and shocking deprivation.

Material for this project came from a variety of sources. Regarding the St. Cyr's marriage and the trial itself, there are the articles published by the *Daily Press*<sup>7</sup> and the *Porcupine Advance*. Clara's lawyer, Greg Evans, offered his personal recollections through letters and interviews. He also provided a copy of his closing arguments, a transcript of an interview given while he served as Chief Justice, and a copy of his memoirs.

Limited court documents are available, and the original police reports have disappeared. According to the Timmins Police Service archivist,<sup>8</sup> it was not unusual for police officers to take their favourite files with them upon retirement, and this may be what happened to the St. Cyr records. A lengthy search via the Cochrane District Superior Court has likewise revealed that the file pertaining to *R. v. Clara Irene St. Cyr* housed at the Archives of Ontario is empty. Relevant records are either missing or have been misplaced and are not likely to be easily retrieved. Additionally, some of the material in Chapter Two is based on aspects of the case which I explored in my undergraduate thesis, "Rex Vs Clara Irene St. Cyr".

In many respects this work has also been shaped by what it lacks. Clara died in 1994 and did not leave behind diaries or letters detailing her experiences. Out of

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<sup>7</sup> Let me point out that the *Daily Press* has also been known as *The Timmins Daily Press*. I use them interchangeably: articles that were published in the early 1930s are referenced as *The Timmins Daily Press* because the paper had not yet shortened its name. Later articles are referenced as the *Daily Press*, reflecting the change, but they are one and the same newspaper. For a two page article on the St. Cyr case, see Gregory Reynolds, "Battered Wife Strikes Back," *Highrader Magazine* 6 (1998), 17-19.

<sup>8</sup> Telephone conversation with Karen Zerby, Records Supervisor of the Timmins Police Department, June 25<sup>th</sup>, 2003.

necessity I relied on the letters she sent to the Timmins Police Department in 1947 and which were reprinted by the *Press* in 1948. For various reasons I did not interview any of Clara's surviving children, though their whereabouts were known to me. As for their thoughts and feelings on the case, I have some information anecdotally through Greg, who did correspond with two of the St. Cyr children. I also have a letter that was sent by Thelma St. Cyr to the editor of the *Press* within the last decade. Obituaries have provided useful information as well.

Chapters in this thesis have been arranged as follows: Chapter One details the establishment of the community of Timmins. Central to this chapter is the understanding that the development of Northern Ontario literally engendered its public and private spaces. Dominated by its principal industry, from the beginning Timmins was a highly 'masculine' community, meaning in this instance that much of the town centered on the needs of men employed by mining and other industries. Pursuant to that idea, Chapter One explores the expectations imposed upon 'good men' in the north. Miners had specific mores, codes of honour if you will, which influenced not only the social structure of the community, but the disparate styles in which Jerome St. Cyr would be characterised in the press.

Chapter Two discusses the development of 'ideal womanhood' and the often narrow way this has been interpreted, in Timmins specifically and in other court cases. If 'masculinity' as a social construct embodies obligations and codes of behaviour, so too does 'femininity'; indeed, one does not exist without the other – they are both fluid

concepts, subject to time and place. That Clara was portrayed as a loving mother and yet much-abused wife resonated with people in her community for very specific reasons.

Chapter Three details events, beginning with Jerome's murder on the night of March 4<sup>th</sup>, 1948 and ending with the verdict. Chapter Four discusses the arguments put forward by the *Daily Press* and the *Porcupine Advance*, respectively. Couched within this discussion is an exploration of gender roles and the moral weight given to socially-sanctioned behaviour. Chapter Five concludes the work by acknowledging that the St. Cyr case can still be explored through the lens of other perspectives and disciplines.

## CHAPTER ONE: THE FOUNDING OF TIMMINS AND THE ENGENDERING OF ITS SOCIAL SPACES

To understand the St. Cyr trial, it is necessary to have an appreciation of the nuances embedded within concepts of 'goodness' and 'justice'. Complex elements inform our notions of equity within the courts: the age, sex, race and socio-economic status of those involved; the social climate of an era and its prevailing mores; we may also add to the list geographical or physical location. Mining has dominated the economic and social development of Timmins, and in that way created enduring mores for working-class men and women. This chapter explores the development of the community, concepts of masculinity, and the ways in which these ideals did - or did not - manifest in this mining town. This is pivotal to an understanding of the trial and its coverage in the press. Clara was easily portrayed as a 'good woman' while Jerome was the antithesis of a 'good miner'. As a result, sympathy decidedly rested with Mrs. St. Cyr.

Timmins encompasses a massive territory that binds the Porcupine-Destor fault, enjoining the Frederick House River to the Mattagami River some forty kilometers apart.<sup>9</sup> At one time hailed as Canada's largest city (in kilometers), it began in 1909 as a handful of small settlements, each hoping to capitalize on what would become the most spectacular gold rush in Ontario history.<sup>10</sup> Timmins was from the outset, and remains, a

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<sup>9</sup> Charlie Angus and Lou Palu, *Mirrors of Stone: Fragments from the Porcupine Frontier* (Toronto: Between the Lines Press, 2001), 3.

<sup>10</sup> Angus and Palu, 3. "...the Porcupine has been sustained by the richest gold fields in Canada (producing over sixty million ounces over the years). The Porcupine has provided nearly a century of steady mineral and lumber production." See also Nancy M. Forestell, "The Miner's Wife: Working-Class Femininity in a Masculine Context, 1920-1950" in *Gendered Pasts: Historical Essays in Femininity and Masculinity in Canada* ed. Kathryn McPherson et al (Oxford: Oxford University Press, 1999), 140: "The discovery of

city centred around mining. Mining has forged the nature of the place, its myths, its ethos. Timmins looks plain on a map, but it has idiosyncrasies and a character very much its own.

Initially populated by men looking for work underground, the establishment of Timmins as a 'family town' came much later, almost as an afterthought of local mining corporations. The community has always been, in the words of Nancy Forestell, a "homosocial"<sup>11</sup> community, meaning that it focused primarily on the needs of men employed by local industry. This left little room for women within the community's public spaces, and much of what was available to them came indirectly, as a result of secondary needs within the mining industry. For a vast number of women, their place was in the home; expectations have largely revolved around what it meant to be a miner's *wife*. In the north, 'good women' come up against very specific mores and limitations.

If, then, Clara was acquitted in part because she tried to live within those limitations and could easily be identified as a 'good woman', it is necessary to place her life within a northern context, much the same way as details in art are rendered in bas relief so that they may be seen clearly. The history of Timmins bears some repeating

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gold in the spring of 1909 by several prospecting parties in a remote area of northern Ontario known as the Porcupine District initiated the province's first and largest gold rush." See also S.A. Pain, *The Way North: Men, Mines, and Minerals* (Toronto: The Ryerson Press, 1964), 143: "...by 1910 the first gold bricks were being shipped out from the camp which during the next forty years produced more than a billion dollars worth of gold, and where they are still producing it to the tune of more than thirty-five million dollars annually."

<sup>11</sup> Nancy M. Forestell, "Bachelors, Boarding-Houses, and Blind Pigs: Gender Construction in a Multi-Ethnic Mining Camp, 1909-1920" in *A Nation of Immigrants: Women, Workers, and Communities in Canadian History, 1840s-1960s* (Toronto: University of Toronto Press, 1998), p.252: "Extending out from the masculine environment of the mine, a homosocial working-class culture was formed that involved a range of male-centred pursuits such as drinking, gambling, sports, and associational life."

because it establishes not only the development of the area in terms of its resources and its political underpinnings, but it also demarcates social hierarchies for much of the region. Its public spaces and wealth would, on the whole, be brokered by and for men, with women – whether French Canadian or otherwise – relegated to the more private sphere of home and family.

Two factors led to the opening and settlement of northern Ontario: competition between French and English commercial and religious organizations,<sup>12</sup> and secondly, massive mineral deposits and timber abundant enough to fuel the country's growing economy for decades.<sup>13</sup> Of the two, ethnic tensions provided the first impetus for expansion. At the close of the nineteenth century, the borderlands between Quebec and Ontario were hotly contested by various forces which can be loosely divided into Francophone and Anglophone interests. In Quebec the Department of Crown Lands, the Department of Agriculture and Public Works and the Societe General de Colonisation et de Rapatriement de Montreal – aided by a significant number of priests and bishops under the auspices of the Catholic Church<sup>14</sup> – had been working diligently to settle land surrounding James Bay,<sup>15</sup> following successes in and around Ottawa and Gatineau.<sup>16</sup>

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<sup>12</sup> See Peter Vasiliadis, *Dangerous Truth: Interethnic Competition in a Northeastern Ontario Goldmining Centre* (New York: AMS Press, 1989), 31. See also Angus and Palu, 7.

<sup>13</sup> Morris Zaslow, *The Opening of the Canadian North 1870-1914* (Toronto: McClelland and Stewart, 1971), 164-5: "Thanks to the combination of farming, forestry, mining, fishing, transportation and commerce, northern Ontario attracted considerable settlement during the period after 1867. Railway and shipping employment, primary industries, trading, professional and administrative functions, all combined to build several considerable communities – Port Arthur and Fort William, Kenora and Keewatin, Fort Frances, Sault Ste. Marie and Sudbury. In thirty years the population of the Northern Districts, which had stood at only 15, 728 souls in 1871, increased ninefold to 146,309, and that at a time when slow growth in the population of Canada as a whole was occasioning great concern."

<sup>14</sup> Zaslow, 167.

<sup>15</sup> Vasiliadis, 31.

<sup>16</sup> Zaslow, 167.



Further, the Bank of Montreal and the Montreal-based Canadian Pacific Railway were anxious to expand their holdings, creating additional motivation.<sup>17</sup>

In their bid to secure ethnic and agricultural holdings, the French were highly successful, making the establishment of farms and communities tantamount to a life's mission, seamlessly weaving faith, ethnicity and the acquisition of land into a single desire. Promotional literature suggested that French Canadians were especially suited to a northern climate,<sup>18</sup> while Church leaders encouraged settlement as a means of solidifying French culture in Canada.<sup>19</sup>

Incentives were numerous: some guaranteed free parcels of land if those applying for them also agreed to cultivate and live on it; other lots were sold at reduced prices; yet other packages could be gifted under special circumstances. For instance, a man with twelve children was given an additional one hundred-acre lot for "services to his country"<sup>20</sup> on account of his large family. This can be taken as an indication of the expectations put upon men in northern, French-Canadian communities of the time. Fatherhood and industry, large families and a capacity for hard work, were part of their personal, cultural and spiritual obligations.<sup>21</sup> And this idea was stable enough, even in post-war Timmins (still a predominantly French community), that it would in large measure remain the standard by which Jerome St. Cyr's life would be judged in the press. Perhaps the most active colonizers came from within the French Catholic Church. Bishops positioned themselves not only as spiritual leaders but as shepherds for the

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<sup>17</sup> Vasiliadis, 31.

<sup>18</sup> Zaslow, 165.

<sup>19</sup> Zaslow, 165.

<sup>20</sup> Zaslow, 166.

<sup>21</sup> Zaslow, 166.

'larger interests' of French culture. Following orders from the Archdiocese of Quebec, priests were to discuss colonization with their congregants and annually collect funds (which would in turn support emerging settlements) as part of their pastoral duties. The most famous of these colonizing priests was Father F.X.A. Labelle; also known as the "King of the North"<sup>22</sup>, he was instrumental in the construction of both the North Shore and Gatineau valley railways. Labelle was also responsible for the creation of an official Department of Colonisation in 1887, becoming its deputy minister in 1888. Father Labelle died in 1891, but not before establishing sixty French-Canadian settlements throughout Ontario.<sup>23</sup> It was this kind of well-organized if aggressive solidarity that caught the attention of certain interests within English Canada.

Taking into consideration the fears of English farmers – and its own financial concerns – the government of Ontario proposed the construction of a railway for shuttling British farmers into the nether reaches of the province, effectively checking both the French population and Catholicism. Investors in southern Ontario, however, could muster neither enthusiasm nor the requisite funds for such a project; for some, a "railway to nowhere"<sup>24</sup> seemed a colossal waste of money. This left the government no alternative but to pay for the project itself, which it did. In 1902, the Timiskaming and Northern Ontario Railway (T&NO) came into being. In the spring of 1903, track was laid tethering North Bay to Mile 102, where discoveries of substantial cobalt and silver sparked the first 'rush'. As Peter Vasiliadis notes, the discovery led not only to the creation of the town of Cobalt, but changed the perspective of all involved. No longer a

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<sup>22</sup> Zaslow, 167.

<sup>23</sup> Zaslow, 167.

<sup>24</sup> Vasiliadis, 31.

horseless wagon for shuttling farmers, the T&NO was suddenly a means for miners, investors and businessmen to access yet further wealth. It would prove so successful that by 1928 the railway passed through parts of Northern Quebec, claiming ownership of the minerals of Rouyn-Noranda. This massive land grab secured not only the interests of English Canada, but cemented Toronto's position as the nexus for finances and investing, as opposed to say, Montreal.<sup>25</sup>

Interest in the mineral holdings around Timmins may have begun as early as 1905, with the discoveries made by one Edward Orr Taylor; in popular histories he is credited with staking the first claims on the shores of Nighthawk Lake, in the process renaming one of its islands enticingly as "Gold Island". Mineral deposits there were enough to justify the establishment of the Nighthawk Peninsular Mine, although its success would never equal that of the so-called 'Big Three': the Dome, Hollinger and McIntyre mines.<sup>26</sup> After Taylor, most histories credit George Bannerman with the 1909 discoveries that led to the creation of South Porcupine. Not to be forgotten is Harry Preston, whose legendary slip and fall down the 'golden staircase' led to the creation of the Dome mine, one of the most profitable in the country.<sup>27</sup> Preston would be followed in short order by Gillies and Hollinger, the founders of the Hollinger mine.<sup>28</sup>

The last of the prospectors to establish one of the 'Big Three' mines was no less a character than any of the others. In many ways his reputation would encompass all of the

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<sup>25</sup> Vasiliadis, 32. See also Angus, 15.

<sup>26</sup> S.A. Pain, 144.

<sup>27</sup> S.A. Pain, 146.

<sup>28</sup> S.A. Pain, 146.

themes and myths surrounding the north, writ large: he was tough, living a solitary existence in the bush, with little appreciation for domestic niceties; he gambled, he drank and preferred his own interpretations of justice to those set down by law. Alexander Oliphant, an iron-monger by trade, came to Canada from Scotland, reputedly after finding married life rather disagreeable.<sup>29</sup> For good measure he changed his name to Sandy McIntyre and came to the Porcupine District to try his luck at prospecting. In local legends McIntyre takes on the stature of a kind of mountain-man; shaggy, coarse and shrewd, he complements the founding stories that depicted Timmins as an unruly, masculine space, constructed not unlike that of the ‘American West’. Understanding this is useful for this particular paper, in that it establishes the kinds of dichotomies that delineated the boundaries between public and private spaces, masculine and feminine codes of conduct.

The earliest settlements that sprang up to support the rush of prospectors were the backbone of what would later become ‘Timmins’ proper. The first settlement, sponsored by the Ontario government to house the mobs of prospectors and investors arriving daily was called Golden City, a *mélange* of “shacks, houses, stores, pool rooms and bootleggers”<sup>30</sup> situated on the shores of Porcupine Lake and now known simply as Porcupine. Not far from Golden City was ‘Pottsville’. In reality no more than a hotel and a sprinkling of houses, Pottsville was quickly cast as the antithesis of the haphazard and chaotic Golden City. Indeed, it was regarded as an oasis of calm and stability, an image concretized by the couple who landlarded the place, a very domestic, very married

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<sup>29</sup> S.A.Pain, 147.

<sup>30</sup> As quoted in S.A. Pain, 151.

couple from Yorkshire – Ma and Pa Potts, naturally. An anecdote survives, of use to this discussion:

Pa Potts kept things on an orderly basis. One day a big American with a big revolver at his belt strode into the dining room, slapped the gun on the table, sat down and prepared to order a meal. Potts noticed the gun, asked what it was and why? The man explained that he seemed to have come to a wild country and he liked to be ready for trouble. Potts said sternly, ‘I’ll keep order around here; you hand that gun over to me’ and he did.<sup>31</sup>

The quote provides a key illustration for this work, a helpful segue into a larger theme. In a chapter entitled “Sex and the Single-Industry Community: the Social and Moral Reputation of Rural and Northern Ontario”,<sup>32</sup> Karen Dubinsky explains that regions in the province have varying reputations, which has in turn affected the social and economic life of their communities.<sup>33</sup> With an influx of prospectors like Alexander Oliphant and adventurers like the ‘big American with the big revolver’, set against a backdrop of uncharted forest and lakes, the north very quickly earned a reputation as a place of opportunity and wealth, and something else besides – the north was also raw, lacking the polish and niceties of the south, its wild nature potentially threatening.

In 1910, Wilfred William Campbell, a former minister taken up with writing travel guides, described Canada’s Great Lakes, and Lake Superior in particular, in this way: “[They are] not mere bodies of water...but as vast influences, powers, consolers and sources of infinite wisdom, comfort and rest”.<sup>34</sup> One T.M. Langstreth would write

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<sup>31</sup> As quoted in S.A. Pain, 152.

<sup>32</sup> The chapter is found in her book, *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago: The University of Chicago Press, 1993), 143-162.

<sup>33</sup> Dubinsky, 143. See also Nancy M. Forestell, “Women, Gender and the Provincial North” in *Northern Visions: New Perspectives on the North in Canadian History* eds. Kerry Abel and Ken S. Coates (Toronto: Broadview Press, 2001), 19.

<sup>34</sup> As quoted in Dubinsky, 147.

about the north in similar terms, praising the richness it added to the lives of men living there: “I like the idea of your financiers stepping out the door to hunt, or your hunters buying poetry, and your poets erecting cabins with their hands...where else could you find a more satisfactory combination of forest and fireside?”<sup>35</sup> From the outset the reputation of the north was a paradoxical one; it was unrefined and chaotic, but not without its advantages. If found and exploited, there was enough gold or timber to make a man wealthy, while the fresh air and clean water were perceived as tonics<sup>36</sup> for those looking to get away from the staid and overly-gentrified south.<sup>37</sup>

The reputation of the north, however, began to shift into something more menacing as the rural south experienced a decline in population,<sup>38</sup> abetted by two things – the large numbers of men in the mining camps, and the mixed ethnicities of its people, vastly different from the overwhelmingly British, Protestant citizenry of the south. Rural communities were losing their children, especially young women; after some investigation it was determined that farmers’ sons and daughters were leaving their communities in search of opportunities in the city, and in the north, or ‘New Ontario’ as it was sometimes known. Various measures were employed to keep farming communities intact,<sup>39</sup> and when they proved insufficient, the ‘north’ both as a place and idea, made for a convenient bogeyman, its large numbers of foreign men and its roughhewn towns suddenly full of violence both physical and sexual:

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<sup>35</sup> As quoted in Dubinsky, 147.

<sup>36</sup> Dubinsky, 147-8.

<sup>37</sup> Dubinsky, 148.

<sup>38</sup> Dubinsky, 152.

<sup>39</sup> Dubinsky, 154-157.

These changes occurred simultaneously and were not coincidental. The changing moral images of the north and south were inextricably related. Historically, changing moral conceptions of north and south illustrate what Mary Poovey calls the 'binary logic that governed the Victorian symbolic economy'. Similarly, Rob Shields suggests that binary oppositions between high and low culture, a staple of European civilization, have sometimes been spatialised geographically as the 'central/marginal dualism'. The civilized rural south could only assert its moral superiority by contrasting it to something else, by creating a moral adversary in the cities and the north. Thus as the rural south got 'cleaner' the north got 'dirtier'.<sup>40</sup>

Two examples of early, popular literature may help strengthen the point. In her aforementioned chapter, Karen Dubinsky discusses a turn-of-the-century novel, *Pine Lake: A Story of Northern Ontario*. The novel's heroine, Miss Daisy Murphy, arrives in Pine Lake to work as a schoolteacher. Impressionable and inexperienced, Daisy is temporarily starstruck by some of the low-brow amusements found in the community; but as it may, she eventually finds her redemption in establishing a local chapter of the WCTU. Once she has accomplished that, she and her (suitably reformed) new husband relocate to the comfort and respectability of married life in southern Ontario.<sup>41</sup>

In researching this thesis, another novel was found; less of a morality piece than *Pine Lake*, it is nonetheless useful for its portrayal of northern Ontario. Phil Moore's 1924 novel *Slag and Gold: A Tale of the Porcupine Trail* reinforces the image of the Porcupine camp as a largely homosocial space, peopled by immigrants, gamblers, bootleggers and miners. Set thusly among trees and lakes, interspersed with card games and the occasional armed confrontation or gold scam, Moore's novel cements the Porcupine district's reputation as a place of both opportunity and lawlessness.<sup>42</sup>

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<sup>40</sup> As quoted in Dubinsky, 152.

<sup>41</sup> Dubinsky, 157.

<sup>42</sup> Phil H. Moore, *Slag and Gold: A Tale of the Porcupine Trail* (Toronto: Thomas Allen, 1924).

To be sure, the ethnic mix of the north generally, and that of Timmins specifically, was quite diverse.<sup>43</sup> Between 1921 and 1951, a span of time that encompasses the community's founding and extends into the post-war years, the population could be divided more or less as follows: thirty-eight percent of the population was of an Anglo-Celtic background; forty-one percent was French; twenty-four percent European, with the smallest percentages of population belonging to the Asian and First Nations peoples, respectively.<sup>44</sup> This certainly dovetails nicely with Mr. Evan's early memories of Timmins. He came to the community in 1934 and would later recall, "The population (of Timmins) was cosmopolitan; English, French-Canadian together formed the majority with Italian, Polish, Finns and more recent immigrants from Central Europe comprising the remainder."<sup>45</sup> The great number of immigrants, in combination with strikes and other violence that occasionally affected mine sites, contributed to the north's reputation as a place of violence and licentiousness.

Take for example a story out of Montreal, reprinted in the *Porcupine Advance* in 1935, some time after Timmins had established itself as a family-oriented community. Entitled "*White slavers kidnap girl to send north*"<sup>46</sup> the article suggests that young,

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<sup>43</sup> See also Karen Dubinsky, 156.

<sup>44</sup> Nancy M. Forestell, *All That Glitters Is Not Gold: The Gendered Dimensions of Work, Family and Community Life in the Northern Ontario Goldmining Town of Timmins, 1909-1950*" PhD Thesis, Graduate Department of Education, University of Toronto, 1993, p.108. (I have averaged her figures.) For other statistics on ethnic diversity in the north, see Karen Dubinsky, 156, and Peter Vasiliadis, 345.

<sup>45</sup> Correspondence with Greg Evans, June 20, 2007.

<sup>46</sup> *The Porcupine Advance*, September 16, 1935, p.1: "On Thursday, Montreal judge Gustave Morin sentenced Alexander Brebant, aged 33, to prison... for his part in a scheme to drag Alida Tremblay, 19, into a life of prostitution and send her to Timmins." Similar stories would surface often enough in southern Ontario dailies that then Timmins mayor, J.P. Bartleman, felt compelled to issue a statement in the *Timmins Daily Press*. "Nothing like that could exist in Timmins without the local police knowing about it... Timmins citizens may rest assured that such a condition would not be tolerated in the town for one minute. It looks like a scheme, purely and simply to increase circulation." *The Timmins Daily Press*, January 30, 1936, p.1.



vulnerable white girls looking for work in the cities were in effect being stolen and sent to work in northern camps as prostitutes to service immigrants and the ruffians that employment in the mines occasionally attracted.

Racial tensions sometimes flared, often with extreme results. In his series of oral histories, Charlie Angus relates the story of two Russian immigrants who had come to Timmins to work underground. Affected by the poor working conditions at the mine (and, presumably, chafing under the strain of a hiring system which placed 'true whites', that is to say predominantly English, men in positions of authority), they very nearly beat their shift boss to death one night in 1916. That same year, another immigrant, John Primak, killed two Englishmen who worked with him at the Dome mine in a fit of anger.<sup>47</sup> On a spring night in 1927, a group of Klansmen made a show of force in occupying the first two pews during Sunday worship at the United Church,<sup>48</sup> a demonstration punctuated by a number of cross-burnings in an area known as the Hollinger Slimes.<sup>49</sup> Though the Klan never amounted to a significant presence in the area, the event nonetheless speaks to tensions that existed beneath the surface of the town.

Strikes were common. Exacerbated by working conditions and the high costs of living, the average miner more than once found himself enveloped in a tug o' war between management and union activists.<sup>50</sup> In 1912, managers of local mines decided to

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<sup>47</sup> Angus, 26.

<sup>48</sup> Angus, 49-51.

<sup>49</sup> The Hollinger Slimes are deposits of clean tailings from the mine. They have formed large slopes and it is something of a local tradition that the area is used by the public for sliding in winter.

<sup>50</sup> Dubinsky, 155: "The men of the north were of a particular type: immigrants, prone to political radicalism. The harsh conditions in northern Ontario lumber and mining camps produced periodic but dramatic upsurges in working-class discontent. Ethnic solidarity, particularly among Finns and eastern

lower wages: Timmins was connected to points elsewhere by rail, they reasoned, therefore the men were no longer entitled to isolation pay. Their decision sparked a strike that would last a year, marked by violent confrontations for its duration. Strikes and other violence that occurred on mine sites often arose as a result of class and social inequities, but it coloured the north's reputation.

Of chief importance for this chapter is the overall impression one receives of men drawn to the area because of its gold deposits. Golden City, Pottsville and Timmins proper were first established by men in the pursuit of wealth. The establishment of homes (or other businesses), the raising of families, was almost entirely secondary<sup>51</sup> and has often been overshadowed by the mines and the fluctuations of that industry. This is of no small importance. Over time, the mining industry tailored gender roles – codes of 'proper' behaviour for men and correspondingly, women. Miners and their wives each had specific roles with particular expectations. Clara St. Cyr's case was successful largely based on the argument that she had lived up to the expectations she faced as a wife and mother, while Jerome had failed miserably as a breadwinner and father.

Post-war Canada – the era in which the St. Cyr trial takes place – reinforced a focus on marriage and family. This was underlined by several shifts: in the economy, in

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Europeans, made for a political cohesiveness rare among urban workers. This cohesiveness, combined with prevailing assumptions about the criminality and sexual immorality of immigrants, made the region look extremely frightening to the 'civilised world'.

<sup>51</sup> For a discussion on the development of Timmins as a family-oriented community, see Nancy M. Forestell, "Bachelors, Boarding-Houses and Blind Pigs: Gender Construction in a Multi-Ethnic Mining Camp, 1909-1920" in *A Nation of Immigrants: Women, Workers and Communities in Canadian History, 1840s-1960s* eds. Franca Iacovetta with Paula Draper and Robert Ventresca (Toronto: University of Toronto Press, 1994), 254-263. See also Nancy M. Forestell, "The Miner's Wife: Working-Class Femininity in a Masculine Context, 1920-1950" in *Gendered Pasts: Historical Essays in Femininity and Masculinity in Canada* ed. Kathryn McPherson et al (Oxford: Oxford University Press, 1999), 141-143. See also Dubinsky, 149; 157-158.

public health and in society overall. Post-war growth precipitated the ‘baby boom’, with great numbers of couples marrying and starting families. One woman, when queried about post-war society, replied, “My job was our home and family. This was our reason for marrying.”<sup>52</sup> If larger trends are at all useful, it would appear that a great number of couples sought happiness through marriage and the traditional family. The average age for marriage declined. At war’s onset, the average age at marriage for women was twenty-four, for men, twenty-seven. Twenty-five years later, the average age for women marrying was twenty-two, for men, twenty-five. Within two decades, the number of people who were single also shifted, falling by approximately ten percent.<sup>53</sup> Researchers have called this shift ‘familism’, which broadly describes a focus on family life, characterized by early marriage and several children.<sup>54</sup>

As to the ways in which ‘familism’ would redefine ‘masculinity’ in the post-war era, this discussion will first examine larger, general trends, gradually shifting the emphasis to constructs of masculinity in Timmins. Subsequent chapters will discuss the development of ‘ideal femininity’ in the same manner, synthesizing the whole discussion in Chapter Four. As described by Lynne Segal in her work, “Look Back In Anger: Men in the Fifties”,<sup>55</sup> the emphasis on home and family which emerged after the second World War also included men, as husbands and fathers. Expectations for the kinds of husbands and fathers they might be had also shifted; but as will be explored, even popularly-held

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<sup>52</sup> As quoted in Veronica Strong-Boag, “Their Side of the Story: Women’s Voices from Ontario Suburbs, 1945-1960” in *A Diversity of Women: Ontario 1945-1980* ed. Joy Parr (Toronto: University of Toronto Press, 1995), 52.

<sup>53</sup> Adie Nelson and Barrie W. Robinson, *Gender in Canada*, 2d ed. (Toronto: Prentice Hall, 2002), 82.

<sup>54</sup> *Ibid.*, 52.

<sup>55</sup> Lynne Segal, “Look Back In Anger: Men in the Fifties” in *Male Order: Unwrapping Masculinity* eds. Rowena Chapman and Jonathan Rutherford (London: Lawrence and Wishart, 1998), 68-95.

ideals of 'masculinity' were context-specific and never entirely aligned with domestic realities.

Indeed, to say that the post-war years gave rise to new gender roles and expectations for the sexes is both true and misleading. On the one hand, the pronounced emphasis in the popular imagination on a man's role as a doting dad, happier in home than outside of it, was relatively novel. But on the other hand, there was a good deal more continuity than change: for a man to support his family financially was still paramount, and a woman's duties and obligations, ideally, still revolved almost exclusively around her home and family.

As to the heightened sense of 'familism' of the era, consider research conducted by Michael Young and Peter Willmott, two British sociologists who studied working-class families of the time. They were quite pleased to announce the 'end' – or at any rate, the decline – of the 'old' working-class husband: formerly, a working-class man could be seen as stingy (or selfish) with money; as a husband, he was uninterested in his wife's concerns and if he was involved in childcare at all, it was only to serve as a disciplinarian. Young and Willmott praised the possibility that as a new era was unfolding, so too was a new kind of marriage - friendlier, warmer, and more open to dialogue between the sexes: "In place of the old comes a new kind of companionship between man and woman...which is one of the great transformations of our time".<sup>56</sup> This was seconded by John and Elizabeth Newson, colleagues of Young and Willmott: "At a time when he has more money in his pocket, and more leisure on which to spend

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<sup>56</sup> As quoted in Segal, 70.

it, than ever before, the head of the household chooses to sit at his own fireside, a baby on his knee and a feeding bottle in his hand.”<sup>57</sup> The image was reinforced through popular entertainment. The cynical leading man of film noir gave way to men who were emotionally accessible: Rock Hudson was sweet-natured and Montgomery Clift could be tender: “By the fifties, the tough, hard-boiled Hemingway male of the thirties and forties, the man who hid his feelings, if he had any...had seen his best days.”<sup>58</sup> This new vision of on-screen masculinity was encouraged by female leads like Debbie Reynolds, who convinced her man to see that his true source of happiness would be their home and family.<sup>59</sup>

A re-evaluation of post-war literature has since revealed the weaknesses of ‘familism’ as an ideal. Critiquing sociological studies of the time, Elizabeth Wilson would write twenty years later:

To study this body of literature is above all to study how ideology operates by excluding whole areas of debate from the very consciousness of readers and authors alike...The sexual division of labour, because it was taken for granted, was an absence in these works...About this conflict [the conflict between men and women] there was also silence, for these books are about a myth – a myth of happiness.<sup>60</sup>

‘Familism’ as an ideal never would entirely align with domestic realities. Take for example an early self-help book for men, published in 1958 and entitled *The Man’s Book*; while it contains ample discussions on tools for home-maintenance and gardening, that appears to be the extent of a man’s involvement in his

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<sup>57</sup> As quoted in Segal, 70.

<sup>58</sup> As quoted in Segal, 71.

<sup>59</sup> Ibid, 71.

<sup>60</sup> As quoted in Segal, 72.

own home.<sup>61</sup> This myopia was shared by a number of researchers and sociologists of the time. Geoffrey Gorer conducted enquiries into the lives of working-class families: despite some detailed questions, he seems to have taken for granted the notion that the 'home' was really a woman's domain. Gorer never asked about men's involvement in raising their children or whether they took part in housekeeping.<sup>62</sup>

Richard Hoggart conducted research into the domestic arrangements of British working-class families in 1957. His research further supports the notion of a disconnect between the ideal and a much more mundane reality. When Hoggart queried women as to the qualities they looked for in a husband, he found that most women held fairly basic views, hoping for someone who could provide for a family and would not be physically abusive. Reflecting traditional family arrangements, women generally regarded their husbands as heads of the household - above most domestic chores and entitled to keep a portion of the money he earned for his own diversions<sup>63</sup> (an idea that was shared by some working-class men in Timmins and which sometimes led to pronounced marital tensions).<sup>64</sup>

Unintentionally, it may be the enthusiastic report co-authored by Young and Willmott which offers the most telling portrait of the disparity between ideals and reality. Their study underlined that men in working-class English society had, for the most part, abandoned pub nights with friends for the pleasures of family life. Yet, as one wife

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<sup>61</sup> Segal, 72.

<sup>62</sup> Ibid., 72.

<sup>63</sup> Segal, 73.

<sup>64</sup> See Nancy M. Forestell, "The Miner's Wife: Working-Class Femininity in a Masculine Context, 1920-1950" in *Gendered Pasts: Historical Essays in Femininity and Masculinity in Canada* ed. Kathryn McPherson et al (Oxford: Oxford University Press, 1999), 148-150. See also Forestell, "All That Glitters Is Not Gold: The Gendered Dimensions of Work, Family and Community Life in the Northern Ontario Goldmining Town of Timmins, 1909-1950", 140-143.

commented, though her husband was at home more often rather than going to the pub, he would take his beer alone in front of the television. While Young and Willmott consider a husband's willingness to wash the dishes at least once a week as evidence of a more co-operative household, and they suggest that fathers are not the harsh disciplinarians that they once might have been, they lack any serious enquiry into the sharing of domestic tasks, perhaps, as Lynne Segal suggests, because they did not really expect it to exist.<sup>65</sup> Despite their hopefulness, the closest to the ideal a marriage might come was simply forging the home as some kind of common ground for essentially separate sex roles and obligations.<sup>66</sup>

With particular relevance to this paper, Segal cites an influential post-war study on the lives of Yorkshire miners, *Coal is Our Life*.<sup>67</sup> On the whole, the study confirms a measure of stability in the nature of working-class gender role expectations, in so far as they pertain to a mining community. Women were still by and large forced to rely on their husbands' (often inadequate) wage to support the family. Their lives were defined by an unending round of lunches, meals, washing up, mending clothes and other tasks that reflected their husband's chequered pattern of shift work.<sup>68</sup> Though the authors considered these mining families 'outdated', this paper will show that a similar kind of pattern existed in Timmins.

If the town of Timmins was at its genesis homosocial in that it was first established by men looking to profit from its gold deposits, and it was homosocial in that

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<sup>65</sup> Segal, 73.

<sup>66</sup> Segal, 74. See also Nancy M. Forestell, "The Miner's Wife: Working-Class Femininity in a Masculine Context, 1920-1950", p.144.

<sup>67</sup> Segal, 74.

<sup>68</sup> Segal, 74.

mining continued to be the *raison d'être* for the community as a whole, it stands to reason that working-class families of men employed by the mines would be similarly centred around mining. For the most part, this appears to be true. The nature of the work very often meant that a miner's schedule and his earnings moulded the character of his family life and relationships.

It was not until the 1920s that Timmins became a family-oriented community in earnest, although this too was shaped by the mining industry. Previously its flexible and fluctuating population of itinerant workers and single men lived in boarding-houses or collective arrangements. The typical division of household labour would have been at least temporarily suspended as men either patronized businesses like restaurants or laundries, or did housework themselves.<sup>69</sup> In the decade following the first gold discoveries, it was primarily the Hollinger mining corporation that fostered and encouraged the development of a more family-focused community. The company established preferential hiring practices which favoured married men, built company-sponsored housing which similarly favoured families, and established a company store, all of which encouraged a more inflexible and stable domestic life. Enormous gold deposits ensured that mining would continue for the foreseeable future, which in turn attracted greater numbers of men, many with families, looking for work in the mines.<sup>70</sup>

Mining impacted working-class families in a variety of ways. Mines were staffed in shifts: for example, the McIntyre scheduled miners to work a 7 a.m. to 3 p.m., shift, or alternatively, a 7 p.m. to 3 a.m. shift. In her research on gender and labour in Timmins,

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<sup>69</sup> Forestell, 141. See also Forestell, in "All That Glitters...", p.70, 111 & 112.

<sup>70</sup> Forestell, 141-142.



Nancy Forestell writes that a number of her informants recalled seeing men out and about in the community, at any hour.<sup>71</sup> The implications of such shift work were, for miners' wives, manifold. Preparing meals could be a complicated and drawn out process, with wives struggling to feed their families at a regular time, and their husbands as their shift dictated. Men were also often very tired after a long shift, which meant that wives faced an additional task of keeping the house quiet enough for their husbands to rest.<sup>72</sup>

These examples are intended to underline the effect that mining had as an occupation on the lives of working-class families. If Timmins as a resource-based community was homosocial – that is, 'masculine' and focused on the needs of the mining industry – it appears to have been no less so within working-class families. Much of a miner's household revolved around, or was affected by, the needs and schedule of the family breadwinner.

In that regard, it would appear that working-class men generally understood that earning a wage was their principal obligation: a man was measured by how well he fulfilled his role as provider. And a majority of men were committed to their families, giving much if not all of their paycheque to the family. John Mackinnon, a Timmins miner, would recall, "In all the years I worked I handed every one of my paycheques over to Isabel."<sup>73</sup> Another would state, "I earned the money, it was up to her to spend it."<sup>74</sup> In northern working-class culture, a man's paycheque was a signifier of the completion of

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<sup>71</sup> Forestell, 143.

<sup>72</sup> Forestell, 144.

<sup>73</sup> As quoted in Forestell, 148-149.

<sup>74</sup> As quoted in Forestell, 148-149.

his duties as a man, a husband and father.<sup>75</sup> This is significant. Clara St. Cyr was vindicated in the press in part because Jerome – who had worked in a mine at one time but did not keep the job – left Clara with few material resources with which to sustain the family; he left his children to faint with hunger, despite being an able-bodied man capable of working and earning a wage.

To underscore the importance of a man's role as breadwinner within working-class culture, it is relevant to examine what sometimes happened when men found themselves unemployed or otherwise unable to work. The following examples have been taken from the *Daily Press* and were written during the 1930s; as noted by Evans, even during the Depression the mines were hiring men to work underground,<sup>76</sup> a point which may emphasize the despair these particular men felt. Though I do not have examples of local suicides in the post-war years, gender ideals in Timmins were relatively stable – and the idea that a family man should be a breadwinner was especially so. Therefore, I think these cases can still serve as illustrations.

Two weeks before Christmas of 1933, George Graham, a young man employed at the McIntyre mine, took a 22. calibre rifle and shot his girlfriend accidentally, as they argued.<sup>77</sup> Graham had emigrated from England six or seven years previously; he made his way north following stints in Sault Ste. Marie and Kirkland Lake. In Kirkland Lake he met Edith Polkki and her husband, a fellow miner. Edith and George relocated to

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<sup>75</sup> Forestell, 149.

<sup>76</sup> Conversation with Greg Evans, June 12, 2004.

<sup>77</sup> "Suitor Shoots Girl/Pressed for Money George Graham Intended Suicide But Shoots Girl Instead" *The Timmins Daily Press*, December 11, 1933, p.1.

Timmins shortly after where George, by his own admission, hoped to find work to better enable him to establish a 'nest' for the two of them. But once employed, he could not keep pace with Edith's tastes on miner's wages. Graham wrote home to his family requesting financial assistance. When none was forthcoming, he resolved to commit suicide.

The article reports that George booked a room at the Pacific Hotel, with the intention of shooting himself; the evening passed and he was unable to do so. George wrote to Edith, who was staying at a Fourth Avenue boarding house, and asked her to visit him as he was unwell. Once reunited, the couple fought; George shot Edith twice, in the shoulder and head. In a bizarre twist, Edith was entirely conscious and mobile when help arrived. She reportedly stood up and walked over to a mirror to 'check her features' despite significant injuries. Moreover, she would defend George's actions to the police, stating emphatically, "No matter what he did I still love him".<sup>78</sup> Even though the story is retold in the press to read like a melodrama, it is important to note that George's financial constraints precipitated his suicide attempt: initially he had hoped to support Edith and it was his intention to secure stable work in order to build their home. This underscores the deeply held belief that the main obligation of any 'family man' in town was to support his loved ones; failure to do so implied failure as a man.

The second example dates from the spring of 1937.<sup>79</sup> In February of that year, Edward Davluk, a forty-nine year old miner, committed suicide by lighting a stick of

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<sup>78</sup> As quoted in "Suitor Shoots Girl..." *The Timmins Daily Press*, December 11, 1933, p.1.

<sup>79</sup> For other examples see "Timmins Miner Held For Suicide Attempt" *The Timmins Daily Press*, July 16, 1934, p.1; "Mike Driscoll Is Released On Attempt Suicide Charges" *The Timmins Daily Press*, July 26,

dynamite held between his teeth. After ten years of employment at Froot Mines, near Timmins, Davluk had been out of work for an indeterminate length of time. The article notes that the stresses of searching for work, and being unsuccessful, weighed heavily on his mind. Davluk had home responsibilities: he was married and the father of eight children. Like Graham before him, the inability to provide for his loved ones precipitated Davluk's suicide.<sup>80</sup> As a final comment on the issue, it may be useful to note the following: one year before the St. Cyr trial, the *Daily Press* circulated a poll, asking men whether they felt it was their obligation to support their families. According to the *Press*, every man questioned agreed that it was.<sup>81</sup> Insofar as there is 'ideal masculinity' in the north, 'man as breadwinner' would appear to be its defining element.

In sum, this chapter has focused on the origins of Timmins as a community and the ways in which its main industry shaped gender roles, particularly for men. Within the context of a northern mining community, the main obligation of working-class men was to earn a wage in order to support their families. Despite post-war literature which romanticized a new, shared domesticity, this aspect of ideal masculinity remained fixed and largely unchallenged.

Chapter Two explores discourses of femininity and the way in which ideals for women have been shaped over time. It examines whether the war years affected working-class women in Timmins as it did elsewhere, and discusses the ways in which 'familism' played out there. As Chapters Three and Four discuss concepts of goodness

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1934, p.3; "Alleged Suicide Died In South End Hospital From Bullet In Brain" *The Timmins Daily Press* April 7, 1938, p.1 & 3.

<sup>80</sup> "Believed To Have Taken Life; Head Is Torn Off" *The Timmins Daily Press* February 1, 1937, p.2.

<sup>81</sup> Nancy M. Forestell, "The Miner's Wife...", p.149.

and femininity in relation to *R. v. Clara Irene St. Cyr*, Chapter Two concludes with an examination of two early Canadian murder trials with female defendants. It will present the cases as examples of the kind of verdict such trials most often produced, with some key differences between these trials and that of Clara St. Cyr.

## CHAPTER TWO: WOMEN AND THE SOCIAL AND LEGAL WEIGHT OF 'GOODNESS'

At her trial, Clara's best defense was that she in fact conformed to the image of a 'good woman': she lovingly tended her children and managed the family's meagre finances with equal care; she took occasional work outside the home when necessary; neighbours knew her as a 'Christian woman' who tried hard to stay out of debt and was unflinching polite. It is one of the arguments of this paper that Clara was acquitted on the strength of her perceived character as a wife and mother. Gender role expectations and the qualities that make up a 'good woman' are worth exploring in-depth, for the themes they present are recurrent, affecting not only the St. Cyr trial but many others besides.

The chapter opens with a chronology of ideal femininity, as it has been shaped, generally, since Industrialisation. The focus then shifts to explore respectable womanhood as it existed within the northern context of post-war Timmins. Following that discussion is some analysis of the ways in which perceived 'goodness' (or lack thereof) on the part of female defendants has weighed in the courts' assessment of their guilt or innocence. To that end, the trials of Elizabeth Workman and Angelina Napolitano will be examined in order to highlight the fact that female defendants could, at times, be judged simply on account of their personal lives, their overall deportment, or their racial heritage. Clara's behaviour as a wife and mother and to some degree, her own so-called 'racial' heritage, were significant elements in the St. Cyr trial.

In this respect, it may be helpful to cite a quotation from Karen Dubinsky's discussion on 'respectability' and its impact on sexual assault cases. In such circumstances, 'facts' are often bolstered by any evidence as to a woman's 'character', a broad term that encompasses everything from an individual's sexual history, to their family life, the company they keep, whether or not they are employed and the kinds of behaviours they evidence in public:

Character was, of course, a malleable concept which derived meaning from such forms of power as gender, race, and class. Yet respectability was not a mere reflection of class, race or gender; it wasn't as though men were automatically more reputable than women or that working-class people were necessarily always morally suspect. Standards of appropriate behaviour were applied to men as well as women. But moral scrutiny was applied more often and more harshly to women. For women...it was not an occasional error in judgement which might result in a lost criminal case, but rather any activity, sexual or otherwise, which departed from rigidly circumscribed norms.<sup>82</sup>

Concepts of 'goodness' as they relate specifically to women have roots in Western art, philosophy<sup>83</sup>, medicine and law, but have been further entrenched by industrialization and the creation of wage labour,<sup>84</sup> politics, or calamities like high levels of infant mortality and war. In North America as in Europe, industrialization

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<sup>82</sup> Dubinsky, 24-25.

<sup>83</sup> For example, many credit Rousseau with concretizing the ideas that would gradually form the 'ideal woman'; it is Rousseau who popularized an understanding of the sexes as fundamentally different but complimentary if one maintained that 'masculine' and 'feminine' were distinct, each belonging to its own sphere of influence. For commentary on the importance of Rousseau's ideas, see Renate Bridenthal et al, *Becoming Visible: Women in European History* 3d. ed. (New York: Houghton Mifflin, 1998), 256-259. See also Thurer, 196.

<sup>84</sup> For discussions on industrialization in Europe and the development of ideal femininity, see Maxine Margolis, "Putting Mothers on a Pedestal" in *Family Patterns, Gender Relations* ed. Bonnie J. Fox 2d ed. (Don Mills: Oxford University Press, 2001), 136, 138. See also Shari L. Thurer, *The Myths of Motherhood: How Culture Reinvents the Good Mother* (New York: Houghton Mifflin Company, 1994), 183, 184. See also Adie Nelson and Barrie W. Robinson, *Gender in Canada* 2d. ed. (Toronto: Prentice Hall, 2002), 74. See Ann Dally, *Inventing Motherhood: The Consequences of An Ideal* (London: Burnett Books, 1989), 26.

created enormous upset as it altered communities and people's working lives. At the turn of the nineteenth century, America had only five cities with a population greater than ten thousand people; within fifty years there were seven cities with more than one hundred thousand citizens. As much as eleven percent of the overall population lived in a decidedly urban environment.<sup>85</sup>

It was much the same in Canada. By 1871, working-class women and children comprised forty-two percent of factory workers in Montreal, and nearly as many in Toronto.<sup>86</sup> The aftershocks of such elevated levels of employment created the same sense of dislocation and deterioration experienced in industrializing Europe. The social costs for women engaged in factory work meant that there was little time for the household or family. Further, to have many children entailed a loss of income, with yet greater expenses.<sup>87</sup> As a result, birth rates, especially in Ontario, were alarmingly low; so low, in fact, as to fall under the scrutiny of the Registrar General of Ontario. An 1895 report detailed the low birth rate, stating that it had fallen from 23.1 per thousand in 1883, to 19.2 per thousand in 1894, and closed with the following remark: "It is apparent some cause or causes are operant to produce a decline of births so serious, in still a sparsely settled province, as to call for the attention of all interested in the moral, social and economic welfare of the people."<sup>88</sup>

Infant mortality rates only added to a general sense of anxiety. Within the twenty-six years between 1876 and 1902, infant deaths composed approximately one

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<sup>85</sup> Ann Jones, *Women Who Kill* (New York: Holt, Reinhart and Winston, 1980), 65.

<sup>86</sup> Jane Ursel, *Private Lives, Public Policy: 100 Years of State Intervention in the Family* (Toronto: Women's Press, 1992), 62.

<sup>87</sup> Ursel, 62.

<sup>88</sup> *Ibid.*, 63.



quarter of all deaths; when the death toll for children older than one year was taken into account, the overall child mortality rate rose as much as thirty percent.<sup>89</sup> Massive immigration provided further fuel for racial fears and prejudice.<sup>90</sup> Statistics indicate that between 1851 and 1891, Canada's population doubled to 4.8 million, an increase generally propelled by immigration. As an example, in the ten years between 1881 and 1891, nearly one million immigrants landed in Canada.<sup>91</sup>

This combination of wage work in often ugly conditions, falling birth rates with high levels of infant mortality and rapid immigration, caught the attention of social reform groups. There were a number of 'social welfare' organizations in Canada, their members mostly upper and middle-class women, most of whom identified with an Anglo-Saxon, Protestant heritage. They served as members of the Young Woman's Christian Temperance Union,<sup>92</sup> or campaigned for the National Council of Women, and they shared a common vision: that society could be best served by bolstering the family – specifically, a white, middle-class, Christian, nuclear family, with a wage-earning father and a mother who worked from within the home, nurturing and guiding her children. The National Council of Women baldly supported this initiative, pressing the government to

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<sup>89</sup> Ibid., 64.

<sup>90</sup> For Canadian examples of 'race panic' see Mariana Valverde, *The Age of Light, Soap and Water: Moral Reform in English Canada 1885-1925* (Toronto: McClelland and Stewart, 1991), 53: "As stated by a pamphlet issued by the Methodist Church in 1910, 'While many of our non-Anglo-Saxon population are amongst the best of the people from their native lands...it is lamentable that such large numbers have come to Canada during the last decade bringing a laxity of morals, an ignorance, a superstition and an absence of high ideals of personal character or national life...'" Refer also to p.56-57 for examples.

<sup>91</sup> Ursei, 62.

<sup>92</sup> For a description of the English roots of the WCTU or the National Council of Women, see Sheila Jeffreys, *The Spinster and Her Enemies: Feminism and Sexuality 1880-1930* (London: Pandora Press, 1985), specifically the chapter "Feminism and Social Purity" but also pages 62, 80, 81, 150. See Mariana Valverde for a discussion of the WCTU, the YWCA or the National Council of Women in Canada, p. 58-75.

restrict women's employment in a strong attempt to 'encourage' women to work in the home, rather than the factory. Working-class women, though they might lack the finery and polish of these middle and upper-class campaigners, could still attempt to reach for the ideal. As loving wives and mothers, they were still expected to be, in many ways, the moral heart of a home.

It is during this period, roughly 1820 to 1910, in response to the crises outlined, that women were increasingly idealized as the embodiment of virtue and devotion.<sup>93</sup> A woman's highest calling became her family, to "live life for others", as declared by popular books and pamphlets like *The Woman's Mission*.<sup>94</sup> That there were fewer babies likewise imparted a special aura to children. They became all the more precious; no longer regarded as lilliputian grownups, childhood began to evolve instead into its own special phase of life, requiring consideration and attention. As befitted her own expanding role, the burden of caring for children fell increasingly to their mother. In fact, before long, it was commonly held to be a woman's *raison d'être* and a social imperative that mothers alone minister to the needs of their children.<sup>95</sup> To quote an article in *Parents Magazine*, printed in 1851: "Children whose mothers do not take the entire care of them face real danger; a mother cannot be long relieved without hazard or exchanged without loss".<sup>96</sup> Later, despite the increased acceptance of education for women, it was still widely assumed that once married, women would occupy themselves with a home and

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<sup>93</sup> Nelson and Robinson, 76.

<sup>94</sup> As quoted in Nancy F. Cott, "Domesticity" in *Family Patterns, Gender Relations* ed. Bonnie J. Fox, 2d. ed. (Don Mills: Oxford University Press, 2001), 129.

<sup>95</sup> Nelson and Robinson, 76.

<sup>96</sup> As quoted in Margolis, 145. It is interesting to note that the same magazine dryly described a father's duties as follows: "...the acquisitions of wealth, the advancement of his children in worldly honour, these are his self-imposed tasks." One supposes they meant it in that order, too.

family. Women who received an education were encouraged to find appropriately feminine work – that is to say, work which could be construed as an extension of their natural inclination toward mothering – within the fields of social work, nursing or teaching for example.<sup>97</sup> Nevertheless, it was widely assumed (and in some cases, was part of a legal contract) that a woman would leave employment once she married. It was often reiterated that “no work a woman can do is as important to Canada as making a home and taking care of children.”<sup>98</sup>

Even technological advances could serve as indicators of a woman’s role. Household appliances like stoves, or food items like instant coffee and canned goods, initially a by-product of the First World War, were eventually sold for public consumption, aimed towards women in acknowledgement that it was their responsibility to tend to their family’s daily needs.<sup>99</sup> During the Second World War, women engaged in the war effort in a number of ways, from taking employment in munitions factories, to that in secondary service industries, but their participation was generally viewed as temporary, and it typically served to emphasize a woman’s larger role as a wife and mother.<sup>100</sup> During the war, homemakers were asked to be mindful of daily supplies so that rationing could be maintained; they were required to save scraps, paper, oils or fats, anything that could be used to bolster war industries and general services. Women thus

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<sup>97</sup> Alison Prentice et al, *Canadian Women: A History* (Toronto: Harcourt and Brace, 1996), 245.

<sup>98</sup> As quoted in Prentice, 250. For a discussion on the pressures placed upon women to uphold conventional standards of ‘goodness’ and ‘morality’, see Lori Chambers, “Illegitimate Children and the Children of Unmarried Parents Act”, in *Ontario since Confederation: A Reader* ed. Edgar-Andre Montigny and Lori Chambers (Toronto: University of Toronto Press, 2000), 235-259, especially 235-236.

<sup>99</sup> *Ibid.*, 283. See also Joy Parr, “Shopping for a Good Stove”, in *A Diversity of Women: Ontario 1945-1980* ed. Joy Parr (Toronto: University of Toronto Press, 1995), 75-97.

<sup>100</sup> Ruth Roach Pierson, *They’re Still Women After All: The Second World War and Canadian Womanhood* (Toronto: McClelland and Stewart, 1986), 27.

became, as suggested by an ad for the Canada Starch Company, gatekeepers guarding the homefront: “All honour to those wives and mothers who are exerting every effort to keep the workers of Canada fit, vigorous and keyed to victory through production. They are Canada’s Housesoldiers”.<sup>101</sup> We find the same idea emphasized by government-issued ads promoting Victory Bonds. One in particular contains the portrait of an apron-bedecked woman, taking care of the supper dishes as she minds her children; its headline declares, “She’s In There Fighting, Too”.

Beyond work in munitions factories, a large amount of the work in which women participated was unpaid and geared towards charitable endeavours, related to their role as wives and mothers. Under the direction of the Women’s Voluntary Service Division, women knit clothing, made jerkins out of reclaimed leather or donated money to buy soldiers cigarettes and magazines. They raised funds to ship food parcels to Britain and, by war’s end, had helped the National Clothing Collection gather twelve million pounds of clothing to be sent to countries devastated by the conflict.<sup>102</sup>

That a woman’s main obligation in times of conflict or peace was to maintain her family’s well-being (whether that family was the larger ‘family’ of Empire or her own) was reiterated in numerous ways for the duration of the war. For the purposes of this study, the mobilization of women in wartime is less important than the values it communicates. In wartime we find women praised for thrift and industriousness, for playing a supportive role set firmly within a domestic sphere. And although this chronology of events from industrialization to the world wars is brief, common

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<sup>101</sup> As quoted in Pierson, 41.

<sup>102</sup> Pierson, 38-39.

themes can be discerned from the material provided thus far. Each of the examples provided suggests that the ‘ideal woman’ was a devoted wife and mother, self-effacing and virtuous.

Post-war Canada – the era of the St. Cyr trial – emphasized that a woman’s true calling was marriage and motherhood. The popular magazine *Look* aptly summed it up in a 1948 issue: “The wondrous creature marries younger than ever, bears more babies and looks and acts far more feminine than the emancipated girl of the twenties and thirties. If she makes an old-fashioned choice and lovingly tends a garden and a bumper crop of children, she rates louder Hosannas than ever before!”<sup>103</sup> It was a view abetted by doctors and psychologists, many of whom published research confirming that a life focused on one’s family was not only emotionally and psychologically healthy, it was vital to the health of Western society. Publishing six years before the St. Cyr trial, Theo Van de Velde, a physician and director of the Gynecological Clinic At Harlem wrote “Ideal Marriage: Its Physiology and Technique” in which he suggested that the basis for a happy marriage could be found in traditional sex roles; he described the ideal wife as a ‘help-mate’ to her husband, someone who could alleviate his fears and stresses with her charm and beauty.<sup>104</sup>

Lee Edward Travis and Dorothy Baruch, writing in 1944, offered a telling description of ideal gender roles in this way: “The man wants a partner in marriage, not a competitor. The woman, in her fight for her rights, has put herself too much in a competing position. She has tried to turn man instead of remaining woman. A man does

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<sup>103</sup> As quoted in Nelson and Robinson, 81.

<sup>104</sup> Theo Van De Velde, *Ideal Marriage: Its Physiology and Technique* (London: William Heinemann, 1942), 7 & 5.

not want to marry another man.”<sup>105</sup> In 1947, Paul Popenoe, a well-known marriage counselor, would promote the traditional family in strong statements describing the family as society’s one true hope for survival and health.<sup>106</sup> There is a durability to the ‘ideal woman’ as wife and mother: it was a cornerstone of idealized family life in the Victorian era, and it survived well into the 1950s. Dr. Marion Hilliard, a much-published Toronto obstetrician and gynaecologist, argued for stay-at-home wives and mothers in an open letter, published in *Chatelaine* in 1956:

I have stated many times, and I still believe it, that the burden of creating a happy marriage falls mainly on the wife. A man’s life is much more difficult than a woman’s, full of the groaning strain of responsibility and the lonely and often fruitless search for pride in himself. A cheerful and contented woman at home, even one who must often pretend gaiety, gives a man enough confidence to feel he can lick the universe.<sup>107</sup>

Quite a few elements can be parsed from Dr. Hilliard’s letter. Firstly, there is the message that women are to be a fount of emotional sustenance to their husbands, mollifying and soothing their distress; it emphasizes marriage as a woman’s calling and in so doing, makes her family’s emotional well-being her responsibility. There is also the message that men are to be, before anything else, wage-earners; there is noticeably less emphasis on emotional bonds or exchanges on the part of the husband.

Roberta Bruce examined delinquent girls at Montreal’s Mental Hygiene Institute; her results, published in 1953, placed accountability for a child’s health with

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<sup>105</sup> As quoted in Mona Gleason, *Normalising the Ideal: Psychology, Schooling and the Family in Post-war Canada* (Toronto: University of Toronto Press, 1999), 66. See also Lori Chambers and Edgar-Andre Montigny, *Family Matters: Papers in Post-Confederation Canadian Family History* (Toronto: Canadian Scholars’ Press, 1998).

<sup>106</sup> Gleason, 59.

<sup>107</sup> As quoted in Gleason, 61.

their mothers,<sup>108</sup> as did British psychoanalyst John Bowlby.<sup>109</sup> Ideal women were to be doting, caring and unfailingly family-oriented. Such sentiments, featuring a stay-at-home mother normalized the trend, providing a pattern to which families were to measure up. Had these ideas remained within the realm of medical and psychiatric literature, they would have had less impact. But the image of the ‘good woman as wife and mother’ was also to some degree government policy.

Take as an example the policies governing OMA, or the Ontario Mother’s Allowance. OMA administrators went to considerable lengths to make certain that women who received benefits were ‘deserving’, meaning that they approximated the ideal of the ‘good woman’ to a sufficient degree, keeping a clean house while providing her children with necessities and an unfailing moral example.<sup>110</sup> Those who petitioned for support were subject to a truly pedantic level of scrutiny; it was not unusual for OMA administrators to pontificate on “everything from bedding, care of children, sleeping arrangements...”<sup>111</sup> Cleanliness of the home was considered analogous to moral cleanliness and OMA benefits could be severed based on the condition of a woman’s house. Case files were replete with descriptions of women who were considered ‘fit and proper’ based on the fact that their homes were tidy and the children equally well-kept.<sup>112</sup> OMA administrators took their work even one step further, researching a woman’s

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<sup>108</sup> Gleason, 63.

<sup>109</sup> Gleason, 64. For a critique on John Bowlby and his theories, see also Ann Dally, p.89-91.

<sup>110</sup> Margaret Hillyard Little, “A Fit and Proper Person: The Moral Regulation of Single Mothers in Ontario, 1920-1940” in *Gendered Pasts: Historical Essays in Femininity and Masculinity in Canada* eds Kathryn McPherson et al (Don Mills: Oxford University Press, 1999), 125. See also Margaret Hillyard Little, *No Car, No Radio, No Liquor Permit: The Moral Regulation of Single Mothers in Ontario, 1920-1997* (Don Mills: Oxford University Press, 1998).

<sup>111</sup> As quoted in Little, 126.

<sup>112</sup> Little, 133.

personal life. A woman who socialized too much or entertained male visitors was likely to be refused benefits. Each of the above examples communicates the kind of qualities ‘good women’ were expected to have: moral fortitude, a dedication to home and family, but more than that – they held ultimate responsibility for their families.

As detailed in Chapter One, from the beginning Timmins was a resource-based community, for the most part organized around, and peopled with, those involved in mining. By its very nature, then, it was homosocial, and women were consistently in the minority. Consider the following statistics: in 1911, there were 1023 men for every 100 women;<sup>113</sup> in 1921, the ratio of men to women sat at 164 men to every 100 women; by 1941, it was 114 men to 100 women.<sup>114</sup> Though the presence of greater numbers of women and the establishment of family neighbourhoods altered the community in many ways, it could not be said that it ‘transformed’ it. Opportunities for employment were dictated by the supply and demand of natural resources and were by and large restricted to men. Exceptions to this fell within clerical and retail work, but even then women who were not fluent in the dominant languages of French and English would have difficulty securing employment.

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<sup>113</sup> Nancy M. Forestell, “Bachelors, Boarding-Houses and Blind Pigs: Gender Construction in a Multi-Ethnic Mining Camp, 1909-1920” in *A Nation of Immigrants: Women, Workers and Communities in Canadian History, 1840s-1960s* eds. Franca Iacovetta, Paula Draper and Robert Ventresca (Toronto: University of Toronto Press, 1994), 256.

<sup>114</sup> Forestell, in “All That Glitters...”, p.83.



Consequently, women's participation in the local labour force was minimal at best: in 1931, women comprised roughly seven percent of the workforce and in 1941, they rated at a paltry eleven percent.<sup>115</sup> As Nancy Forestell has observed, fewer economic opportunities meant that working-class women were dependent upon men for their financial well-being: "The exigencies of mining town life limited working-class women to the assigned and circumscribed roles of wife or daughter, both of whom depended on a male breadwinner."<sup>116</sup> This dependence only reinforced and maintained the bounds of traditional sex roles. Within Timmins as a community, sex roles were incredibly stable. For example, women living there did not participate in the war effort as elsewhere: at one time, mine managers discussed hiring women to replace male employees; a 1942 government decree allowed the employment of women for 'surface work'. In the end, mine administrators decided against it, as they needed people to replace underground workers, work from which women were still forbidden.<sup>117</sup> And thus, the limits of respectability were very rarely challenged.<sup>118</sup>

Standards of respectability for women were delineated in other ways. There were brothels, but these were often found on the outskirts of town, allowing for a strict demarcation between 'good' and 'bad' women. Moreover, local police were anxious to maintain some semblance of respectability and often punished infractions severely. There are a considerable number of stories chronicling the arrest of women (and occasionally men) accused of running brothels or living in such places: references to

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<sup>115</sup> Forestell, in "All That Glitters...", p.83

<sup>116</sup> Ibid.,83.

<sup>117</sup> Ibid., 88.

<sup>118</sup> Ibid.,88-90. For a discussion on other ways in which the war disrupted the local economy, see p.92.

'bawdy houses' or 'houses of ill-repute' are fairly common. In the fall of 1933, one Mrs William Hebert and her companion Miss Loretta Lemaire, lodgers at the London Café,<sup>119</sup> were charged with 'immoral living' - a barbed euphemism for prostitution. Three months later, seven people were arrested as the result of a raid on a Third Street 'bawdy house'.<sup>120</sup> More charges would be laid in January of 1934, when Felixinia Delcourt was summoned to court for residing in a house of ill-repute;<sup>121</sup> ultimately she was sentenced to 'three months to two years' in the Ontario Reformatory for Women.

It was enough of an anxiety for town fathers that in 1938, Mayor Bartleman issued a public statement defending the reputation of the community, declaring that citizens could rest assured, law enforcement and other public officials would in no instance condone sexual misconduct.<sup>122</sup> Women in particular seem to have been severely punished for infractions. Magistrate Atkinson, the same official who would oversee

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<sup>119</sup> "Plead Guilty to Immoral Living" *The Daily Press*, October 3, 1933, front page. Many issues are raised by this particular article. The London Café was – and remains – an establishment run by a Chinese family. As noted by a number of historians, the Chinese were often subject to racism based on the fear that they would corrupt young, vulnerable white women. See Mariana Valverde, *The Age of Light, Soap and Water: Moral Reform in English Canada* (Toronto:McClelland and Stewart, 1991), p.86-88 and Karen Dubinsky and Adam Givertz, "It Was Only a Matter of Passion: Masculinity and Sexual Danger" in *Gendered Pasts: Historical Essays in Femininity in Canada* ed. Kathryn McPherson et al (Oxford: Oxford University Press, 1999), p. 71-79

<sup>120</sup> "Seven Arrested in Police Raid" *The Daily Press*, January 5, 1934, p.1.

<sup>121</sup> "Two Women Are Sent To Jail" *The Daily Press*, January 22, 1934, p.1.

<sup>122</sup> "Would Not Tolerate Conditions" *The Daily Press*, January 30, 1936, p.1. Though reports of various crimes – for example, burglaries and liquor control violations – were only incidental to my research, reports surfaced often enough to be indicative of some of the concerns of town officials and citizens. For example, from these reports it is obvious that bootleg alcohol generated both a source of revenue and concern over the 'moral health' of the community. Consider as examples the following: "L. Laroque is Fined 100: Peitila also Pays 100" *The Daily Press*, October 9, 1933, front page; "Visit A Number of Bootleggers" *The Daily Press*, November 6, 1933; "One L.C.A. Case Over Week-End: Archie Minor Arrested" *The Daily Press*, February 5, 1934, front page; "Three Months Given To Nicholas Pouff on Liquor Charges/Antoine Coururier is Fined 200.00 and Costs on Charges of Illegal Possession" *The Daily Press*, June 21, 1934, page 3; "442 Pints of Beer Found in House/Mrs Nellie Kramer Fined 100.00 and Costs in Police Court Today" *The Daily Press*, January 3, 1936, front page; "17 Year Old Girl Fined For Purchasing Beer" *The Daily Press*, January 8, 1936, front page; "Whole Household Taken Into Custody By Police" *The Daily Press*, March 6, 1936, front page. "Timmins Dealt With 1540 Cases During Last Year" *The Daily Press*, January 26, 1938, front page.

Clara St.Cyr in police court, declared his intention to ‘make an example’ of one woman caught while driving under the influence of alcohol: Mrs Gladys Smith would eventually serve a jail term for a first-time offence.<sup>123</sup> As illustrations, these examples offer rich commentary on the mores of this community. ‘Good’ women remained centred in the home, absorbed in domestic obligations, as befitted the Victorian ideal of the woman who provides sustenance and support as a buffer against the hard realities of the outer world. Annie Buzowski prepared meals for her tenants and washed their work clothes; Fernanda Spadafore tidied the rooms and cleaned her lodgers’ work gear as well.<sup>124</sup>

Similar sentiments are reflected in the St. Cyr trial. Those who knew and admired Clara could defend her in the press as a good woman because she was respectable. Motherly and devoted to her children, Clara worked hard to maintain some semblance of family life. She was thrifty, clever, and careful to repay any debts, qualities that were admired by her friends – other women who had also survived economic depression and a world war and valued a capacity for resourcefulness.<sup>125</sup>

What follows next is a discussion focusing on two Canadian trials which predate *R.v. Clara Irene St. Cyr.*, that of Elizabeth Workman (1873) and Angelina Napolitano (1911). These cases are useful to this paper in two ways: they establish legal precedent for the St. Cyr trial, and they help to interpret the ways in which “goodness” or lack

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<sup>123</sup> See as another example, “17 Year Old Girl Fined For Purchasing Beer” *The Daily Press*, January 8, 1936, p.6.

<sup>124</sup> Nancy M. Forestell, “Bachelors, Boarding-Houses and Blind Pigs: Gender Construction in a Multi-Ethnic Mining Camp, 1909-1920” in *A Nation of Immigrants* ed Franca Iacovetta et al (Toronto: University of Toronto Press, 1989), 260.

<sup>125</sup> In some oral histories of the thirties and forties, a number of women have stated that self-reliance and an ability to stay out of debt were prized virtues within their communities. Joan Sangster, *Earning Respect: The Lives of Working Women in Small-Town Ontario, 1920-1960* (Toronto: University of Toronto Press, 1995), 113.

thereof can be 'read' into a defendant by the courts. By her deportment Elizabeth Workman was deemed a 'bad' woman; Angelina Napolitano's racial heritage made her equally suspect.

Elizabeth Workman lived with her husband James and his young son Hugh in the small community of Mooretown, close to Sarnia, Ontario. Elizabeth kept work as laundress and maid while James, despite considerable strength, worked only intermittently as a butcher. The family seems to have lived in poverty, a situation exacerbated by James' frequent drinking bouts. When intoxicated, James was known to be highly volatile, given to verbal and physical violence. Sarah Patterson, a neighbour who lived in the upper floors of the same house, described James as a difficult man: "Workman and I had not been very good friends for some time before his death because I had checked him for drinking and he would abuse his last friend when in that state."<sup>126</sup> The Workman's home life might have continued in this way indefinitely, were it not for the arrival of a pair of barbers. The two set up shop in Mooretown and employed Elizabeth to clean and wash any laundry. Not surprisingly, one of the men, Sam Butler, befriended the Workmans and often visited in the evenings after the shop closed.

On Thursday October 24<sup>th</sup> of 1872, a singular incident would eventually hasten Elizabeth to trial. According to several sources, on that day she had been at the shop, presumably cleaning. James came to fetch his wife, stating that she was to come home. But Elizabeth had not finished her work, and the couple argued until Sam intervened, cautioning James to mind himself or else he would 'kick him'.

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<sup>126</sup> As quoted in F. Murray Greenwood and Beverly Boissery, *Uncertain Justice: Canadian Women and Capital Punishment 1754-1953* (Toronto: Dundurn Press, 2000), 146.

On one point witnesses vary; some claimed that Sam shoved James before threatening him. Others claimed Sam shoved James hard enough that he fell backwards, hitting his head on the pavement. At trial little Hugh would talk of the incident saying, "Butler shoved my father out of the shop and he fell."<sup>127</sup> In any event the argument precipitated James' death. Within a few days he would be dead, with Elizabeth and her friend on trial for his murder. Elizabeth left with her husband following the altercation at Butler's shop. According to Sarah and David Patterson, the couple continued the quarrel once home, James's voice most audible through the night. David would also testify that Sam Butler visited the Workman's Friday morning, implying that he had been in the house at four a.m.; alternatively, Hugh would recall that Butler had been at the house just before breakfast to drop off a load of washing. A small point, perhaps, but it would figure in Elizabeth's trial as a hint that she was more than friends with Sam, which in turn formed a key piece of evidence as to her guilt.

Arguments between Elizabeth and James continued Friday; Sarah would later testify that she knew the argument had shifted into a physical altercation, though she did not intervene. In the evening Elizabeth confided in her neighbour about the fight, suggesting that James would "not forget it for awhile."<sup>128</sup> Curiously, Sarah replied that that was 'fine' so long as it was not 'too much'.<sup>129</sup> The Pattersons would hear little and then nothing at all from James Workman beyond Friday afternoon. Apparently unconcerned, they left the couple alone until summoned by Elizabeth the next day. In

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<sup>127</sup> As quoted in Greenwood and Boissery, 147.

<sup>128</sup> As quoted in Greenwood and Boissery, 149.

<sup>129</sup> Ibid.,149.

late afternoon on Saturday, October 26<sup>th</sup>, Elizabeth asked Sarah's husband David, to look in on James. He immediately knew James was dead and called Sarah as a witness.

Elizabeth would stand trial for murder in May of 1873. Her defense counsel, John McKenzie, was relatively new to the profession and in some respects naïve. Though it appears he tried in earnest to emphasize mitigating factors in the Workman's marriage – such as James' tendency to be abusive when intoxicated – he did so in a way that ultimately worked against his client. For example, in declaring that James' volatile nature was known to many, McKenzie called David Patterson as a witness. Patterson testified as follows: “Workman had a bad tongue at times. Many persons were in the habit of visiting their house...a...man stayed there six or eight days when Workman was at Point Edward.”<sup>130</sup> Patterson was likely suggesting that many other people knew James could be difficult. The presiding judge, however, decided that the man referred to by David had been Elizabeth's lover – as was Sam Butler, providing not only evidence as to her character, but a motive for murder as well.

The physical abuse Elizabeth suffered was alluded to, but inadequately explored at trial. Sarah testified that James would ‘ill-use’ his wife, but what that entailed was left open to interpretation, as were comments by Hugh Workman. “My father was not very kind to my mother. They used to abuse each other.”<sup>131</sup> Ultimately, the judge and jury were left with images of an abusive marriage in which callousness and violence may have been reciprocal; further, Elizabeth may have been an unfaithful wife and so perhaps all the more inclined to kill James (a possibility enhanced by the coroner's belief that James

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<sup>130</sup> As quoted in Greenwood and Boissery, 151.

<sup>131</sup> As quoted in Greenwood and Boissery, 152.

had been tied to the bed where he died).<sup>132</sup> In the end, Elizabeth Workman earned the dubious distinction of being the only woman hanged out of thirty-one women involved in capital cases after 1867. She was sentenced and hanged on June 19<sup>th</sup>.

In their book, Murray Greenwood and Beverly Boissery suggest that Elizabeth was sentenced to death for several reasons. Until *R. v. Lavallee*, recurrent physical violence within a marriage was no defense, especially if the wife intentionally killed her husband. Marked abuse, if proven, could provide the grounds to reduce the verdict to manslaughter, but the response to such violence had to be spontaneous and unplanned. Perhaps a clear argument for self-defense might have spared Elizabeth's life, but it would have been incumbent upon her lawyer to prove that she had acted to save herself from considerable harm. As it was, though the testimony was raised regarding James' ability to be verbally abusive, complimentary evidence on his propensity for physical violence was soft and insufficiently explored. In fact, at times the judge and jury seem to have been left with the impression that Elizabeth gave James as much grief as she received - not likely given that James was a large, strong man capable of hard labour.<sup>133</sup>

Further, the suggestion of infidelity cast sufficient pall on her character that for Judge Wilson, Elizabeth's guilt was a logical conclusion. Her reputation became its own

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<sup>132</sup> Ibid., 152-3: "Judge Wilson didn't have one iota of doubt as to Elizabeth's infidelity...he believed the motive for murder must have been lust and he completely disregarded evidence that put Butler's relationship with her on a business and platonic footing. See also p.156: "In his report to Ottawa...the judge elaborated: 'the evidence suggested criminal or improper conduct impeaching her conjugal fidelity and that may have been the motive for her violence - as it may also explain the purpose she wished to accomplish.'"

<sup>133</sup> Greenwood and Boissery, 155. The authors provide one example of a case in which self-defense was ably argued, that of Catherine Sabourine in Ottawa, seven years after Workman's trial, in 1880. Relatives of the accused testified that Catherine suffered repeatedly at the hands of her husband. The night of his death there was another episode of physical violence; moreover, he threatened to kill her, and at one point attacked her again. Catherine replied by hitting him with an axe. Because she had acted in the midst of an altercation, Catherine could plead self-defense and was acquitted.

form of evidence. There is one other aspect of the trial worth mentioning. Elizabeth's case failed in part because she was inadequately defended. Her lawyer had been given only a few hours to prepare, and was simply unable in any way to make Elizabeth's actions seem reasonable to a jury. Despite the fact that she could not plead self-defense *per se*, and her husband's death was disclosed to be at least in some measure deliberate, Clara would be acquitted because her lawyer made her actions that night seem reasonable, given her overall experiences as a married woman. She could not simply leave the family home, and after years of struggling to maintain her physical and mental health (to say nothing of the well-being of the children), Clara retaliated. Since her character was very nearly beyond reproach – and Clara seemed penitent – her acquittal was nearly assured, as will be discussed further in Chapter Three. Had the Crown been able to argue that Clara was an unfaithful wife, with a string of bad debts and children who were obviously neglected, had the violence she suffered been less severe or disgusting, she might have received much less sympathy from the court and the public.

Angelina Napolitano and her husband Pietro emigrated from a town near Naples Italy, in 1901, first settling in New York when she was eighteen. When Angelina was about twenty-five, the Napolitanos moved with their four young children to northern Ontario, first settling in Thessalon and then Sault Ste. Marie.<sup>134</sup> Reasons for the move are open to interpretation but at the turn of the twentieth century – as has already been explored in Chapter One -the north was punctuated with resource towns continually in

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<sup>134</sup> Karen Dubinsky and Franca Iacovetta, "Murder, Womanly Virtue and Motherhood: The Case of Angelina Napolitano, 1911-1922" *Canadian Historical Review* LXXVI (1991):508.



need of both skilled and unskilled labour.<sup>135</sup> Further, Sault Ste. Marie had a large Italian community, about three thousand strong, the members of which were generally able to find work within such trades as the steel plant, the lumber mill, or the railway.

The couple settled with their children in the Soo's Italian quarter, in the west end. Economic troubles seem to have dogged the family from the time they moved north. In Thessalon, Pietro and Angelina were able to buy their own home; they sold it, however, to leverage their debts. To add to their difficulties, Pietro could not find stable, well-paying work in Sault Ste. Marie. He worked a string of odd jobs at the outset and by the time of his death had found only part-time work at the steel plant. The house the Napolitanos occupied in Sault Ste. Marie was a rental.<sup>136</sup> Such a decline in their standard of living, while not necessarily obvious to those outside the relationship, by all accounts began to aggravate Pietro. He was angered by the fact that other people appeared to have money and to own their own homes, while he worked but had little to show for his labours.<sup>137</sup>

The tension only increased. Eventually Pietro began pressuring Angelina to prostitute herself in order to raise the extra monies needed to obtain their own home:

She said he wanted her to be a bad woman...persistently requested her to do bad business with other men, and to charge them \$2.00, and \$3.00, and \$5.00...because he wanted to build a house...In the morning, when he would leave for work, he would say to her 'Now, you invite some men in here and get some money for me'...and when he would come home at night he would ask her

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<sup>135</sup> Ibid., 507: "By then, the plentiful job opportunities created by the presence of a massive pulp and paper mill, a huge steel and iron making complex and neighbouring mining operations had attracted many workers from outside the region, including thousands of Continental Europeans."

<sup>136</sup> Dubinsky and Iacovetta, 509.

<sup>137</sup> Ibid., 510. See also Karen Dubinsky, *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929*(Chicago:University of Chicago Press, 1993), 104-05.

if she had any money for him, and she would say 'No' and then he would scold her and say 'If you do not do this sort of thing I will kill you'.<sup>138</sup>

Arguments between the couple became more and more frequent. Close to Christmas of 1910 Pietro briefly left the family. As has been discussed, and as was also noted by Karen Dubinsky, resource-based towns typically offered few real economic opportunities for women.<sup>139</sup> Angelina was similarly restricted. To make ends meet following the loss of Pietro's income, she took in a boarder, one Mr. Nish. At some point their relationship would, by Angelina's own admission, become a romantic one (a fact which later tempered how Mrs. Napolitano would be viewed by those administering justice). Within a few short weeks Pietro returned to his wife. Initially, he seemed unconcerned by Angelina's affair; he appears to have reduced it to financial considerations, for he once again demanded that Angelina come up with sums of money. Each time they argued she would turn him out of the house.

Three days of quarrelling culminated in a single argument in which Angelina declared she wanted Pietro out of her life entirely; he responded in turn by attacking her with a small knife about her upper body and face. Despite the severity of the attack launched on Angelina, Pietro was handled rather gently by police; police magistrate Elliot was openly disgusted by Angelina's affair and the judge at Pietro's hearing seemed to agree, in effect stating that Pietro had been driven to violence by his wife's

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<sup>138</sup> Dubinsky and Iacovetta, 510.

<sup>139</sup> Ibid., 509.

indiscretion.<sup>140</sup> He would receive a suspended sentence, in return for pleading guilty to a charge of ‘wounding with intent to maim’.<sup>141</sup>

Difficulties between the couple continued to escalate. Pietro began sending men to the house while he was at work, so that Angelina might solicit money. She continued to refuse and they continued to argue. In their final argument, Pietro threatened to kill her and run off with their children; Angelina evidently thought her husband capable of making good on his threats. After a shift at the steel plant, Pietro lay down for a nap. Angelina took an axe to him as he slept. It was Easter Sunday, 1911.

There are several points of convergence between Angelina’s story and that of Clara St. Cyr. There are also a few key differences. As to the similarities, neither woman made any attempt to hide their actions, fully confessing to more than one person. Angelina approached her neighbour, Teodore Mazzo, and asked him to call police because she had killed Pietro.<sup>142</sup> She then waited for the police with Mazzo. Clara St. Cyr telephoned the Chief of Police, Albert Lepic, at his home and stated that she had ‘finally done it’. She begged Lepic to come to her right away. Officers were slow to respond owing to a change in house numbers; in their absence, Clara ran to her brother’s house and placed a second call to police.<sup>143</sup> Both women would also plead that they had acted to save themselves from sexual and physical abuse; in both cases much would be made of their role as mothers; in both cases arguments would be put forward that Pietro

<sup>140</sup> Dubinsky and Iacovetta, 511; and Dubinsky, 105.

<sup>141</sup> Ibid., 511. See also Dubinsky, 105.

<sup>142</sup> Dubinsky and Iacovetta, 513. In a *National Post* article regarding an upcoming film on Angelina’s life, the neighbour Angelina first contacted after the murder is identified as one Peter Salvatore. At this time I have no way of knowing which is more accurate. *The National Post* May 6, 2004, p.A3.

<sup>143</sup> “Wife Held for Killing” *The Daily Press*, March 5, 1948, front page.

and Jerome had failed in their role as providers, in a measure thus vindicating Angelina and Clara.

Certainly Angelina had a considerable number of defenders during her trial. There were many who viewed Napolitano as a kind of folk hero, acting in self-defense to preserve what was best about femininity, broadly conceived but generally summed up as the following qualities: self-restraint, integrity and respectability, a devotion to the home and to one's children. During her trial the Minister of Justice, Sir Allen B. Aylesworth, fielded a great many letters in support of Napolitano, many of which put forth that very argument.<sup>144</sup> A woman from Philadelphia would explain: "Honour is the dearest thing in the world...when honour and purity are sacrificed a [woman is] a gross sinner and detested by God and man...robbing a woman of her character is far worse than any other kind of robbery."<sup>145</sup> The No Vote No Tax League, based in New York expressed similar sentiments in a letter:

It is the unwritten law that a man is justified in defending the honour of his home, even to killing the destroyer of his happiness, the seducer of his wife, or even the wife who betrays him. How much more, then, should this woman be acquitted who slays the man who would more than seduce her, for surely a woman has more right to herself than any man can possibly have to her as a wife.<sup>146</sup>

Respectable womanhood has in its mirror opposite respectable masculinity; what that encompasses precisely can shift according to time and place, but at this time, it was still understood to involve particular financial obligations. 'Good men' provided necessities

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<sup>144</sup> Dubinsky and Iacovetta, 515: "The enormous scope of the clemency campaign launched on Napolitano's behalf is illustrated by the flood of letters and petitions that arrived in the office of the federal minister of Justice...Included were lengthy petitions from Sault Ste. Marie, Toronto, Winnipeg, New Orleans, New York, Chicago and Little Rock...By July the Department of Justice calculated that 100,000 people had registered their protest over the affair."

<sup>145</sup> As quoted in Dubinsky and Iacovetta, 523.

<sup>146</sup> Dubinsky and Iacovetta, 523.

for their family; as a corollary to this was the expectation that a good man would protect his home and family from dangers and vice. Pietro failed in this regard, rendering Angelina's duties as a mother nearly impossible and so, it was argued, she should be shown clemency. Nevertheless, results in the Napolitano trial were ultimately mixed. Support for Angelina helped reduce her sentence from death to imprisonment, but she would serve twelve years in Kingston and in the end, her hopes of re-establishing contact with her four children were shattered.

Particular differences between Clara and Angelina may help to explain why their trial outcomes were so dissimilar: firstly, as far as anyone knew, Clara's conduct as a wife and mother was very nearly beyond reproach.<sup>147</sup> Angelina, it will be recalled, had admitted to an affair with Mr. Nish. At the time of her trial she was seven months pregnant and the paternity of her child was uncertain. Justice Britton presided at Napolitano's trial; he suggested that she was less of a victim than she appeared to be, as evidenced by "her willingness to enter into a liason with her boarder, whether this developed for board for a week, or bread and butter for the children...or simply as a matter of animal lust and desire."<sup>148</sup> There was also the issue of race. The Napolitanos were southern Italians, sometimes known as 'black Italians';<sup>149</sup> attendant to this were any number of associations with 'darker' races generally and Italians particularly. Italians were sometimes stereotyped as an earthy lot, capable of hard physical labour, but also of

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<sup>147</sup> A few stories in the press entertained the possibility that Clara had been drinking the night of the murder and may, in fact, have been alcoholic. Nevertheless, these stories came off as back-biting on the part of her in-laws. Greg Evans also provided a clever explanation for evidence which suggested she had been drinking, all of which will be discussed in Chapters Three and Four.

<sup>148</sup> As quoted in Dubinsky and Iacovetta, 515. See also page 519.

<sup>149</sup> Dubinsky and Iacovetta, 518.

extreme, baser passions, be it violence or a heightened sexuality. This played out against Angelina during her trial, with some arguing that her capacity for aggression and her willingness to entertain sex outside of marriage proved that she was uncivilized, as one would expect given her racial heritage. For some, such tendencies were inherent and so beyond rehabilitation or the exercise of mercy.<sup>150</sup>

Through these examples one gains a sense of the legal and social weight of 'character', particularly in cases with female defendants. Elizabeth Workman was suspected of infidelity and was at points known to be aggressive with her husband James; she was hanged. Angelina Napolitano admitted to an affair and was apparently unrepentant; but for the attention her trial received, she most certainly would have been hanged. As Frances Heidensohn suggests in her book, *Women and Crime*, murder trials with a female defendant were often recounted in the popular press as thinly-veiled morality tales, serving to uphold conventional, middle-class standards while warning off those who would depart from them.<sup>151</sup> Elizabeth Workman was an angry, confrontational woman; the judge suspected that she had been an unfaithful wife, a bias that led the jury to press for her death. Angelina Napolitano's affair coloured her trial; but for the sympathy she received, it is likely that her original sentence – death – would likewise have been fulfilled. 'Success' for a woman in the court docket would appear to depend, at

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<sup>150</sup> For a discussion on Victorian and early twentieth-century views on 'race', Paul Greenhalgh has written a fascinating and entertaining book, *Ephemeral Vistas: Expositions Universelles, Great Exhibitions and Worlds' Fairs, 1851-1939* (London: Palgrave, 1989). See especially 83-85; 93-95.

<sup>151</sup> Frances Heidensohn, *Women and Crime* (New York: New York University Press, 1985), 86. See also 87;88;89.

least in part, on how respectable – and especially, how feminine and motherly – she was<sup>152</sup>.

Later studies on female defendants may also help to illustrate the argument. In a 1966 study of American juries, Kalven and Zeisel found that a defendant's social circumstances had a great impact on her case; so much so, in fact, that it was in their words, deemed impossible to "isolate the circumstances that the defendant is a woman from the circumstances that she can also be a widow, a mother, is attractive or may cry on the stand."<sup>153</sup> Later research appears to support their finding. In 1980, Nagel et al published their research which concluded "[f]emales whose offense pattern is more consistent with sex-role expectations seem to experience less harsh outcomes than females whose offence pattern is less traditional."<sup>154</sup> Three years later, Farrington and Morris, studying the decisions of British magistrates, determined that women who were divorced or separated - who came from 'broken homes' - received fairly pronounced sentences, which in their opinion seemed to indicate that judges disapproved of the women.<sup>155</sup>

Similarly, a 1983 investigation into the attitudes and opinions of fifteen sheriffs in Scotland appears to bear this out. Ann Carlen interviewed staff at Corton Vale; she wrote that in the sheriffs opinions, a high proportion of female offenders were those who had failed as mothers. One sheriff would go on record with an illuminating remark:

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<sup>152</sup> For a discussion on 'chivalry' and its affect on trials, see Carolyn Strange, "Wounded Womanhood and Dead Men: Chivalry and the trials of Clara Ford and Carrie Davies" in *Gender Conflicts* ed. Franca Iacovetta and Mariana Valverde (Toronto: University of Toronto Press, 1992), 152-154.

<sup>153</sup> As quoted in Heidensohn, 44.

<sup>154</sup> As quoted in Heidensohn, 44.

<sup>155</sup> Heidensohn, 45.

“If she’s a good mother, we don’t want to take her away. If she’s a bad mother, it doesn’t really matter.”<sup>156</sup> Clara’s defense counsel also stated that conventionality held a certain amount of influence with a northern jury: “However...juries were fairly lenient towards women...On the one hand, if a prostitute was raped, so what? [the jury’s reaction], but if she were a ‘decent lady’ they were really out for blood, as they say...”<sup>157</sup>

Karen Daly’s 1989 enquiry into the impact that race, gender and family ties had on sentencing patterns in three American courts<sup>158</sup> may provide further confirmation that a woman’s social location – in particular whether she is a wife and mother – affects the nature of the sentence she will receive. Daly interviewed judges, prosecutors, defense attorneys and probation officers in Massachusetts in 1981-2 and then court officials in New York three years later. During those interviews she noted that court personnel explained sentencing variations for male and female defendants based on their obligations and relationships. It appeared to Daly that men or women who were ‘familied’ defendants were thought to deserve more flexible treatment than ‘non-familied’ (single or childless) defendants. This appeared to have an even greater impact when the defendant in question was a woman with children. Daly attributed this to a desire on the part of the court to protect the children of the defendants, rather than the women themselves, in what she termed ‘familial-based justice’.<sup>159</sup>

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<sup>156</sup> As quoted in Heidensohn, 46.

<sup>157</sup> Conversation with Greg Evans, August 12, 2003.

<sup>158</sup> Karen Daly, “Neither Conflict nor Labelling nor Paternalism will Suffice: Intersections of Race, Ethnicity, Gender and Family in Criminal Court Decisions” *Crime and Delinquency* 35 (1989): 136-168.

<sup>159</sup> Daly, 138.



Such a consideration for the family unit and those who may be unfairly affected by the loss of a mother or mother-figure are what she describes as the “social costs of punishment”<sup>160</sup> and Daly’s assertion that such costs have a great influence within the courts may not be too far off the mark. In a discussion about Clara’s verdict, Greg Evans voiced a similar concern for her children:

But as far as the St.Cyr case...everybody criticizes what happened to her, but they didn’t get any help from anybody. I remember Mr. Carson, who was a welfare officer, saying that he’d never heard of them until this happened. Well, somebody should have been telling him about it. It wasn’t right that there were six kids living in this situation...Maybe justice wasn’t done legally, but I think morally, that woman didn’t deserve to go to jail. Actually, I would not have been upset if she’d been convicted of manslaughter and given a lenient sentence. Maybe that would have been the best verdict – but even then, what do you do for the kids?<sup>161</sup>

More explicitly, Daly noted that in calculating social costs, court officials took into account a kind of ‘hierarchy of labour’,<sup>162</sup> centred around issues of child-care and emotional well-being: it would appear there is a bias on the part of some court personnel, a belief that children can sustain the loss of economic support but not the loss of their primary emotional support, which helps to explain the short sentences given to women with dependent children.<sup>163</sup> In analyzing court outcomes in New York, Daly hypothesized that the effect would be twofold: the familial defendants would be treated differently than the non-familial defendants and further, women with dependent children would be treated differently than men in similar circumstances.

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<sup>160</sup> Daly, 138.

<sup>161</sup> Conversation with Greg Evans, August 12, 2003.

<sup>162</sup> Daly, 138.

<sup>163</sup> Daly, 138: “In part, this is because they believe that the psychological development of children might be impaired if the primary caretaker (almost always a woman) is removed, and in part, they know that state supports are available to replace the loss of breadwinning but not caregiving. See also Daly, 139: “(M)y interviews led me to think that the interactive influences of gender and family explained why some women may be subject to more lenient treatment than some men.”

Her results were rather telling. With respect to pre-trial release and sentencing decisions, single men and single women were treated in essentially the same manner. Familied women, however, were treated with a far greater leniency than familied men. While Daly admitted that her sample was small and the study not without its flaws,<sup>164</sup> overall her enquiry brings an interesting nuance to this thesis. There is some evidence suggesting that family ties – which can be taken as a measure of conventional femininity – can affect the nature of the sentence a female defendant receives. This may in turn explain why Clara, whose role as a *good mother* was continually emphasized in the press, was able to evoke sympathy and understanding from the public and her jury alike.

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<sup>164</sup> Daly, 158-160.

CHAPTER THREE: THE ST. CYRS' "BUSHLAND ROMANCE"  
AND THE RESULTING TRIAL

The qualities of an 'ideal woman' and an 'ideal man', then, have been constructed over time, moulded by the influences of culture, class, race and era. Motherhood and an emphasis on marriage as a woman's calling has long been one of the cornerstones of the ideal. Over time, other qualities would make the list, such as cleanliness with its attendant associations of purity. In war, women were praised for frugality and inventiveness, for making do without too much fuss; it has in many instances been emphasized to serve particular needs. At the close of the Second World War, the idealization of marriage, motherhood and the home reached a new height. The advent of 'scientific' motherhood and a growing materialism<sup>165</sup> cemented the notion that a woman's rightful role encompassed anything domestic. 'Ideal men', by comparison, have met with relatively few expectations. Despite some variation according to class, era or race, most men as patriarchs, husbands, and fathers have been defined in relation to their ability to provide for their family's material needs.

This chapter explores the ways in which gender ideals influenced *R. v. Clara Irene St. Cyr*. For the most part Chapter Three focuses on the complex web of relationships and circumstances which culminated in Clara's trial at the Spring Assizes of the Supreme Court in March of 1948. Evidence for this chronology is largely based on what was printed in the *Timmins Daily Press* and the *Porcupine*

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<sup>165</sup> See for example Joy Parr, "Shopping for a Good Stove: A Parable About Gender, Design and the Market" in *A Diversity of Women* ed. Joy Parr (Toronto: University of Toronto Press, 1999), 75-98. See also Chapter 8 "Domesticating Objects" in Joy Parr's *Domestic Goods: The Material, The Moral and The Economic in the Post-War Years* (Toronto: University of Toronto Press, 1999), 165-199.

*Advance.* With the exception of correspondence from, and my interviews with, Mr. Evans, I have only printed sources from which to reconstruct events. Nevertheless, this discussion forms the framework for the analysis within Chapter Four and so is necessary to an understanding of the broader themes of the case, the many ways in which ‘goodness’ for men and women was understood within Timmins as a community.

By 1948, Clara and Jerome ‘Jerry’ St. Cyr had been married for the better part of fourteen years. Jerome was an outdoor enthusiast who knew the north well; he met Clara when she was a young woman of eighteen and living near Gogama, Ontario. They married relatively quickly and settled in Timmins, where the couple had relatives. Jerome’s father Eusebe and his brothers, Lou and Carl, lived there. Clara’s brother Art Rice lived on Polaris less than a block away from the couple’s eventual residence on Carlin.

From the beginning there seem to have been difficulties in the marriage; Clara’s defense counsel would acknowledge, “...there was a long history of marital discord and abuse of their mother by the father. Many of the altercations arose from the failure of the victim to provide food and clothing for the children and fuel to heat the house, which was little more than a tarpaper shack.”<sup>166</sup> Jerome worked at one of the local mines for five or six years, but left that employment, ostensibly for health reasons. During the war the St. Cyrs relocated to Orillia as Jerome had work in an aircraft plant, but by war’s end he was once again unemployed. For unknown reasons the family returned to Timmins, despite the fact that Jerome did not want to work in the mines, the town’s principle industry. He would be unemployed for nearly two years; in the meantime Clara took occasional work

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<sup>166</sup> Correspondence with Greg Evans, June 23, 2003.

as a domestic, but the family would continue to struggle.<sup>167</sup>

Within the last two years of his life, Jerome obtained a position at Taylor Hardware; even so it appears he had only intermittent shift work in Taylor's stock room. Reasons for this are unclear but there was some suggestion that it may have been related more to Jerome's temperament rather than his physical health or, in a broader sense, a lack of employment in the north. In discussing the case, Evans intimated that Jerome's inability to find stable work was fairly suggestive of his personality; as Evans recalled, during the war Timmins was hiring 'just about anybody' to work in a variety of industries. It was his impression that even though the rest of the country may have experienced difficulties during the Depression and afterwards, Timmins offered considerable opportunities for employment. He added "He [Jerome] was not too eager to work, he would find a job and then quit, and they never had enough money."<sup>168</sup> In any case, it placed the couple under considerable financial strain, particularly as their family grew.

Like many working-class wives who were responsible for managing the family income,<sup>169</sup> Clara tried to stretch and supplement Jerome's sporadic income and the government-issued Family Allowance as best she could. She was often seen at garage sales; in summertime, she picked blueberries or raspberries and sold them; when able, she

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<sup>167</sup> "Mrs St. Cyr Bares Own Tale/Accused Woman Reveals Details Spouse's Cruelty" *The Timmins Daily Press*, March 25, 1948, front page.

<sup>168</sup> Conversation with Greg Evans, August 12, 2003.

<sup>169</sup> Nancy M. Forestell, "The Miner's Wife: Working-Class Femininity in a Masculine Context, 1920-1950" in *Gendered Pasts: Historical Essays in Femininity and Masculinity in Canada* ed. Kathryn McPherson et al (Don Mills: Oxford University Press, 1999), 145. See also "All That Glitters is Not Gold: The Gendered Dimensions of Work, Family and Community Life in the Northern Goldmining Town of Timmins, 1909-1950" PhD Thesis, Nancy M. Forestell, University of Toronto, 1993, p.140.

cleaned houses as well.<sup>170</sup> That the St. Cyrs were in financial straits was known to at least a few women in the neighbourhood. After Jerome's death, a number of them would be quoted in the press as anonymous sources, describing in detail the suffering the family had endured. The stories told by Clara's friends and neighbours thus provided the foundation for the outpouring of public sympathy she received. Through these anonymous sources, the greater public suddenly became aware of a family situation which grossly violated middle-class conventions. Jerome came across in the papers as shiftless and lazy, but not merely that. He had completely shirked his duties as a husband and father, depriving his family of even basic necessities.

Recall the *Daily Press* poll querying miners as to their obligations: all of the men questioned emphatically agreed that it was their job as husbands and fathers, to be providers. Neighbours criticized Jerome for what they saw was a deliberate choice not to work, despite the fact that the mines were hiring men.<sup>171</sup> Given that many people assumed he could have earned a wage but did not, how much sympathy would Jerome receive, if people knew that he was selfish to the point of starving his own children: one woman would disclose that she had given the St. Cyrs a chicken for their Christmas supper, but added that Jerome had "eaten it himself, every mouthful."<sup>172</sup> Another knew,

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<sup>170</sup> This was reported in the *Daily Press* and confirmed by Greg, who said of Clara, "She was out working in the neighbourhood, trying to get enough, doing house-cleaning and so forth, enough to feed the children." Conversation with Greg Evans, August 12, 2003. For a contemporary discussion on the pervasiveness and durable connections between women and poverty in Northern Ontario, see Carol Kauppi and Marge Reitsma-Street, "Women and Poverty in Northern Ontario" in *Changing Lives: Women In Northern Ontario* ed. Margaret Kechnie and Marge Reitsma-Street (Toronto: Dundurn Press, 1996), 213-223.

<sup>171</sup> "Father Ate, Others Watched/Food Kept in Locked Trunk" *The Daily Press*, March 8, 1948, front page.

<sup>172</sup> *Ibid.*,

for instance, that the St. Cyr children were underweight and malnourished because their father kept food under lock and key, in a trunk, (which, rather pointedly, the *Daily Press* reporter noted should have contained clothes, for the family didn't have enough to wear, either). Yet it was locked, and full of food which the 'family breadwinner' even took to work occasionally, when he had employment, to be sure it was not eaten in his absence.<sup>173</sup>

Other friends and neighbours would describe an extreme self-centredness. One neighbour recounted that Jerome spent three hundred dollars on an old car, though he was working part-time while Clara was holding down two jobs to provide for the children.<sup>174</sup> In this respect, Jerome doubly violated local mores. It was not simply that he was only marginally employed - had he been unemployed but a loving father, that might have softened public opinion somewhat. But Jerome was open about his ambivalence over fatherhood: he apparently admitted that he had never wanted children.<sup>175</sup> At best he ignored them and at worst was hideously cruel, threatening to cut their throats with a razor if provoked.<sup>176</sup> As outlined in Chapter One, in early French-Canadian communities one of the duties of the average man included shepherding a large family; that Jerome so callously disregarded his own children would have been offensive, particularly for those who regarded 'manhood' as synonymous with 'fatherhood'.

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<sup>173</sup> Ibid.,

<sup>174</sup> Ibid.,

<sup>175</sup> Ibid.,

<sup>176</sup> "Letters Complain of Ill-Treatment" *The Daily Press*, March 25, 1948, front page.

Underlining comments about Mr. St. Cyr was a fear of Jerome's volatility. With the exception of his own relatives, those who knew Jerome spoke of a man who had a tendency to drink too much and, when intoxicated, had a capacity for violence and physical abuse. He was characterized in the press as a mercurial figure, as much to be avoided as feared, and this may have been part of the reason neighbours and friends of the couple – despite knowledge of the situation – took few steps to intervene.

In fact, based on Clara's letters to local police, it would appear that violence had long been a feature of their marriage.<sup>177</sup> According to her, over time this worsened and gradually devolved into sexual abuse as well. If Jerome neglected his duties as a husband and father by failing to provide for the family's material needs, he also failed as a husband by breaking the trust that Clara had placed in him when they first married. Sexual abuse seems to have been a common, almost ritualized event. Like Angelina Napolitano before her, Clara was disgusted by it and felt that it not only made her less than a 'good woman' but it mocked and devalued what she tried to accomplish as a wife. In Chapter Two there was some discussion of the 'ideal woman'; part of that ideal was the concept that 'good women' were the moral heart of a family, the embodiment of restraint, chastity and devotion. That Clara knew as much and tried to approximate it comes through in her letter to Detective-Sergeant Gagnon, (as does her frustration):

"I was a good girl and always saved for him but he always was dirty. I treated him good but how does he treat me to build a home."<sup>178</sup> The appalling nature of their marriage

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<sup>177</sup> In her letter to Detective-Sergeant Ernest Gagnon, Clara disclosed that Jerry physically abused her even when they were newly married and living on Middleton Avenue. "Letters Complain of Ill-Treatment" *The Daily Press*, March 24, 1948, front page.

<sup>178</sup> *Ibid.*,



became too much for Clara: at one time she did leave the family to seek treatment for anxiety and depression at a facility in Sudbury.<sup>179</sup> The violence and sexual abuse continued, however, and Clara's depression deepened.

The year before Jerome's death she approached police on several occasions to ask for assistance. The Chief of Police, Albert Lepic, even knew her husband as a childhood friend.<sup>180</sup> Unfortunately, to substantiate a claim of abuse, Clara needed a witness. She brought her son Robert, who was then eleven and simply too young, legally, to validate his mother's statements, although there is no doubt he in some way understood the difficulties Clara faced. On the night of the murder he told his mother, "Mommy, you got to do something. He's worse than a dog."<sup>181</sup> Unable to secure help,<sup>182</sup> Clara wrote two letters to police in March and October of 1947, stating that she did so in case Jerome managed to make good on his threats to kill her. Clara wanted Chief Lepic to know that she would never voluntarily abandon her children, something Jerome might suggest in her absence:

Mr. Lepic –

I've tried to get in touch with you and talk to you on several occasions but you were always out. I do hope you get this letter as it's important as I need help. My husband threatened to kill me if I went to you. I'm a mother of six children and I have a right to be happy, not treated like an animal...I have a boy, 11, and he

<sup>179</sup> Ibid.,

<sup>180</sup> It is interesting to note that Chief Lepic and Jerome St. Cyr were acquainted. While there is no way to establish whether their friendship might have prevented Mrs St. Cyr from receiving help, it is open to speculation.

<sup>181</sup> "Clara St. Cyr's Statement is Tale of Terror, Abuse/ 'Hit Me, Tied Me to Bed' Clara Describes Events" *The Daily Press*, March 24, 1948, front page.

<sup>182</sup> As Greg explained, "Mrs St. Cyr went to the police station and wanted to lay a charge of assault against her husband and was informed that a witness would be required but when she returned with her son, Robert, aged twelve, she was informed that the boy was too young to be a reliable witness and they refused to take any action. Whether the failure to take action was influenced by the fact that Mrs St. Cyr was an Aboriginal or by the belief of some male-dominated police departments that domestic assaults should not be processed through the criminal courts unless there is physical evidence of serious bodily injury is difficult to say, but both are possibilities." Correspondence with Greg Evans, June 23, 2003.

knows who's in the wrong, and my girl, 10, but he abuses them so much they're scared of him as he threatens to cut their throats with a razor. So I want you to keep this letter in case something happens to me. I mean happen to disappear and he lets on I left him with the children...I do not know what to do, he'd kill me if he knew I told you. I don't care about myself, but my children they need me and they love me and I love them. I'd be dead today if it weren't for them. So please keep this letter as I've never had a chance to have my say. I trust you keep this to yourself.

Mrs Jerome St.Cyr<sup>183</sup>

One year after Chief Lepic received the letter, Clara would be charged with her husband's murder.

Events leading up to Clara's arrest began on the afternoon of March 4, 1948.

Jerome left Taylor Hardware early that day and Clara had been hanging laundry when he arrived home. Whether it was because Clara did not have dinner ready as expected, or whether it was because Jerome had not brought food home as requested, the couple began to argue; Jerome beat Clara as they quarreled in the kitchen.<sup>184</sup> At some point Jerome left the house, but returned later with two bottles of wine. As the afternoon progressed, so increased his drinking. By nightfall he had bound Clara hand and foot to their bed and sexually abused her again. Later in the evening, Robert untied his mother.<sup>185</sup> They then

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<sup>183</sup> "Letters Complain of Ill-Treatment" *The Daily Press*, March 24, 1948, front page. Although originally mailed to Chief Lepic, this letter was printed in the local press during the trial.

<sup>184</sup> It is interesting to note that, as Jeffrey Fagan and Angela Browne suggest in their cross-cultural study of domestic violence, expectations surrounding gender roles are often a precipitating factor in domestic incidents. They state that in twenty-three percent of the cases surveyed, a wife's 'failure to meet household obligations' triggered an episode of abuse. Jeffrey Fagan and Angela Browne, "Violence Between Spouses and Intimates: Physical Aggression Between Men and Women in Intimate Relationships" in *Understanding and Preventing Violence* eds Albert J. Reiss, Jr., and Jeffrey Roth (Washington D.C.: National Academy Press, 1994), 121. This is also supported by Jeffrey Adler's study of domestic violence in Chicago, 1875-1920. Adler suggests that in more than half of domestic homicides for that period, a man beat or killed his wife to defend his masculinity or restore his authority as patriarch: Victor O'Shea shot his wife after she complained he was less than a man; Frederick Pflugradt bludgeoned his wife after she refused to give him a section of the daily paper. Jeffrey S. Adler, "We've Got A Right to Fight, We're Married: Domestic Homicide in Chicago 1875-1920" *Journal of Interdisciplinary History* 34 (2003) 27, 28, 29. See also Noel Cazenave and Margaret Zahn, "Women, Murder and Male Domination" in *Intimate Violence* ed. Emilio Viano (New York: Heltzer, 1992), 85: "Whether she is beaten because dinner is late, she answers him back, or there is not enough starch in his shirt, the real issue is clear – she is not conforming to the demands of the patriarchal system."

secured Jerome to the bed with the same ropes;<sup>186</sup> Clara would tell police that she went outside to look for a stick or something with which to give her husband a good rounding. In fact, she grabbed an axe and Jerome would die from his injuries.

Just after midnight, Clara phoned Albert Lopic at home and asked him to come to the house right away, adding, 'well, I've done it.'<sup>187</sup> Carlin Avenue was still under development, however, and officers were slow to respond as there had been a change in house numbers and Clara had mistakenly given her former address. In the delay, Clara ran to her brother's house and telephoned police a second time. It would be an hour before officers located her and took Clara's statements:

He started drinking the second bottle. That was in the evening. I put the children to bed and that's when I went into the kitchen and he came behind me and grabbed me and dragged me to bed. Then he hit me, then he took a rope and tied me to the bed and started doing an indecent act with me. My boy came and untied my legs and I managed to untie my arms later.<sup>188</sup>

The first officers to respond at 42 Carlin found a scene that would later be reconstructed in the press as yet more damning testimony against the deceased; it would also form the basis for stories that Clara was an 'Indian', originally from a reserve near Gogama.

Robert answered the door, explaining to police that his mother was not home, and his father was asleep. Officers found a house in disarray; there was little furniture in the front room where a few of the St. Cyr's six children slept; there was no fuel, and the one Quebec heater in the house either did not work or simply had not been turned on.

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<sup>185</sup> "Clara St. Cyr's Statement is Tale of Terror, Abuse/ 'Hit Me, Tied Me to Bed' Clara Describes Events" *The Daily Press*, March 24, 1948.

<sup>186</sup> Conversation with Greg Evans, August 12, 2003.

<sup>187</sup> "Wife Held For Killing/Bushland Romance Ends/Jerome St. Cyr Slain/Iroquois Bride Charged" *The Daily Press*, March 5, 1948, front page.

<sup>188</sup> "Clara St. Cyr's Statement is Tale of Terror, Abuse/ 'Hit Me, Tied Me to Bed' Clara Describes Events" *The Daily Press*, March 24, 1948, front page.

Newspapers from March 5 indicate that the average temperature was minus 9; the house was cold enough when police arrived that one or two of the officers spent time looking for clothing with which to dress the children. They had difficulty finding sufficient clothing.<sup>189</sup>

Most lights in the house did not work. A single bulb, in the kitchen, lit the house. Police would find Jerome in his bed, his room adjoining the only other bedroom, in which the youngest children slept. The St. Cyr's bedroom had a small window, but no working lights. When Clara struck Jerome with the axe, she was at best guessing, and his injuries reflected that.<sup>190</sup> The nature of the crime, in combination with the family's material circumstances, may have been the basis for the original suggestion that Clara was an Indian woman. According to the *Porcupine Advance*, an officer at the house declared, "She killed him with an axe? She must have been an Indian."<sup>191</sup> This was interpreted in the press in a few ways, of which more will be said in Chapter Four. But for the moment, consider one of the stereotypes surrounding First Nations women, with the knowledge that the case against Clara could have been tempered by it. In the book, *Scratching The Surface*, Winona Stevenson discusses the development of stereotypes surrounding First Nations women, one of which was the 'squaw drudge',

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<sup>189</sup> Ibid.,

<sup>190</sup> "...there was no light in the bedroom, the only light they had was in the kitchen, all the others were not working... There were marks across the throat, where the axe blade had missed and the axe handle had hit, a couple of times, finally she hit the principal artery and he bled to death. He must have been drunk, real drunk, or he would have woken up, with all that smashing." Conversation with Greg Evans, August 12, 2003.

<sup>191</sup> "Indian! Indian!" *The Porcupine Advance*, March 18, 1948, page 4. The Advance would explain to its readers that an officer had made the remark, off the cuff; from there, the Daily Press ran with the 'story', for which the Advance in turn would accuse the paper of shoddy journalism. But as to whether or not Clara was in fact Aboriginal there is some controversy as will be explored in Chapter Four.

generally conceived in the European imagination as dirty, down-trodden and still somewhat savage. Pursuant to that, the ‘squaw’ is also oversexed, with more children than she can reasonably parent.<sup>192</sup> Had Clara been constructed in the press as more ‘savage’ than ‘civilized’, had she been constructed as a ‘bad’ woman – as one who was promiscuous and neglectful of her home life and its attendant obligations – public reaction to her case would probably have been much less favourable.

Shortly after her arrest, Clara was assigned a lawyer through Legal Aid. The usual local practice was that the most recent graduates were assigned such cases. Fortunately for Clara, Greg Evans was to serve as her defense counsel. Originally from McAdam, New Brunswick, Evans first came to Timmins in 1934. An aunt and uncle owned a hotel, *The Lady Laurier*, situated between Cedar Street and Second Avenue. Evans worked at the hotel for a few years until he managed to save enough money to attend Osgoode Law School. By 1939 he was called to the bar and shortly thereafter opened his own office in Timmins.<sup>193</sup>

Clara would appear in police court before Magistrate Atkinson on March 9<sup>th</sup>. That year, Atkinson was celebrating forty years in the community as a Magistrate. In many respects he typifies the ‘European pioneer’ that came to the north and capitalized on its opportunities. First schooled in business, Atkinson had accepted an appointment as

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<sup>192</sup> Winona Stevenson, “Colonialism and First Nations Women in Canada” in *Scratching the Surface: Canadian anti-racist feminist thought* ed. Enakshi Dua and Angela Robertson (Toronto: Women’s Press, 1999), 56; 57. See also Sarah Carter, “Categories And Terrains of Exclusion: Constructing The ‘Indian Woman’ In The Early Settlement Era In Western Canada” in *Gender And History In Canada* ed Joy Parr and Mark Rosenfeld (Toronto: Copp Clark, 1996), 43.

<sup>193</sup> Telephone conversation with Greg Evans, June 23, 2003.

Magistrate for Haileybury in 1908, while he was not yet thirty. Two years later, his territory encompassed the Cobalt, Coleman and Bucke townships; in 1914 his duties increased as he was appointed Juvenile Court Judge. By 1923 he was serving as Magistrate for the entire Cochrane district. As a magistrate, Atkinson appears to have been a confident, opinionated and in some respects, hard individual. His rather patriarchal views – especially as they would relate to the St. Cyr case – would later be printed in the *Advance*, one month after the trial had ended.

Marking his fortieth anniversary on the bench, the *Porcupine Advance* described Atkinson as a man with a “steel trap mind”, capable of “a pulverising display of language”.<sup>194</sup> Even those who respected the Magistrate were wary of his potentially short supply of patience and sharp tongue. Evans would later tell the following story:

In one of my early appearances before him, I made the mistake of standing up after he had sentenced my client to what I felt was too long a term. He said, ‘Did you have something more to say?’ When I said yes, he replied, ‘I never decrease sentences I impose. I only increase them.’ I promptly sat down and never made the same mistake again.<sup>195</sup>

Information from Dr. H.L. Minthorn, the coroner who examined Jerome at his home on the evening of March 4<sup>th</sup> and pronounced him dead at the scene, statements from Constable Guolla, Sergeant Beacock and Detective-Sergeant Gagnon, the first officers to the St. Cyr home, were presented. Clara’s son Robert also reluctantly testified, although he was overwhelmed by proceedings and unable to answer most of the questions put to him.<sup>196</sup> At its conclusion, Atkinson ordered Clara committed for trial at

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<sup>194</sup> “Magistrate Forty Years On Bench” *The Porcupine Advance*, April 22, 1948, page three.

<sup>195</sup> Telephone conversation with Greg Evans, October 9, 2003.

<sup>196</sup> “Woman Committed for Trial/ Mrs St. Cyr calm As Police Bare Axe-Killing Tale” *The Daily Press*, March 16, 1948.

the Spring Assizes of the Supreme Court, to be held in Cochrane on the 22<sup>nd</sup> of March.<sup>197</sup>

When asked about the rather short length of time between Clara's arrest and the trial,

Evans explained:

One of the reasons... was the fact that the Assize Courts – that is, jury criminal courts – which were held in Cochrane, came twice a year: once in April, usually, and once in October. So in the interim the accused... was always held in jail, and that would be down in Haileybury. Inconvenient for the family, inconvenient for the lawyer to consult with his client. So I was anxious to get the case over with; the children were in the care of the Children's Aid Society, and if the case did not go to trial right away, it would be seven months for them, in custody. Mr. Calbick, the Crown Attorney and I... we agreed... since there was no question that she had killed him – I wasn't arguing that, my argument was that he had been beating her for years, abusing the children, physically abusing them, so when the case went to preliminary hearing, it lasted a few hours and then went to trial. Which was not unusual.<sup>198</sup>

Clara's trial generated a high level of interest. From the morning of March 5<sup>th</sup> when Jerome's death was publicized in the local paper, Evan's office was deluged, both with people wanting to serve as character witnesses, and those who were simply curious as to his defense:

I had a lot of mail and phone calls shortly after the homicide, people wanting to know what my defense was. I said 'that's a good question'. But I was arguing battered wife syndrome long before it became common. This woman had been beaten up, brow beaten, physically abused, sexually abused, and she just lost it.<sup>199</sup>

While detained in Timmins, Clara received cards and letters of support and an anonymous benefactor donated the clothing she would wear during legal proceedings.<sup>200</sup> Moreover, Dalton Bus Lines contributed one thousand dollars towards the children's care.<sup>201</sup>

<sup>197</sup> "St. Cyr Murder Will Be Heard At Cochrane Monday" *The Daily Press*, March 16, 1948, front page.

<sup>198</sup> Conversation with Greg Evans, August 12, 2003.

<sup>199</sup> Conversation with Greg Evans, August 12, 2003.

<sup>200</sup> "Lawmen Spirit Clara to Haileybury" *The Daily Press*, March 11, 1948, front page.

Karen Dubinsky has written of the ways in which court trials can serve as allegory in small towns and desolate areas, through the attention they generate bringing both drama and accessible lessons in social convention;<sup>202</sup> sexual or violent crimes in particular draw the largest crowds and inspire a morbid interest.<sup>203</sup> It rings true in this case as well. Photographers made numerous attempts to get pictures of Clara, as she left the police station and then again as she was to board the afternoon train to Haileybury. Both times Mrs. St. Cyr was accompanied by police escort: at the train station, police threatened to break the cameras of those who would take photographs; one was given the warning, "This is a murder case, not a circus."<sup>204</sup>

Nevertheless, attention only grew and would be sustained throughout the trial. Evans would later talk of the 'Knit and Pearl Club',<sup>205</sup> a group of women who regularly attended his trials and would often contact his office with an appraisal of his work. And to that end, the St. Cyr trial would draw remarkable crowds, a sizeable portion of which were women:

The courtroom in Cochrane was crowded and for the first time in my experience, with a very large number of women. Perhaps this resulted from the developing change in the social environment which asserted that wife abuse was no longer a forbidden topic for discussion in polite society, or legal circles.<sup>206</sup>

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<sup>201</sup> "Dalton Donates \$1000 To St. Cyr Children Fund" *The Daily Press*, March 12, 1948, front page.

<sup>202</sup> This was also Greg's impression: "A criminal trial has a wide public appeal in smaller centres -- part curiosity and part entertainment -- it may not be the only show in town but it is the cheapest and the actors are known to the audience. In larger centres only the more notorious attract a full house." Correspondence with Greg Evans, July 29, 2005.

<sup>203</sup> Karen Dubinsky, *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago: University of Chicago Press, 1993), 90-94;166.

<sup>204</sup> "No pictures" Photograph of the empty platform of the South End train station, *The Porcupine Advance*, March 11, 1948, front page.

<sup>205</sup> "In Timmins, the court sessions usually had a full house. Three middle-aged ladies regularly occupied a front seat and became known as the 'Knit and Pearl Club' because they brought their knitting with them. It was not unusual for them to phone in after an interesting trial to compliment or criticize me on my efforts." Correspondence with Greg Evans, July 29, 2005.

<sup>206</sup> Correspondence with Greg Evans, June 23, 2003.



Clara's trial opened on March 22, 1948 in Cochrane. The case could conceivably have been lost by two related issues: that she may or may not have been Aboriginal, and that she may or may not have been alcoholic. A discussion of these issues requires some careful handling; as they relate to Clara's lived experiences and the perspectives of her family, they are complex and the passage of time only makes any retrospective view all the more complicated. As to whether or not Clara was in fact Aboriginal: before the trial began, both her brother Art Rice and her defense counsel would go on record in the *Daily Press* with statements declaring that the family was not in any way 'Indian' but rather, of American-European descent.<sup>207</sup>

Following that article, the *Porcupine Advance* would accuse the *Daily Press* of fabricating the story by inflating a private, 'inconsequential' comment made by an officer the evening of the murder. Thereafter the issue degraded into accusations lobbed by the *Advance*, accusing the *Press* of inept journalism. But that is not the end of it. During the research for this paper, Evans confirmed that Clara was probably Cree or Ojibway, and in her letters to Evans one of Clara's daughters would identify her mother as a "poor Mohawk" woman.<sup>208</sup> A paucity of official documents makes it impossible to establish 'the truth' one way or another, but the fact that her own family regarded Clara as a First Nations woman is significant. This issue will be re-addressed in Chapter Four; for now it may be sufficient to underline that the issue of 'race' was avoided during the trial so as not to detract from the defense's arguments that Clara was much-abused and that her fear of Jerome was wholly justified.

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<sup>207</sup> "Cops Were Wrong, Clara Not Indian" *The Daily Press*, March 11, 1948, front page. See also "Accused Is Not Indian" *The Porcupine Advance* March 11, 1948, front page and "Indian! Indian!" *The Porcupine Advance*, March 18, 1948, page 4.

<sup>208</sup> Correspondence with Greg Evans, August 2003.

The question of whether Mrs. St. Cyr was an alcoholic, however, did enter public discussions and the pursuant trial. *The Porcupine Advance* first raised the possibility on March 11th, in its article, “MRS ST.CYR ON BLACKLIST/Many Heavy Blows Slew Murder Victim”, which reiterated both the violent nature of Jerome’s death and intimated that Clara may have been less than the perfect wife, mother, or victim. The *Advance* reminded its readers that according to Dr. Smith’s<sup>209</sup> testimony at the preliminary hearing, Jerome’s injuries were extensive: “Dr. Smith testified that St. Cyr had not been killed with one blow but by a series of powerful blows which broke the cartilage tissue of his larynx...bones...and tore the veins of his throat.”<sup>210</sup> Dr. Minthorn was also called to the stand, to confirm that he had taken blood samples of both Clara and Jerome, to establish blood alcohol levels.

At the time of the article’s release, the blood tests were en route to Toronto; as to what results were expected, the *Advance* disclosed that there had been correspondence between Albert Lepic and the Ontario Liquor Control Board, confirming that Clara was on blacklists of those barred from drinking.<sup>211</sup> The implications of this are obvious. Even the slightest hint that Clara was a habitual drinker would only reinforce negative stereotypes about First Nations women; as Sarah Carter points out in her essay, “Categories and Terrains of Exclusion: Constructing the ‘Indian Woman’ in the Early Settlement Era in Western Canada”, one aspect of stereotyping that was especially well

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<sup>209</sup> Dr. Smith performed the post-mortem examination on Jerome St. Cyr a few days after his murder.

<sup>210</sup> “Mrs St. Cyr on Blacklist/Many Heavy Blows Slew Murder Victim” *The Porcupine Advance*, March 11, 1948, front page.

<sup>211</sup> *Ibid.*,

known and sturdy was the image of Aboriginal women as morally reckless and further, capable of seducing or otherwise taking advantage of white men.<sup>212</sup>

Had the Crown convincingly argued, for example, that Clara had given Jerome too much to drink and then seduced him, her entire defense might have been irreparably weakened.

Miss Verda Vincent, director of the medical-legal lab for the attorney-general's office, would testify that the samples taken the night of the murder indicated that Jerome had no alcohol in his blood at all, while Clara's tests suggested she had approximately ten ounces of alcohol in her system.<sup>213</sup>

The defense countered this evidence in two ways. They undermined it by securing an admission from Miss Vincent that there was a possibility Jerome could have consumed alcohol all afternoon and excreted it by the time of his death. Evans also raised the possibility that there had been some mishandling of the samples, and that Clara's results were in actuality, those of her husband.<sup>214</sup>

Ultimately, however, the issue appears not to have significantly affected the jury's impression of Mrs. St. Cyr. Greg would have her testify in her own defense, and her story, in combination with the overwhelming evidence of Jerome's cruelty, seems to have convinced the court that the unbearable circumstances in which she lived were sufficient provocation.

To bolster Clara's case, Greg summoned six character witnesses,<sup>215</sup> but some of the strongest and most dramatic testimony on Clara's behalf may have come from her

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<sup>212</sup> Carter, 37-8.

<sup>213</sup> Ibid.,

<sup>214</sup> Conversation with Greg Evans, August 12, 2003.

own children. Robert testified as to his father's hard, stingy nature. Dolores, then eight, also testified. She was small for her age and had to be propped up on the stand with catalogues.<sup>216</sup> At some point, the ordeal became too much for the little girl, and she fainted:

Dolores collapsed and fell out of the box. Giving evidence, fell on top of the court reporter and was carried out of court. Court adjourned, they got the doctor, half an hour or so later they were bringing her back – I had been cross-examining her at that time. She was screaming, 'I don't want to go back in there, I don't want to go back in there.' The judge said, 'Were you finished questioning?' Well, I had a few questions to ask further, but I said, 'Under the circumstances, I think I'll close my case,' 'cause I knew damn well with that jury, and that kid screaming out there, if I brought her back to ask a few questions, the jury would not be impressed. She'd been a very good witness for her mother, and I thought I'd leave things alone.

Although quite unintentional, Dolores' suffering may, in the end, have helped impress upon the jury of the validity of Clara's claims of abuse and neglect. Towards the end of the trial, Clara would testify in her own defense. Greg described the nature of her appearance and the nature of her testimony:

She was a rather pathetic figure showing visible signs of the harrowing experience and the years of poverty which she related to the jury. She described the argument about the lack of food for the evening meal for the children; the blows which she received when she refused to go to bed with him; being physically forced onto the bed and tied down while being raped and subjected to other sexual indignities, which she detailed with tears streaming down her cheeks. She explained that the children were in the adjacent room and that after her husband had fallen asleep, the eldest son, Robert, cut the bonds, freeing her from the bed. She testified that in the darkness, she grabbed a stick and struck her husband several blows around the head... When she finished her testimony, women in the courtroom were weeping openly.

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<sup>215</sup> My thanks to the Superior Court of Justice in Cochrane, who were able to provide me with a photocopy of the original list of exhibits and witnesses, one of the few primary documents remaining. Correspondence, February 13, 2004.

<sup>216</sup> Conversation with Greg Evans, August 12, 2003.

Closing arguments made by the defense would explore the themes summarized thus far, affirming that Clara had been a decent, respectable woman who, despite severe circumstances, tried to live up to her obligations as a wife and mother. It left much of the blame for the incident with the dead man, emphasizing his failures as a husband and father. It also suggested that his selfishness and his capacity for violence made Clara's desire to protect herself and her family wholly understandable:

She marries Jerome St. Cyr, who at that time was an employee of the Hollinger mine, and I presume, like any young married person, she started out to find happiness with her husband in a home and family. What did she find? She found nothing but starvation and privation, and she found something, I think, that was even worse than that... The marriage that she had hoped would turn out successfully certainly came to a terrible conclusion, and you may well ask yourselves, who was responsible for the conduct during those thirteen years? This woman worked all her married life to protect and look after these children. She did her best under the circumstances to provide them with food, clothing and an education, and she did that despite the great lack of interest exhibited by her husband in the welfare of her children... What sort of maniac was this man? Here was the woman that he had married, who had given him six children, whom he promised to love and cherish; he starved her to death, he beat her, and then he subjected her to the indecencies which you have heard described to you...<sup>217</sup>

Chapter Three has provided an overview of the issues and themes surrounding *R. v. Clara Irene St. Cyr*. The case was treated sympathetically by the jury, in part because of a common understanding regarding sex-role expectations within Timmins as a community. Miners were to be breadwinners and providers; not only was Jerome lacking in that he refused to work, but he doubly offended standards of masculinity in that he was also cruelly self-absorbed, spending money on a car while his family went without proper

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<sup>217</sup> Legal documents pertaining to this case do not 'officially' exist, as the file at the Archives of Ontario is empty. I obtained a copy of Mr. Evans' closing arguments from him directly; thankfully, he has kept most of his own legal documents and notes. Correspondence with Mr. Greg Evans, September 3, 2003.

clothing and sufficient food. His behaviour towards his wife was repugnant, all the more so because Clara was understood to be a 'good woman', a loving, doting mother and a patient, dutiful wife. Moreover, Clara had obviously struggled to make up for Jerome's shortcomings as a husband and father: she worked two jobs to bring in the income which he should have earned; she took the brunt of his anger in order to shield her children from it. In the jury's view, not only was Clara a respectable woman, to be pitied for her suffering, but she was also, for her efforts, deserving of some form of restitution.

Chapter Four will examine how the St. Cyrs were constructed in the press as a kind of narrative, presenting other evidence as to the ways in which race, class and gender were understood within their community.

CHAPTER FOUR:  
DEPICTIONS OF RESPECTABILITY  
AND VIOLENCE IN *THE DAILY PRESS* AND *THE PORCUPINE ADVANCE*

This chapter explores elements of race, gender and class as constructed within Timmins' local papers. The stories that follow are illustrative of the community's values and expectations. Chapter Four includes some discussion on racial incidents within the community as indications of the tensions that existed and of the potential problems this could have posed for Clara. This is followed by a discussion on the extent to which the newspapers emphasized race as a component of the St. Cyr trial. The discussion will then focus on the ways in which accounts of domestic violence were framed for public discussion by the press, providing some context for the subsequent discussion of gender and violence in the St. Cyr case as portrayed by the varying perspectives of the local dailies.

Generally speaking, *The Daily Press* and *The Porcupine Advance* took opposite sides of the public dialogue surrounding Clara's story. *The Daily Press* for the most part supported Clara: while it did print letters from her in-laws that were written in Jerome's defense, this seems to have been done in an effort to deflect criticism from the *Advance* claiming that the paper was obviously partisan. Even as the letters from the St. Cyr family were printed, however, the *Press* maintained its sympathetic coverage of Clara's story. The *Advance* would take a less hospitable stance, criticizing the *Daily Press*, and in some measure, the outpouring of sympathy Mrs St. Cyr received. Its editorials were consistently graphic regarding Jerome's death; above all the paper seemed intent on defending Jerome St. Cyr as a murder victim.

A survey of *Daily Press* articles within twenty years of the murder can be read as small illustrations of the town's perspectives on race, gender, and class. Previously in this work there were brief mentions of 'racial' incidents – of the Klan's presence at a United Church service, and of the connotations surrounding the London Café lodgers. There were other incidents as well. In 1933, three local men were charged in the assault of a local Chinese restaurateur- two days before Christmas of that year, Joseph Yonick, Frank Kushma and Pete Shalif were convicted for beating the unnamed man and robbing him of sixteen dollars.<sup>218</sup> Five years later, Irene Ming would be detained and charged with vagrancy after she was found in a hotel, keeping company with two other young girls and "several men". Despite the fact that she had no defense counsel, police were able to testify that Irene was well-known to them, as she had often been spotted walking the streets and was without any obvious source of income. Testimony against her bluntly implied that Irene was a prostitute, and Magistrate Atkinson had no difficulty in sentencing the teenage girl to six months in the Ontario Reformatory for Women.<sup>219</sup>

In conducting the research for this work, few articles containing references to Aboriginals were found within the *Press* or the *Advance*. One exception is the story of Agnes Sayers, which is addressed later in this chapter. Nevertheless, some context for attitudes in the community towards 'race' is necessary to this discussion. To provide it, this thesis will look at the ways in which the Asian community – also a

<sup>218</sup> "Timmins Trio Get Term For Beating" *The Timmins Daily Press*, December 23, 1933, page 2.

<sup>219</sup> "Young Girl Gets Heavy Sentence/Irene Ming Given Long Term for Conduct in Hotel In Timmins" *The Timmins Daily Press*, April 6, 1938, front page: [testified Sergeant Desroches] "She is parading around the streets of Timmins and Schumacher at all hours and has no job by which she can live... We have seen her quite often around town and she just won't behave in spite of repeated warnings which we have given her in the police station."



racial minority in the Timmins – were portrayed in the press.

Karen Dubinsky and Adam Givertz have written of the ways in which Chinese men have been constructed in Canadian newspapers. In particular, they cite the case of Jack Kong, a Chinese teen working in British Columbia at the turn of the twentieth century. The authors take pains to stress that ‘race’ is malleable, shaped by communal values which are in turn dictated by social location, regional peculiarities and class.<sup>220</sup>

Asian people in particular were often a symbolic lightning rod for white, middle and working-class anxieties around race, sexuality and economics. As will be discussed further, similar tensions existed in Timmins, and some discussion on race within the context of that community highlights the potential difficulties Clara’s status as an Aboriginal woman posed. Following an exploration of the themes in Kong’s story will be a short discussion regarding marital disputes and their characterization in the press, which ties into the St. Cyr trial itself and the larger discussion of gender and class values within Timmins.

At the time of his arrest, Jack Kong was 17 years old, employed by Charles and Clara Millard as their domestic; by then, he had been with the family for three years. Charles, a senior staff member of the Canadian Pacific Railway, returned home one day in April of 1914, to find that Clara had simply vanished. The following day circumstances were unaltered; her remains would eventually be found in the furnace of the couple’s home. Kong was quickly detained and questioned. The *Vancouver Sun*

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<sup>220</sup> Dubinsky and Givertz, 78.

described him as “almost girlish”, as possessing “unnaturally bright” eyes and an “inscrutability” that was equally intriguing and threatening.<sup>221</sup> In so doing, Kong was quickly cast as an ‘other’, outside the boundaries of conventional maleness. Scholars who have studied anti-Asian racism in Canada note that Asian men have historically been reconstituted in the public imagination as effeminate or sexually ambiguous.<sup>222</sup> This does not, however, preclude the idea that Chinese men are morally dangerous – the stereotype of the opium peddler or of the launderer, able to outfox Western mores, has had a long life.<sup>223</sup>

Of importance to this paper is the understanding that ‘race’ and ‘gender’ can be determined by social contexts and affected by economics. For just as gender and sex-roles in Timmins have been shaped by the needs of the mining industry, ‘race’ has likewise been contoured by the community’s history. As Nancy Forestell discusses in her PhD thesis, “All That Glitters Is Not Gold: The Gendered Dimensions of Work, Family and Community Life in the Northern Ontario Goldmining Town of Timmins, 1909-1950”, Chinese entrepreneurs were among the first to cater to miners, offering services<sup>224</sup> that bachelors would be hard-pressed to provide for themselves. It was not, however, a simple matter of a cash transaction. That Chinese men would settle in the community

<sup>221</sup> As quoted in Dubinsky and Givertz, 73-4.

<sup>222</sup> Ibid., 73.

<sup>223</sup> Ibid., 72: “This perceived economic and sexual threat was reflected in royal commissions on Asian immigration and in a series of exclusionary government immigration policies implemented between 1880 and 1923. The result was a predominantly male Chinese community, the presence of which, ironically, intensified the images of Chinese sexual immorality...the image of Chinese men entrapping white women was crucial to the formation of Anglo-Canadian male identity, and certainly reinforced already existing concerns among white male labourers about economic competition.”

<sup>224</sup> Forestell, 117: “In particular, many working-class men sent their clothes to the laundry and had at least a portion of their meals in restaurants. Interestingly enough, both of these local businesses were owned and operated primarily by Chinese male immigrants.” See also Lawrence Lam, *The Whites Accept Us Chinese Now: The Changing Dynamics of Being Chinese in Timmins* (Toronto: Institute for Behavioural Research, 1983).

and make a living performing what was ostensibly 'woman's work'<sup>225</sup> - like washing up and cooking - had racist overtones, leading some to view Asian men as neuter or not-male. As in the case of Jack Kong, because they were willing to perform menial, feminized work, they could be recast as sexually ambiguous. But again, as in the case of Jack Kong, this did nothing to eradicate the stereotype of the Asian man as a danger to white women.

Recall the *Daily Press* articles detailing the prostitutes that were living in (and possibly working) out of the London Café, a Chinese restaurant, or that Irene Ming had been detained after she had been found congregating with several girls in a hotel (owned by Henry Fong). There is a clear association in the articles between Chinese businesses (or businessmen) and sexual impropriety.<sup>226</sup> To that end, on several occasions town fathers discussed whether Chinese restaurateurs ought to be able to employ white women at all, presupposing that they would be vulnerable to some kind of sexual threat. The debate continued for some time; in 1925, discussions raised the possibility of establishing a by-law to prevent Chinese-owned businesses from employing any white woman, unless she was able to leave at a 'civilized' hour. The proposal never fully materialized, although the Chief of Police was asked to maintain an eleven o'clock curfew for Caucasian staff.<sup>227</sup> It could be said, then, that 'race' as such was at times a source of tension within the community.

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<sup>225</sup> Forestell, 119.

<sup>226</sup> For more discussion on racial constructions of the Chinese in Canada, see also "Like a Chinese Puzzle: The Construction of Chinese Masculinity in Jack Canuck" in *Gender and History in Canada* ed. Joy Parr and Mark Rosenfeld (Toronto: Copp Clark, 1996), 88-100.

<sup>227</sup> Forestell, 120-1.

As regards 'race' and the implications it had for the St. Cyr story, early headlines declared Clara an "Iroquois Bride",<sup>228</sup> and an article the day following the murder described her as Jerome's "part-Indian"<sup>229</sup> wife; but these are two of the few references to race. There is another, strange remark which describes Clara's hands as 'almost white',<sup>230</sup> but for the most part the issue of race was not as contentious as it otherwise could have been. On March 11<sup>th</sup> the *Daily Press* released a brief article stating that references to Clara as an Indian were in error; Clara's defense counsel would go on record saying, "She is not an Indian. There is no part of Indian blood in her."<sup>231</sup> The woman's brother, Art Rice, would add further comment in statements to the press which unintentionally convey a sense of panic, a sense of concern that Clara's heritage might unduly affect the public's reaction or her trial:

A statement by the brothers [sic] explained that the accused was born Clara Irene Rice, daughter of Israel Rice, American-born of English descent, and Mary Ann Stewart, born in Kingston, Ont., of Scottish ancestry. "The way police and newspaper reports described her, you'd think she was a savage and swinging an axe was an everyday thing," one of the brothers said. "Gogama is a town the size of Schumacher and is certainly not an Indian reserve. Just because we lived there doesn't mean we're Indians." Mrs St. Cyr's father was born in Providence, Rhode Island. He married in Kingston, Ont., and later the family moved to St. Lucie, Quebec. During the World War I, they moved to Ville St. Pierre near Montreal where the father worked in a war plant...

When asked years later as to whether or not Clara was Aboriginal, Evans replied that she was most likely Cree or Ojibway. His comments in the press were an attempt to

<sup>228</sup> "WIFE HELD FOR KILLING" *The Daily Press*, March 5<sup>th</sup>, 1948, front page.

<sup>229</sup> "Rites for Axe-Victim on Monday/Widow Hasn't Yet Asked Permission To Attend Funeral" *The Daily Press*, March 6, 1948, page 2.

<sup>230</sup> "Mrs St. Cyr Calm as Police Bare Axe-Killing Tale" *The Daily Press*, March 10, 1948, front page.

<sup>231</sup> "Cops Were Wrong, Clara Not Indian" *The Daily Press*, March 11, 1948, front page.

downplay issues that might otherwise impede the trial and its progress, particularly in light of other, more pressing concerns; as he would explain, “I didn’t care what she was. I wanted to get on with the case, for the sake of those kids.”<sup>232</sup>

By and large, the *Press* articles claiming that Clara was not Aboriginal seems to have diffused any potential difficulties. The public appears to have accepted that Clara was “white”, or at least did not push the issue further; whether this was out of sympathy for Mrs St. Cyr or whether the reading public simply lost sight of it is difficult to say with any certainty. The question of race would subsequently be lost in the midst of an argument between the rival dailies. One week following statements by Evans and Art Rice, the *Advance* took aim at the *Press*, accusing the paper of fabricating much of the story. It was the last time ‘race’ would arise as a potential issue:

The *Advance* dislikes to take The *Timmins Daily Press* to task again but in view of the manner in which the St. Cyr case was handled by the local daily, it must do so. The *Advance*’s criticism is based on the manner in which the *Press* came to publish the false report that Mrs St. Cyr is an Indian. A full-blooded Iroquois Indian who lived at a reservation at Gogama, in the bargain. There is no reservation at Gogama, of course. When questioned by the *Advance*, local police officials said that one officer made the remark to the effect, “He was killed by an axe...she must be an Indian”. It is from this flimsy comment that the local daily built up its entire story – an idle remark that was never meant to be quoted nor which had any foundation in fact. The utterly ridiculous manner in which this remark was treated by the *Press* is evident for all to see. And in trying to cover up such a stupid blunder, the *Press* later produced a story blaming the police for the mistake. In a two column heading it said that the police supplied this information. Of course, the police did not. The story was ‘dreamed up’ by a writer with an over-active imagination. The blunder in itself was bad enough, but to attempt to foist the responsibility for the mistake on the shoulders of the police can only be described as rather contemptible.<sup>233</sup>

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<sup>232</sup> Conversation with Greg Evans, July 11, 2004.

<sup>233</sup> “Indian! Indian!” *The Porcupine Advance*, March 18, 1948, p.4.

Given that the St. Cyr case intersects both issues of race and of gender, as a corollary to this discussion, let us now examine what happened in the press when the ‘ideal marriage’ went wrong, as in the episodes of domestic violence that were reported with some regularity. Like ‘gender’ itself, reports of domestic violence that appeared within the *Daily Press* were deliberately constructed, typically written in a way that minimized the seriousness of any aggression or discord.

Within the parameters of this research, only articles pertaining to local cases are included here, to the exclusion of much other material.<sup>234</sup> Nevertheless, *Daily Press* articles printed within fifteen years of the trial offer interesting sketches, reports that are suggestive not only of gender roles in the north, but of the manner in which violence and intimacy were framed for public discussion. The discussion will then lead into an exploration of *R. v. Clara Irene St. Cyr* as constructed in the daily papers.

Consider first the story of Steve Jankovich, a local miner.<sup>235</sup> In the summer of 1934 he and his fiancée, Katie Suhanis, separated. Suhanis broke their engagement over fears of Jankovich’s temper. At one time, Jankovich had told her that if she did try to leave him, he would kill them both. Following the dissolution of their engagement, Jankovich, (described in the press as ‘undaunted’) purchased a ‘big knife’ and then followed Suhanis to Sudbury.

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<sup>234</sup> Other Canadian cases that may be of interest include the following articles, by no means an exhaustive list but rather, a sampling: “Thompson Acquitted Of Murdering Wife” *The Timmins Daily Press*, January 17, 1936, front page; “Mrs Mary Cowan And Brother-In-Law Will Spend Lives in Jail” *The Timmins Daily Press*, February 24, 1936, front page; “Husband Killing Is Before Court A Second Time/Wife and Alleged Lover Charged With Murder of Louis Volvey” *The Timmins Daily Press*, March 2, 1936, front page; “Lady Recovering From Bad Beating” *The Timmins Daily Press*, January 14, 1937, p.4; “Mother of Seven/ Shot on Doorstep/ Neighbour’s House” *The Timmins Daily Press*, February 22, 1937, front page.

<sup>235</sup> “Follows His Fiancee 300 Miles By Taxicab/Steve Jankovich of Schumacher, Makes Wild Dash to Sudbury in Pursuit of his LadyLove; Held By Police For Carrying Knife”, *The Timmins Daily Press*, August 20, 1934, front page.

The article notes that Suhanis had contacted the police, fearing her former fiancée would follow her. But of this, and of the fact that Jankovich would be facing two charges – of carrying a dangerous weapon and of making threats to do violence to Miss Suhanis – the paper glibly notes “true love never runs smooth”.<sup>236</sup> Despite enduring what must have been a terrible ordeal, the paper describes Suhanis as the ‘damsel’ Jankovich loved. Strangely enough, the case ends in a way that fits the odd account. Apparently, as Jankovich was remanded on charges, he bid Katie a ‘tearful adieu’, at which point she reconsidered his proposal. According to the *Press*, Katie returned to court that afternoon and declared that she would, in the end, marry her rampaging fiancé.

Consider also a “family quarrel”<sup>237</sup> that was reported in the *Press* in 1937. After an argument with her husband, Olive Kain had taken her son and returned to the home of her parents in Sturgeon Falls. Her husband, Alex, followed shortly after; when he found that his in-laws had locked him out, Alex responded by taking the front door off its hinges. His father in-law then tried to warn him off by brandishing a rifle. They fought for the gun, during which time Alex was shot in the arm by the family’s hired help. At its conclusion, the article notes that Kain had recently served time in prison. Aside from conveying the banality of domestic violence, the article is also of interest as an illustration of the manner in which incidents like this were reported. The piece conveys the couple’s basic unhappiness, but mutes any suggestion of real violence. As an example, it states that Olive left her husband because of a ‘squabble’; as to the fact that

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<sup>236</sup> Ibid.,

<sup>237</sup> “Family Quarrel Has Sequel With Husband Injured”  
*The Timmins Daily Press*, January 28, 1937, page 3.

Kain had already been in prison, the article notes it was for an assault, but neglects to mention whether Kain had hit his wife or someone else.

There is a third and final case, that of Agnes Sayers.<sup>238</sup> This case, though brief, is of interest because it establishes not only that domestic violence was common fodder for daily papers, but that ‘race’ was also part of a public dialogue, insofar as it served as a descriptive. People were understood on some level to be different from one another, and one way of making distinctions was through understandings of ‘race’. Sayers was a thirty-two year old Aboriginal woman living on the Cree reserve just outside Chapleau. She apparently shot and killed her brother-in-law as he tried to force his way into her home one night. The article notes that Sayers was ‘Indian’ times, as it likewise notes that the trapper at whose home she was later arrested was “Italian”.<sup>239</sup> Further, it mentions that Agnes was the mother of a young child and that she ostensibly shot “Willie” in self-defense. Though neither report explains why Willie might try to force his way into her home, or why Agnes would fear him so much, it does suggest that the fact that Agnes was married and acting to protect her young daughter from harm created some sympathy for her. A coroner’s jury quickly found that the woman had acted in self-defense.

These examples serve to establish two things: they confirm that there was some kind of dialogue within the community on both domestic violence and ‘race’. The story of Agnes Sayers in particular confirms that a woman – even an Aboriginal woman –

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<sup>238</sup> “Sayers” is alternatively spelled as “Saylor” and “Saylers” within the Press; I have no idea which is more accurate. “Indian Woman Held in Murder”, *The Timmins Daily Press*, January 30, 1937, p.12; see also “To Stand Trial/Slaying Charge/Coroner’s Jury Says Woman Shot Prospector in Self-Defense” *The Timmins Daily Press*, February 6, 1937, front page.

<sup>239</sup> Ibid.,



acting to defend her home and family would occasionally be exonerated. There was an existing precedent for the manner in which Clara's story would be received by the reading public.

While discussions on 'race' and its implications vanished from newspaper accounts thereafter, gendered portrayals of Clara and Jerome did not. Clara's hearing at the Spring Assizes of the Supreme Court in Cochrane lasted a mere three days, but its impact on the community was much more intense and long-lived, from the printing of the first article on March 5<sup>th</sup>, well into April. Initially, both papers sensationalized the murder of Jerome St. Cyr; as the story developed, however, they would assume divergent positions on their assessments of the couple. The *Daily Press* announced Jerome's death on the morning of March 5<sup>th</sup>, 1948 with brash headlines. "WIFE HELD FOR KILLING" is spread across the front page, followed by "Bushland Romance Ends/Jerome St. Cyr Slain/Iroquois Bride Charged", in the same tawdry manner that characterized the aforementioned reports of domestic violence. Just what kind of love affair led Clara to dispatch her husband with an axe would be laid bare for *Daily Press* readers. The report was grisly, offering a description of the dead man's injuries that left nothing to the imagination: "Jugular vein slashed and his jaw smashed by an axe...[police] found Jerome in the front bedroom, still lying in a calm, sleeping position in the centre of a blood-soaked bed."<sup>240</sup>

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<sup>240</sup> "WIFE HELD FOR KILLING" *The Daily Press*, March 5<sup>th</sup>, 1948, front page. See also "Woman Committed for Trial/Mrs St. Cyr Calm as Police Bare Axe-Killing Tale" March 10, 1948, front page: "They found St. Cyr lying in bed, his throat slashed under the left jaw and his shoulder resting in a pool of blood. He was dead."

Thereafter, *The Daily Press* largely championed Clara's cause, printing interviews with those who were sympathetic to her, as well as the letters that she had sent to police the year before.<sup>241</sup> There are but two brief letters which offer another view of Clara: on March 9<sup>th</sup>, Jerome's family sent letters to the editor which suggested that Clara was a habitual drunk and often negligent of the children. By comparison, the *Advance* was less reticent to print unflattering information regarding Mrs. St. Cyr, and it lost no opportunities to criticize the *Daily Press*, either. Between the two newspapers the themes of goodness and civility and their influence in defining masculine and feminine sex-role expectations would be explored; it is on these issues that the discussion now focuses.

It will be recalled that the main component of 'ideal womanhood' has long been marriage and motherhood. This is also emphasized within *Daily Press* accounts. In fact, the paper is rather deferential to Clara, referring to her most often as "Mrs St. Cyr"; several times it explicitly notes that Clara was married to Jerome. Moreover, that Clara was the mother of a large family was emphasized from the outset. The paper referred to the fact that Clara had six children approximately eleven times in various articles; it even appears as a theme in the caption declaring her acquittal, "Mother of Six Found Not Guilty Slaying Husband".<sup>242</sup> The paper also took pains to reiterate that Clara was an attentive wife and mother. As an example, the first report of Jerome's murder described Clara as engaged in various domestic tasks when her husband had returned home from work: "A washing, freshly done, was hanging from the line at the back of the house. The

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<sup>241</sup> About this, there is a mystery; I don't know how the *Daily Press* managed to get ahold of the letters Clara had written to Chief Albert Lepic and Constable Gagnon.

<sup>242</sup> "Mother of Six Found Not Guilty Slaying Husband" *The Daily Press*, March 25, 1948, front page.

dead man's frozen underwear was propped up against the back of the building."<sup>243</sup> This was bolstered by Clara's own comments, "He got ugly because I didn't have dinner ready on time. I had been washing, my clothes are still on the line. I have to do my washing by hand."<sup>244</sup> This would be a recurrent theme in press reports: Clara was struggling to live up to her obligations as a wife and mother, and her husband was her biggest impediment, whether through his behaviour or his unwillingness to provide for the family.

In this respect, Clara's strongest defense was her reputation as a wife and mother. Her friends publicly praised her abilities as a parent. One woman would be quoted in the *Press* as saying that Clara put all her care and energy into loving her children; another would testify as to the creative ways Clara attempted to give her children simple pleasures, despite severe financial and emotional restraints.<sup>245</sup> In spite of the volatility of her relationship with Jerome, it was underlined that all of the St. Cyr children were polite and well-loved, even if poorly clothed and fed. This in turn was interpreted as positive evidence of Clara's talents as a mother. The children were soft-spoken and well-mannered; therefore, Clara was a good mother and the material things that the family lacked were simply not her fault.

More proof of Clara's careful, determined personality was offered by those friends and neighbours quoted by the *Daily Press*. The Mrs St. Cyr that they knew rarely used credit to purchase anything; moreover, on the rare occasions that she borrowed from

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<sup>243</sup> "WIFE HELD FOR KILLING/Bushland Romance Ends/Jerome St. Cyr Slain/Iroquois Bride Charged" *The Daily Press*, March 5, 1948, front page.

<sup>244</sup> "Letters Complain of Ill-Treatment" *The Daily Press*, March 25, 1948, front page.

<sup>245</sup> "Father Ate, Others Watched/Food Kept in Locked Trunk", *The Daily Press*, March 8, 1948, front page: "It was pathetic the way she tried to protect those children and give them a few happy moments. Once in awhile she'd bring them over here to hear the piano..."

friends, Clara only requested as much as was needed to buy food or other necessities for the children. And, they noted, regardless of how desperate she may have been, Clara unfailingly paid back whatever was lent to her.<sup>246</sup>

Aside from the ability to parent well or manage household expenses, good mothers met with other expectations. Not only were they responsible for their children's physical health and overall well-being, but mothers were also typically expected to provide some kind of religious upbringing or education, to foster and nurture it. At this time, in Timmins, that would likely have taken the form of church attendance, some observation of Christianity. Yet again, Clara's friends and neighbours would testify in the press as to her best intentions. Clara, a devout Catholic by all accounts, tried desperately to ensure that her children were familiar with her faith. On record, one of her friends would swear that Clara routinely fought with her husband – an avowed atheist – for the right to attend church. To have the children baptized was another drawn out argument, years in its duration: “We were told of how he bragged about being an atheist and wouldn't allow his wife or the children to go to church. Evidently this tendency grew through the years for it took Mrs. St. Cyr six months of coaxing to finally have the eldest child christened. But apparently it became much worse during the last few months.”<sup>247</sup>

If one constructs a picture of Clara according to the *Daily Press* reports, the image that results looks like the following: we see a devoted mother who struggles, not just to provide for her children in spite of the fact that she has few resources, but a much-abused wife who spends a good deal of energy placating or otherwise taking the brunt of

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<sup>246</sup> “Father Ate/Others Watched/Food Kept in Locked Trunk” *The Daily Press*, March 8, 1948, front page.

<sup>247</sup> *Ibid.*,

her husband's shifting moods. In her book *Flowers In Hell*, Barney Beardsley suggests that when women are accused of violent crimes, a significant amount of energy is spent in analyzing and interpreting a defendant's appearance. Very often the descriptions which result are intended to convey larger meanings and values, measured against convention and the moral standards of the day.<sup>248</sup> In Clara's case, descriptions offered up by the *Press* served largely to reinforce that Clara had endured a life of poverty and humiliation, the responsibility for which fell on her husband.

Describing the hearing before Magistrate Atkinson, a reporter offered the following image of Clara:

Mrs St. Cyr sat quietly through the hearing with no visible signs of emotion. She wore a black cloth coat with a fur collar over a deep rust woolen dress, brown shoes and nylon stockings, one with a tiny run. On her head she wore a kerchief of brilliant green set off by a huge bow.<sup>249</sup>

Similarly, another report offered this description: "She is built very slightly, about five feet one in height, dressed poorly and shabbily in a sandy brown light coat, hardly suited for severe weather."<sup>250</sup> Even the *Porcupine Advance*, despite its misgivings over the *Daily Press* coverage of the case, acknowledged that Mrs. St. Cyr was worn down by her marriage. By turns it describes her as of a "sallow" complexion, and of a tiny stature, noting that she was a mere ninety-five pounds;<sup>251</sup> in another article, it describes her as "pale" and "thin".<sup>252</sup> The most damning testimony came out of a decision on the part of

<sup>248</sup> Barney Beardsley, *Flowers In Hell* (London: Pandora, 1987). In particular, I would refer readers to Chapter Five of her book, "Trial by Media: Popular Images of Women and Crime", p. 125-155.

<sup>249</sup> "Mrs St. Cyr Calm as Police Bare Axe-Killing Tale" *The Daily Press*, March 10, 1948, front page.

<sup>250</sup> "WIFE HELD FOR KILLING" *The Daily Press*, March 5<sup>th</sup>, 1948, front page.

<sup>251</sup> "Mrs St. Cyr on Blacklist/Many Heavy Blows Slew Murder Victim" *The Porcupine Advance*, March 11, 1948, front page.

<sup>252</sup> "MRS ST. CYR IS NOT GUILTY/Verdict Returned At Noon" *The Porcupine Advance*, March 25, 1948, front page.

the *Daily Press* to publish Clara's letters to the Police. In her letter to Constable Gagnon, she expresses anger that Jerome made for such a poor husband and provided very little, despite her best efforts:

What am I living with? I can't stand it much longer. I get so discouraged at times. I got no money. He never gives me any. He never dresses me up neither. My neighbours know the way he is and send me clothes for the kids and food. He beat me last week because a woman at the back of my place send me food.<sup>253</sup>

Indeed, an overwhelming amount of press coverage would serve to indict Jerome St. Cyr posthumously, accusing him of neglecting his family in the most horrific of ways. He was lambasted in the press for an abject failure to live up to his obligations as a husband and father, the evidence for which was given by his wife and children. As noted in one article, to provide food, necessities and shelter had been his responsibility: "Mrs St. Cyr and two of her children, Robert, 12, and Dolores, 8, earlier described [the] life...[which] Jerome St. Cyr provided for his family. Both children said they had experienced poverty and near-starvation."<sup>254</sup> To that end, the first *Daily Press* article to appear on March 5<sup>th</sup> indicated that the St. Cyr home was largely without electricity; the only light that worked hung in the kitchen. The material deprivation endured by the family would be reiterated at great length: the house on 42 Carlin is described multiple times as in 'indescribable poverty' or alternatively, 'in a condition of indescribable chaos and lack of attention';<sup>255</sup> further, it described the front room of the house as containing two pieces of furniture (one of which, the couch, doubled as a bed for two of the

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<sup>253</sup> "Letters Complain of Ill-Treatment" *The Daily Press* March 24, 1948, front page.

<sup>254</sup> "Mrs. St. Cyr Bares Own Tale/Accused Woman Reveals Details Spouses' Cruelty" *The Daily Press*, March 25, 1948, front page.

<sup>255</sup> "WIFE HELD FOR KILLING" *The Daily Press*, March 5<sup>th</sup>, 1948, front page.

children), the infamous trunk in which Jerome kept food locked away, and an old radio. In the kitchen, two of the three chairs were broken and the larder for this family of eight held no more than two half-empty tins of milk, a single package of macaroni, two tins of soup and a handful of potatoes. Caustically, the *Press* noted that the garage and woodshed at the rear of the house – ostensibly Jerome’s domain – were relatively new and visibly well-maintained. The article finished with the following remark: “There was no rugs on the floor, no bedclothes on the beds, no signs of luxury. People say the dead man had been working steadily for years. None of the proceeds of his labour were visible within the house.”<sup>256</sup> Clara’s letters, reprinted in the press, would suggest that Jerome was able to deprive the family in other, less obvious ways. She would tell of her husband’s miserly nature, that he would even take the butter to work so that he could keep it to himself.<sup>257</sup>

Those who knew the couple depicted Jerome St. Cyr as violently self-involved, a man who could fritter away the family wage on his own diversions and hobbies, especially on an old car he kept in the backyard.<sup>258</sup> To study the ways in which Jerome St. Cyr was characterized in the press is to study a tangle of contradictions. On the one hand the man is described as an avid hunter and fisherman – fitting activities for a northern man; but on the other, a plethora of stories and anecdotal evidence as furnished by the *Press* cast Jerome as a person capable of astounding cruelty, the antithesis of a good husband and father.

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<sup>256</sup> *Ibid.*,

<sup>257</sup> “Letters Complain Of Ill-Treatment” *The Daily Press*, March 25, 1948, front page.

<sup>258</sup> “Father Ate, Others Watched/Food Kept in Locked Trunk” *The Daily Press*, March 8, 1948, front page.

On March 9<sup>th</sup>, five days after the murder, Jerome's family contacted *The Daily Press* in a bid to restore his reputation. To do so, they suggested that information printed thus far was either inaccurate, or that Clara was, in fact, the one responsible for the family's ills. Jerry's brothers, Lou and Carl, portrayed Jerry as someone who was a 'social drinker' but otherwise did not drink; they would go so far as to suggest that he had, in reality, a slight aversion to alcohol: " 'Few people have ever seen Jerry drinking...He had difficulty getting one drink down.'<sup>259</sup> This was supported by Pat Roy, one of Jerry's co-workers at Taylor Hardware. Roy went on record with the anecdote that Jerry contributed to the staff Christmas party, towards the purchase of beer, and yet drank none of it.<sup>260</sup>

Jerome's father, Eusebe St. Cyr, insisted that his son worked hard and that his income was more than sufficient for the family. If they appeared to be living in desperate circumstances, it was Clara's fault since Jerome faithfully gave her every one of his cheques, something, it will be recalled, that was a pivotal part of working-class masculinity. In addition, Jerome had at one time borrowed nearly one hundred dollars from his father, reputedly to make repairs on their Carlin Avenue home, something which Eusebe offered as an example of his son's devotion to his family.<sup>261</sup> Other testimony came from Mrs. Lou St. Cyr, the dead man's sister-in-law. She claimed that they gave Clara a generous amount of used clothing and household items, but that she either threw them out, or burned the items; his sister-in-law would also testify that Jerome was gentle and kind to Clara, even under trying circumstances.<sup>262</sup>

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<sup>259</sup> "Wife to Blame, St. Cyr's Charge" *The Daily Press*, March 9, 1948, p.3.

<sup>260</sup> Ibid.

<sup>261</sup> Ibid.



Principal among the St. Cyr's accusations against Clara was that she was severely alcoholic, so much so that she was in the habit of disappearing, often for days at a stretch: "On many occasions Jerome had been forced to search hotels in order to drag her back in order to care for the children..."<sup>263</sup> To that end, Eusebe, his son Lou and Jerome's sister-in-law would be quoted in the *Press*, offering stories depicting Clara as the one with the drinking problem and the one who neglected the children, despite the fact that it was part of her obligations as a mother. Eusebe would be quoted in the paper with the following anecdote:

The article portraying Jerry as a drunkard and Clara as a responsible housewife are a pack of lies. Three years ago when the pair lived in Iroquois Falls, Clara cashed a \$50 war bond while Jerry was at work. She went to Timmins on a drunk, leaving all the children at home. One of them was seriously ill at the time. Jerry and I took a taxi to Timmins, searched all the hotels in Timmins and Schumacher and finally located her in a Fourth Avenue hotel. She was with an old guy. Jerry went in, tried to convince Clara that one of her children was in a serious condition and that she should return home immediately. She had to be pulled out of the hotel.<sup>264</sup>

That Clara would be found in a hotel, in the company of an unknown man, could potentially affect her reputation on a number of levels. Obviously, there are sexual overtones to Eusebe's comments, which baldly suggest that Clara was at the very least an unfaithful wife, something that in and of itself impacted the trials of Elizabeth Workman and Angelina Napolitano. But it also recalls some of the stereotyping surrounding Aboriginal women, that of the drunken, sexually promiscuous woman.

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<sup>262</sup> Ibid.

<sup>263</sup> Ibid.

<sup>264</sup> Ibid.

Reception of their claims was not as warm as the St. Cyr might have hoped. *The Porcupine Advance* likely welcomed their letters, given the editorial they published March 11<sup>th</sup> which expressed disgust over the manipulative coverage given by the *Press*:

...In a one-sided version of the relationships in the St. Cyr home, neighbours of the family told stories to the local daily which would indicate that the accused woman was the wife of a man without a shred of honour or a sense of responsibility to his family. It would appear that if ever there was an utter scoundrel, St. Cyr was it. Yet in evidence in court Tuesday it was shown that Mrs. St. Cyr – not her husband – was a person who had been placed on the government blacklist for the abuse of liquor...Jerome St. Cyr came to his death at the hands of a person who beat him about the head not with one blow, but with a number of powerful blows...he was slain.<sup>265</sup>

But despite the St. Cyr's letters and the editorials in the *Advance*, few people came forward in support of Jerome St. Cyr. The only other remotely positive reference to him came from an article on the case printed in the *Toronto Daily Star*; in its headline, the paper refers to Jerome softly, as a "Dad of Six" but otherwise has little else to say. Support and sympathy for Clara remained strong, despite the salvos of her in-laws. As Greg would recall, "I remember the family tried to defend him but...I don't think anybody could doubt he was abusing her and the children...he was not a nice man, no."<sup>266</sup>

Ultimately, neither the issue of race nor of Clara's reported alcoholism affected the public. On the afternoon of March 25<sup>th</sup>, 1948, Clara was found not guilty of Jerome's death and was set free; aside from the criticism offered by the *Advance* (and, a month later, a quip by Magistrate Atkinson), not one letter appeared in the *Press* or *Advance* criticizing the verdict.

<sup>265</sup> "St. Cyr Murder Case" *The Porcupine Advance*, March 11, 1948, p.2.

<sup>266</sup> Conversation with Greg Evans, August 12, 2003.

There is no doubt, however, that the case was a sensational one. Mr. Evans would recount the following story, an incident which occurred about a month after the trial and indicates that it held a certain fascination with the public, enough that Clara – at least for a time – entered public discussion and humour:

This was the only trial where I had a defense of spousal abuse, so it was kind of an exciting case. Afterwards...black humour in Timmins is not unusual...a guy met me on the street one day and said, 'That was nice of Taylor Hardware to give Mrs. St. Cyr a job' and I hadn't heard anything about it so I said, 'Oh, what's she doing?' 'Autographing axe-handles'.<sup>267</sup>

True to form, the *Advance* would publish one editorial at the trial's conclusion; according to the paper, the case established an unwelcome precedent in which emotion and sympathy might unduly influence a jury. Moreover, the trial might encourage the use of vigilante justice:

The extraordinary verdict of 'not guilty' delivered at noon to-day closing the trial of Clara Irene St. Cyr cannot help but discredit the jury system. Aside from any effect the verdict may have in spreading the idea that people may take the law into their own hands and get away with it - and it is bound to have this effect - its repercussions upon our system of justice will be most unfortunate... There would appear to be only one explanation of the verdict, and that is that it is another example of the pernicious habit which is responsible for half of mankind's troubles - a habit of failing to mind one's own business, and trying to mind other people's... If a jury lets thoughts of punishment which might follow in the train of its verdict influence its decision, it is usurping the functions of a judge. It... is usurping the functions of the legislatures.<sup>268</sup>

And, while he may have left his comments off record when he first heard her case in police court, there is no doubt that the trial also left an impression on Magistrate Atkinson. In April of 1948 he was in police court, hearing the case of a man accused of attempting to steal a taxi. Surprisingly, the accused declared his innocence on the

<sup>267</sup> Conversation with Greg Evans, August 12, 2003.

<sup>268</sup> "When Is Murder?" *The Porcupine Advance*, April 1, 1948, front page.

grounds that he could not drive. In reply Magistrate Atkinson would suggest, "I see no reason why I should not give him the benefit of the doubt, when wives who chop up their husbands' heads with axes are given the benefit of the doubt."<sup>269</sup>

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<sup>269</sup> "Axe-wielding Wives Get Benefit, Why Not Accused?" *The Porcupine Advance*, April 29, 1948, front page.

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CHAPTER FIVE:  
CONCLUSION

Once the trial ended, Clara was reunited with her children. Shortly thereafter, they left Timmins for Thunder Bay, where some of Clara's family remains. Despite the difficulties in her marriage to Jerome, it would appear that Clara did find some measure of happiness. In 1966, she married John Viiala; in her later years, Clara would become a grandmother to twenty and a great-grandmother to more.<sup>279</sup> According to Mr. Evans – who kept in touch with Dolores and Thelma – the family seems, in some respects, to have recovered from the tragedy, one of Clara's grandchildren graduated with her PhD, of which Clara was justly proud.<sup>280</sup> That Clara's love for her children was reciprocated is palpable - Clara died in the spring of 1994, of heart failure; her headstone reads "Loved By Your Children". When I saw it, someone had recently planted flowers. One small mystery remains: in her obituary, Clara's name is given as 'Clara Marie', while her headstone reads 'Clara Helene'. Presently I have no explanation for the discrepancy.

Robert St. Cyr, the young boy who figured in so much of the *Press* accounts and who testified at his mother's trial, spent his adult life in Thunder Bay, first as an employee of Northern Wood Preservers and Great West Timber, and later, Canada Car. His obituary notes that Robert was a member of Kawnawake, First Nations Territory, Quebec; he was married for forty-nine years and was himself the father of seven children. Robert died on September 6<sup>th</sup> of last year.<sup>281</sup>

Dolores St. Cyr, the ten year old girl who testified at Clara's trial, lives

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<sup>279</sup> *Thunder Bay Chronicle-Journal*, February 13, 1994, p.B4.

<sup>280</sup> Conversation with Greg Evans, August 12, 2003.

<sup>281</sup> *The Chronicle-Journal* September 9, 2006, p.D10.

in Thunder Bay. In her correspondence with Greg she expressed both gratitude and happiness for the life the family has had since; she now spends much of her time with her grandchildren. Thelma attended Lakehead University in the mid-nineties and was known to some of the professors in my department. She died approximately three years ago, after years of poor health.

Mr. Evans continued to practice law in Northern Ontario until 1965, at which time he was appointed to the Supreme Court of Ontario: he would serve as Chief Justice from 1976 to 1985. Later Mr. Evans would serve as Commissioner for the Royal Commissions regarding Donald Marshall, Jr., as Integrity Commissioner of Ontario, and as Conflict of Interest Commissioner for the Northwest Territories, among other work. For his advancement of Canadian law Greg would receive both the Order of Ontario and the Order of Canada. He lives in Toronto.

The introduction to this thesis opens by acknowledging that a trial, *R. v. Clara Irene St. Cyr* is at the centre of the work. But it is not 'just' about a court case. It is also about the mining community of Timmins. It is about the history of that town, and the ways in which its principal industry contoured the economic, cultural and political structures of the place, including significant aspects of working-class life. Post-war miners and their wives lived by long-standing, socially-sanctioned codes of conduct, some of which reflected larger social trends or anxieties, and some of which were unique to their time and place. "Good men" in Timmins were to be breadwinners, providers for their families. "Good women" were to be dutiful wives, keeping house and balancing budgets, while yet loving mothers; these ideals were reinforced during the post-war

period, a time of 'familism', which in some respects made Clara's image as a mother all the more powerful for her jury and the public. Although aspects of these 'ideals' existed elsewhere, and have existed for a long time, of importance to this paper is the understanding that in Timmins, gender roles and the expectations which gird them were particularly resistant to change. For instance, the wartime industries which offered alternatives to gender dichotomies and the separate spheres of 'home' and 'work', did not similarly affect Timmins.

In fact, gender roles were sufficiently 'fixed' as to form part of the public dialogue surrounding the St. Cyr trial. Clara could be 'read' in the *Daily Press* as a decent, hard-working woman, and the sympathy her portrayal inspired was strong enough to blot out any suggestion of racialised 'Indian-ness' or alcoholism that might otherwise have reflected negatively on her. Jerome's extreme behaviour as her husband and the father of their six children only provided further sympathy for her cause. Yet, it is entirely possible that, had elements of their story been otherwise – had Jerome been steadily employed and obviously providing for his family, had Clara been a 'known Indian drunk' within the community – the outcome of the trial, or her reception by the public, might have been very different. And that remains at the heart of this work: ideas around race, gender and class are constructs, subject to time and place. As such, this thesis sought to understand how Clara and Jerome were portrayed in the press and at trial, and how the social values that their images projected could be tied to their community and the era in which they lived.

Acknowledging that this was not a biography of the St. Cyr's – that it was in many respects a history of their marriage according to their neighbours, according to the letters Clara wrote to Chief Lepic and to Detective-Sergeant Gagnon, according to the *Daily Press* reporters who sought out and printed information on the murder and subsequent trial - leaves some room for discussion on alternative ways of researching and analysing this case.

I first approached the St. Cyr story by examining perspectives within criminology, to see what was written about female defendants and the dynamics of their crimes. The first thing that can be said is this – there are volumes of cases similar to the St. Cyr's. Researching the ways these cases are similar (or different) could absorb a lifetime.<sup>282</sup> The other is that the St. Cyr story fits nicely with modern analyses of intimate violence. Many of these studies have evolved out of Marvin Wolfgang's influential works on "victim-precipitated" homicide, a term he popularized in describing confrontations wherein the victim was a "direct, positive precipitator" in the subsequent murder.<sup>283</sup> This is further distinguished by the fact that the victim is the first to use physical violence or the first to use a weapon in the ensuing altercation. Other aspects of victim-precipitated homicide include the following – with an eye for the finer details

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<sup>282</sup> For example, I would refer readers to Barney Beardsley's book, and her discussions regarding Hannah Kinney, Maria Manning, Ruth Ellis or Myra Hindley. Alternatively, I liked the following essay for its view on past trends in sentencing and punishments for women charged with murder: N.E.H. Hull, "The Wages of Sin: Sentence and Punishment of Female Felons in Colonial Massachusetts, 1673-1774" in *Women and the Law: A Social Historical Perspective Volume 1/ Women and Criminal Law* ed. Kelly Weisberg (Cambridge: Schenkman Publishing Company, 1983), 14-21. See also Hillary Allen, "Rendering them Harmless: The Professional Portrayal of Women Charged With Serious Violent Crimes" in *Gender, Crime and Justice* ed. Pat Carlen and Anne Worall (Philadelphia: Milton Keynes, 1987), 82-94.

<sup>283</sup> For an introduction to Wolfgang's ideas, see Marvin Wolfgang, "Victim-Precipitated Criminal Homicide" in *Studies in Criminal Homicide* ed. Marvin Wolfgang (New York: Harper and Row, 1967), especially pages 73-75.



of intimate violence, consider these findings as they might relate to Clara St. Cyr's story.

Coramae Richey Mann noted that most studies of homicides with a female defendant took place in the home, which in many cases, the defendant and victim shared together.<sup>284</sup> She also determined that alcohol use was a significant factor, for thirty-six percent of female offenders and forty-seven percent of victims, many of whom could be defined as legally drunk at the time of their deaths. These findings reinforce a large body of research which suggests a close tie between homicide and the use of alcohol for both victim and perpetrator; it will be recalled that the issue of alcohol use was also significant in the St. Cyr murder and subsequent trial. With respect to Wolfgang's findings that male victims instigate their own death through a final, physical confrontation, Mae further confirmed that 'victim-precipitated' homicides occurred most often among victims who had used alcohol prior to their deaths, than among those who did not.<sup>285</sup> Lastly, in homicides wherein the victim and offender are known to one another, the largest proportion of murders (nearly half) involved domestic relationships – those who were married, common law, separated or former lovers.<sup>286</sup>

In a more general sense, as a final thought on the issue, consider how Ann Goetting's essay "Homicidal Wives: A Profile" created a particular portrait of female offenders. She describes most women who kill as passive, often minority women or those who are cut off from mainstream society in some way; they are typically under-educated, in their early to mid thirties, and the crime is often committed following longstanding and painful arguments with their partners. Goetting notes that these women

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<sup>284</sup> Coramae Richey Mann, *When Women Kill* (New York: State University of New York Press, 1996), 45.

<sup>285</sup> Mann, 54-60, 69.

<sup>286</sup> Mann, 64 & 69.

kill defensively.<sup>287</sup> Up to the commission of the offence, the couple's relationships are markedly volatile, and the offenders are in many respects poorly equipped to deal with the expenses and issues of daily life. All of the offenders Goetting studied were restricted in educational and occupational resources or in social skills; many of the women were unhealthy and in many respects 'stuck' in a society that is closed to them. Interestingly, she also noted that when some of their barriers are removed – women are given access to educational or skills-training - rates of domestic homicide tended to drop.<sup>288</sup>

The history of a murder trial involving an unknown woman in a small, northern town is of enormous value. The story of Clara St. Cyr illuminates not only the complex ways in which the economic and social structure of her community directly affected her married life, it also provides a view into post-war public discourse around themes of goodness and civility, constructs of respectable masculinity and femininity. But the story and trial of Clara St. Cyr provides something more than that. This single case can be studied to understand larger trends, long-standing patterns in the machinations of justice; in connections between economics and constructs of 'race' or racism; and in the ways in which economics, class and race in turn can create social mores and expectations for the most intimate relationships.

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<sup>287</sup> Ann Goetting, "Patterns of Homicide Among Women" *Journal of Interpersonal Violence* (3) 1988, p.8-12.

<sup>288</sup> Goetting, 16.

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APPENDIX I

ADDRESS TO THE JURY BY MR. EVANS,  
HEARD BEFORE THE HONOURABLE MR. JUSTICE J. GENEST,  
COCHRANE ASSIZES, MARCH 23, 1948

May it please your Lordship and Gentlemen of the Jury: In opening, may I express to you my appreciation of the courtesy which has been extended to me and to my client during the course of this trial. I would also like to express to the Crown Attorney my appreciation of the continuing cooperation which he has exhibited. It is to you, gentlemen of the jury, however, that an even greater debt and obligation is owed. You come here from various parts of this District of Cochrane; you represent many fields of endeavour, many trades, many industries. You come here at considerable inconvenience. It is not pleasant to be deprived of your home, and to be placed in a room for a couple of days, where you are out of contact with the outside world. I am sure that none of you would have chosen to accept a position of this nature. Sitting as a juror on a murder trial cannot be a very pleasant experience, because it carries with it the gravest responsibility that a man can have – sitting in judgement upon another fellow citizen.

It is, however, a duty which devolves upon you as freemen under our democratic system of government. We did not always have the jury system, and, as his Lordship explained to the Grand Jury, it is an old and venerable institution, one which was achieved after considerable difficulty, and which has been maintained throughout the centuries only with considerable battling. It depends, gentlemen, upon the interest and attention which you have paid to the evidence as it was produced to you in this courtroom. I know that you have been very attentive, that you have done your very best to comprehend and to understand all the evidence which has been produced by the various witnesses called by the Crown and by the Defense. You form a very integral and important part of the machinery of justice, and, as we know, it is the finest system of justice which exists in the world today. You are sitting on that jury because I am satisfied that you are honourable men, with good intelligence, and that you have the courage of your convictions. You will notice that when the jury was picked, the Defense and the

Crown had a right to challenge certain members. For various reasons they may do it, and sometimes for no particular reason at all, but you may be assured that the twelve of you who do sit there, sit there because the Crown Attorney and myself are satisfied that you will be fair to the country which you represent and fair to the accused whom you also represent. Each of you will have to come to your own decision with regard to the guilt or innocence of this accused person, and you will know, gentlemen, from the dictates of your conscience what is right and what is wrong. Each is entitled to his own opinion and should not be stamped into some other opinion because three or four should think different.

All twelve of you must be agreed upon your verdict, and you are the sole judges of the facts. His Lordship may comment to you upon the facts, but you are not bound to follow them unless they should coincide with your own ideas as to the evidence which you have heard. Mr. Caldbick and I will also comment upon the facts, but you are not to follow them unless you are satisfied that they agree with your own interpretation of the evidence. Any comments which I may have to make on the facts I will try to do so fairly. If, however, I should make an error and misstate certain portions of the evidence, I am sure, gentlemen, that when you go to your jury room you will correct it. I do not wish to try and convince you that something has been said which has not been said. You are the men who will judge the facts in this particular case.

His Lordship, who is eminently well-qualified for his functions, will tell you the law that you must apply to the facts as you see them. I do not intend to delve very deeply into the law concerning this case. It is fraught with many difficulties, and I think it would be better if His Lordship gave his interpretation rather than run the risk of a possible misinterpretation by myself. If His Lordship is wrong in the law, I have a remedy. If you are wrong in the facts, the remedy is almost impossible to obtain. That is why I am appealing to you to listen carefully and attentively to the remarks of counsel for the Crown and the defense, and also to the comments of his Lordship.

Now, we all know what homicide is. Homicide is just, in everyday language, the killing of an individual. You, no doubt, will be told that there are two branches of homicide. One is culpable, or guilty, and the other is non-culpable, or killing to which no

blame can be attached. You will also be told that non-culpable homicide is divided into two sections, and you will be told something about the doctrine of provocation, how in certain instances it will reduce a charge of murder to a charge of manslaughter. You will be told about the doctrine of reasonable doubt which, boiled down, means very simply that if there is any doubt in your minds, that that doubt must be resolved by you in favour of the accused person. When you resolve the doubt, if you have a reasonable doubt, and you give the benefit of the doubt to the accused, you are not actually giving something, but you are only doing what the law says you must do with respect to any doubts which you may have, any reasonable doubts. It is also the function of the jury to make recommendations as to mercy, as they may see fit. That is solely and exclusively within your jurisdiction.

Gentlemen, coming to the facts of this case, I think we can frankly say that this is truly a horrible case. In the light of the evidence which has been presented to us, we have learned things which we possibly never realized existed in the communities in which we live. We have heard of acts of indecency of the most revolting nature, acts which we do not normally associate with normal, reasonable, right-thinking people, acts which we do not even associate with animals.

Let us for a few minutes consider the background of this accused woman. She has told you that she is thirty-two years of age, that she was married at nineteen. During the thirteen years of her married life, she has bore six children – four little girls and two boys. The eldest is Robert, whom you saw in the witness box, age twelve, and the youngest is a baby of three. You also saw one of the girls, Dolores, who is nine or ten years of age. Mrs. St. Cyr is obviously not of excellent education. She says she went to grade four in school. She marries Jerome St. Cyr, who at that time was an employee of the Hollinger mine, and I presume, like any young married person, she started out to find happiness with her husband in a home and in a family. What did she find? She found nothing but starvation and privation, and she found something, I think, that was even worse than that. There can be no doubt, gentlemen, that Jerome St. Cyr was not interested in his children. I cannot conceive of anything worse than a father hiding food in a trunk, hiding it away from his own children. Here is a man with whom, the little boy

says, a fight started at one time because his father was “hogging” the bread – a good word, gentlemen – and I think it well-suited Jerome St. Cyr, in that he was hogging the bread, hogging food, for his physical appetite, and I think that in his sexual appetite he also emulated a certain amount of hoggishness. He certainly was a man who was most selfish.

These little children came here, doing their best to give you evidence as they know it. We can all appreciate the fact that it is a very severe strain on a child. They come here, totally unaccustomed to a setting of this kind, and they try to tell, as best they can, in their own language, what happened. You have had a good opportunity to see these children, and to observe them in the witness box, and I state to you, gentlemen, that they are walking examples of starvation. This little girl of ten years of age – so small that she had to stand on a chair to see over this witness box – I think, gentlemen, that in that fact can be read a considerable amount of the grief which she has been occasioned. Certainly, they bear testimony to the truthfulness of the statements which Mrs. St. Cyr made with respect to the fact that they were not getting sufficient to eat. The children also described to you the difficulties about getting clothing. Mrs. St. Cyr said one of the children had to stay home from school on March 4<sup>th</sup> because she did not have shoes. They also described to you the beatings that their mother had taken. They also told you that on occasions she had been tied to the bed. All this, gentlemen, I bring to your attention to corroborate the evidence which she gave concerning these material facts.

We know, gentlemen, that Clara St. Cyr is considerably older than the thirty-two years that she has lived. All you have to do is look at the woman. Take a look at her, gentlemen – beaten, despairing, and a great lack of interest in life. I think, after listening to the evidence that you have heard, you can readily appreciate the fact that this woman truly had what she described as thirteen years of hell, thirteen years of married life. The marriage that she had hoped would turn out successfully certainly came to a terrible conclusion, and you may well ask yourselves, who was responsible for the conduct during those thirteen years?

I wish to go into this matter of drinking. The evidence is that Mrs. St. Cyr had been denied the privileges of drinking by the Liquor Control Board of Ontario. She gave

you the reason for that, in that while they were at Iroquois Falls, there were considerable fights in the family and that the Chief of Police at that time suggested to her and her husband that it would be better for them to go on the prohibited list, and you have heard her statement that up until she came back to Timmins, she did not have a liquor book, a beer book, or a wine permit. Surely, gentlemen, during those years, beer, liquor and wine were pretty hard to get. If you were much of a drinker, you would certainly have a permit of your own. She says that the prohibition was relaxed when she lived in Herrickville, and that she was permitted to drink beer at home. She gave you the explanation that, to the effect that [sic] she had been ill and the doctor had prescribed porter for her, and apparently, gentlemen, this must be correct or otherwise the Liquor Control Board would never have allowed even a partial reduction of the prohibition which they had made. She tells you later on that she and her husband came to the police station together, and that they were to voluntarily go on the blacklist. She says that her husband reneged when he got to the police station, but she went on the list voluntarily, because she had no particular objection to it. Surely, gentlemen, this does not indicate a woman who is a confirmed drinker, or who must drink continuously.

We come down to the liquor question on the day of the accident. The evidence all clearly indicates that it was Jerome St. Cyr who brought the wine to his home. He brought two bottles of wine. It was wine that he had; he is the man who brought it into that home and I ask you, gentlemen, do you think any man who takes an afternoon off, goes up to the wine store to get two bottles of wine, and then comes home, and does not drink some of it? Surely, gentlemen, it would be fantastic to believe that Jerome St. Cyr never had a drink of wine that particular afternoon.

You have heard the evidence of Mrs. St. Cyr and the children, to the effect that the husband wanted her to drink the wine. She says that she did not want to drink it, but that he wanted her to drink it. You may well ask yourselves, gentlemen, what particular reason he would have for wanting her to drink the wine. I suggest one to you, gentlemen. He wanted her to drink the wine so that she would not be in a condition to so vigorously oppose him when he wanted to commit indecencies upon her later on in the evening. That, to me, gentlemen, is a reasonable explanation, and in view of the type of character

that there has been exhibited by Jerome St. Cyr, according to the evidence, that is exactly something that he would likely do. You heard her tell about sending the children out for Pepsi-Cola – a rather pathetic feature, gentlemen. She says that she was trying to fool her husband into thinking that she had drunk the wine, and that she actually drank Pepsi-Cola.

I do not doubt for a moment, and I am sure you do not either, that she had something to drink on that particular day; how much, I am not prepared to say. She said she had a certain amount in a glass with Pepsi-Cola. The evidence of Miss Verda Vincent would be at considerable variance with that, but, gentlemen, all these deductions, scientific and otherwise, are dependent upon many, many factors. She has explained to you the factors that govern the absorption. She says that there was approximately two to two and a half ounces of wine that would be absorbed in an hour. She says that there was no trace of wine in the body of Jerome St. Cyr. His wife says he was drinking; the children say that he had been drinking. It is possible that it may all have been oxidized out of his system at the time of his death, either that or the expert witness made an error. I am not saying that Miss Vincent made an error, and if she did, it certainly would be highly unintentional on her part, but she would not be the first one to make a mistake, and she undoubtedly would not be the last. She said there was no trace of alcohol in either the urine or the blood, and the amount of alcohol which she says that Mrs. St. Cyr had at 11.15 that night would be sufficient to convict a man on a charge of drunken driving. 1.5 is usually the standard adopted by the National Safety Council. She says that Clara St. Cyr, according to her calculation, had 1.7. His Lordship may tell you the part that liquor played in this case insofar as provocation is concerned. I do not think there is much point in detailing further into this question of liquor. There has been evidence that she was arrested and taken to the police cells, and later released. She says that she does not remember. If she was as drunk as the police say she probably was, and they arrested her for that, and was taken home a few hours later, probably she would not remember, but that in itself, gentlemen, is not such a great factor. Whether she was intoxicated a year ago and in the police cells for a few hours does not make any difference so far as her position here today is concerned.



I want to tell you about the complaints which she made to the Police Department. Mrs. St. Cyr says that she made a complaint to Chief Lepic, or, at least, a letter, and a complaint and then later on another complaint. The Chief says she made the complaint first, and then the letter, and then the other complaint. When you get in the jury room, you can read the letter that she sent in, and you can judge for yourselves whether she had ever complained to him before or not. She says in the start of the letter, "I had tried to see you several times, but could not do so." I would like to ask you, gentlemen, do you think it is possible that the Chief of Police was not aware of the nature of the charges which she was trying to make? She told him that they were indecent acts. Surely, gentlemen, it was hard enough for that woman to come to the police station and to complain about indecent acts committed by her husband without the police expecting that she was going to go into the whole sorry mess. I am sure, gentlemen, that any one of you who was sitting in that office that day would have a pretty good idea what she was talking about. You might not know the exact type of offence but surely something might have been done to investigate it. The Chief says no action was taken because she had written at the bottom of it, "keep this to yourself". The complaint was then filed away.

Later on she went to Detective-Sergeant Gagnon. She told him briefly what was wrong. She told him and she had told the Chief about the beatings she was taking. She wrote and described to them what her problems were. In the letter which she sent to Detective-Sergeant Gagnon, she said, "He was always so dirty". Gentlemen, you do not have to be a mental giant to figure out what that could easily have referred to, particularly in view of the verbal complaint that she had made previously. How could she know the machinery that the police would put into motion after the complaint was made? All she knew was that she came there and she made a complaint. She came there three times, and she wrote two letters. I do not know what more that woman could have done to advise the Police Department of these offenses, unless it was to draw pictures for them. She certainly did everything in her power and gentlemen, I want you to recall one piece of evidence. Chief Lepic says that he told her to get some corroboration. That would mean other evidence to bring it up to the court. When a serious charge like that is made, don't you think it might have been proper to investigate it? Don't you think that the

police might well have investigated to find the corroboration? What corroboration was she going to get of offences of that, unless it was to bring into court her children, or rig up something at home so that when this offence was being committed, the children could come in and see it. This woman worked all her married life to protect and look after these children. She did her best under the circumstances to provide them with food, clothing and an education, and she did that despite the great lack of interest exhibited by her husband in the welfare of their children.

She says she went out and worked. He was off work for a year or a year and a half. He had been working down south in war plants, and came back, and could not get his job back in the Hollinger in the machine shop, and, as you know, during that period of time there was ample employment any place in Canada. He sat around for about a year and a half and let his wife with six children go out and work for the neighbours in order to bring home sufficient food to keep that family from starving, and she says during that period of time they had a tough time, and, gentlemen, when she says a tough time, judging what she had for thirteen years, it really must have been a terrible situation. He obviously did not care. He was selfish in every way – selfish with his children, and he had no respect for his wife.

After all, gentlemen, he married Clara St. Cyr, and she apparently was a good mother. She had six children. In this day and age, if there are people who do not want children, they usually find ways and means of not having children. She certainly went through six pregnancies, which could not have been very pleasant for her, knowing full well that the child that she was bringing into the world would not be appreciated by the father, would not be fed and decently clothed. She was adding almost yearly to the responsibility that she was already staggering under. Does that look to you, gentlemen, like a woman who was not a good mother, like a woman who would be drinking continuously?

Then we come down to later on in the day. There can be no doubt in the world that there was a fight at noon. He comes into the house and wants to know where his dinner is. He did not have a scratch of food in the house, and he did not bring any in. He said that the reason was he got a ride home, and he did not want to inconvenience himself

and drop off for groceries. She had been working by hand trying to wash the few miserable pieces of clothing that they had, and that line of clothes was stretched at the back of the lot on the day subsequent to the accident. She says that he made a big fuss then. She said "there is no food in the house because you did not bring any home," and they had an argument, and he beat her around the head, and tried to drag her into the room, and when she tried to stop him by holding the side of the door, he tried to kick her. Much has been made of the fact that she did not complain. What would be the good of that woman complaining to the police? She had made complaints, nothing had happened – complaints about serious matters; nothing had happened. What would be the good of telling the police she had received a kick on the ribs or on the leg?

Doctor Minthorn never examined her. All he did was to take a sample of blood and send it away to the laboratory. Mrs. St. Cyr says that she tried to get her husband to return to work, but he would not, that he stayed around in the afternoon, and that he was drinking. We come down to the evening. She says that he stripped her, tore her dress and her other clothing off, and that he had her stark naked on the bed, and then proceeded to tie her hands and feet to the bedstead. You may well ask yourselves, gentlemen, this question: what sort of maniac was this man? Here was the woman that he had married, who had given him six children, whom he promised to love and cherish; he starved her to death, he beat her, and then he subjected her to the indecencies which you have heard described to you. She says that she had previously fought against him when he had tried to do it, and his explanation being, "We have too many kids now, and my father used to do it." She says that he got her in the bed, and that he choked her so that she would open her mouth, and then did the act which she described to you, and because she would not assist him in his sexual perversion, he beat her on the head, telling her that he could not wait there all night. In the state of confusion, what despair must have been in that woman's heart, and in her mind? He said, "If you don't, I will get the kids to do it." Knowing the nature of Jerome St. Cyr as has been set out in this evidence, that woman must have known well, and so must you, gentlemen, that this was a threat that he would no doubt have carried out.

Can you imagine what effect this would have had upon this woman? Here she had struggled thirteen years to bring up six children, to bring them up as decent and respectable citizens, who worked out for them, and who probably did not press charges at the police station because she did not want to subject the children to the publicity of a court room, and to the indecencies which were being committed upon her. She says that when his abnormal sexual appetite had been satisfied, that he rolled over, and left her on that bed, left her tied to the bed. This was not the first time. The children tell you that they saw her tied to the bed. They did not say that they saw her tied there that night. Mrs St. Cyr says that on that particular night, she worked the rope until she got her hands released, and then called Robert, and he assisted her.

Robert says that he does not remember that at all. Gentlemen, that is not unusual. This boy is twelve years of age. When the police came there the first time, they said to him, "where is your mother?" and he said that he did not know. Gentlemen, taking that for a moment I submit when he went to bed at ten o'clock his mother was home. He must have been awakened between the time that he went to bed at ten o'clock and before the police came, or otherwise he would not have said that he did not know; he would have said, "My mother is in the house, or in the bedroom." He said that he did not know. It is not unusual for a little boy of twelve who has been up until ten o'clock, and who has had the excitement of fights and scraps going on all day, and who has had practically nothing to eat, that he would sleep the sleep of an exhausted child.

It would take a lot to awaken him, and probably this boy was not fully awake when he came into that bedroom and assisted his mother. It is only to be hoped, gentlemen, that he was not fully awake, to see and realize what was going on. Mrs. St. Cyr says that with his assistance her feet were released, and that she then grabbed a dress – she did not take the time to dress up, she grabbed this dress, and started out of the house, and then she grabbed something and returned to that bedroom and beat her husband. She says that she did not realize it was an axe until she was going out of the house, and that then she was aware of the fact that it was an axe.

Gentlemen, there are a few factors that I think would bear out this contention. If Mrs. St. Cyr realized she had an axe in her hands, if she wanted to get the axe, then what

would be the normal method? You would hit with the blade of the axe; that is how you would hit. There are seven marks on the neck of Jerome St. Cyr, one mark along the jaw-line on the left-hand side of his face, and it is a small mark. The doctor said it was about two or two and a half inches. You have heard the evidence as to the manner in which that might have been caused. Dr. Smith at one time thought it could have been caused by a sharp instrument, and then by a blunt instrument, and then I think he wound up by saying that it could be either. The whole of the evidence bears out the fact that she did not strike him with the blade of the axe, that is, with the cutting edge of the axe, and I think it is more than likely that, thinking that she had this club or whatever it was in her hand, that she was giving him a beating, and with the weight of the axe, the doctor clearly said it could happen, that the marks could have been caused by the handle.

Naturally, she knew she had struck him, and, I suggest to you, she must have struck him seven times. She does not deny striking him. She must have hit seven times, because each time a mark would result. The she gets out of the house; she finds out she has the axe; she drops it. Now, at that time she knew she had the axe; she knew she had struck him. It would only be normal that she would conclude from that that she probably killed him; that would only be a normal result. Then she goes to the neighbours, and you recall the evidence there about calling the police. She called Detective-Sergeant Gagnon; she called Chief Lepic. She says the reason that she called them was because she knew them best. Surely, gentlemen, if your house or my house were broken into, we would probably call the police officer we happened to know best in the Police Department; there is nothing unusual about that. She says that she does not remember saying anything to Paul Longpres, the taxi driver. You will notice that she said, "I don't remember," and it strikes me as very unusual that a taxi driver would hear a woman say that she had killed her husband and not report it? I do not know when it finally dawned on him that that was probably something important, but it was not until recently, because he never at any time notified the police that Mrs. St. Cyr had made that statement to him. Gentlemen, I do not propose to deal much further with it. Yours is a very heavy responsibility. My responsibility, I have endeavoured to discharge to the best of my ability. I have endeavoured to defend her properly, and to present to you the

evidence as I see it and as I believe it. Upon you now rests an even greater responsibility, and in giving into your hands the very life of Clara St. Cyr, I do so with the firm belief that you will treat her fairly and courageously. I am asking you gentlemen to find her not guilty. The very worst that could possibly be found by you, I believe, would be manslaughter, with a strong recommendation for mercy. I suggest to you, gentlemen, that you cannot on the evidence find sufficient to convict of murder. I suggest to you that your own two conclusions can be either guilty of manslaughter, with whatever recommendation you might see fit, or not guilty. The conclusion, gentlemen, at which you arrive, either manslaughter or not guilty, is based upon how you consider the evidence. The way in I consider it would be irresistibly to a finding of not guilty. How you consider it is something for yourselves, and something for each man in his own conscience. Yours is a grave responsibility. I know that you will be careful and honest in your verdict. Thank you.

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APPENDIX II

“Horrors of ’48 axe murder remain”  
Thelma St. Cyr’s letter to the editor of *The Daily Press*, May 9, 1996.

I believe we the St. Cyr children should be compensated by the City of Timmins for the pain and suffering we have endured. In March of 1947, my mom sent a letter to Police Chief Albert Lepic pleading with him to please help her. She wrote about my dad abusing her, my brother Robert and myself. She talked of him threatening to cut our throats with razor blades when we were children aged only 10 and 11. She talked about the fear that she endured and that she was convinced he was going to kill her and the children. She also talked of my dad’s indecent acts towards her. Her letter was simply filed. The CAS was not called to protect us children.

Our home on 42 Carlin Avenue was a house of horrors, but it was the only place we had to hide our pain in. As we clung together in our small bed, freezing cold, the only warmth we had was from our little bodies. And we listened to the sounds of our mom’s terror as she was being raped and beaten by my dad – tied to a bed with ropes. Her cries and screams for my dad to stop went unheard. We froze in fear as tears rolled down our faces.

In the morning as we tumbled into the kitchen, we would face our mom, her face black and blue from the beatings. He had done it again. He had crumpled her spirit like a rag doll. Neighbours talked openly about the fact that we were starving as children, but they didn’t go to the CAS on our behalf. Some of us fainted from hunger at school, yet nothing was done.

On October 3, 1947 another letter was sent to Detective Ernest Gagnon of the Timmins Police. She again wrote about the abuse she and her children were suffering at the hands of my dad. She wrote about dad locking our food in a trunk and putting a hammer over her head and threatening to kill her. She also wrote about dad saying he was going to kill us as well. And she also told the Timmins Police that if she and her children disappeared, it would be because dad murdered us.

Then on March 4, 1948, just before midnight, my mom's screams of abuse echoed through our home. She was tied down once again like an animal being raped and sodomized by my dad. My little 12-year-old brother stepped in and untied my mom after dad had fallen asleep and gave mom permission to do what she needed to do. A small voice was heard from within this child when he said, you have to do something...he's worse than a dog. At midnight my dad was no longer able to abuse his family ever again.

The news of the axe murder of my dad filled Timmins with terror. The axe murder of my dad made headlines throughout the country. After committing the final act, mom ran from our home to the neighbour's and from there took a taxi to her brother's to phone Chief Albert Lepic. "I've finally done it," she told him.

There was a banging on our door at 42 Carlin Ave. by Constable Angelo Cuolla and Sergeant Beacock. They told a thin young boy, my brother, who answered the door, "we want to talk to your mom or dad". "My mom is not here and my daddy's sleeping and I can't wake him up", he said. Mom was charged with the axe murder of my dad and was taken to the police station. It was now 2 a.m. and were [sic] still in our bed...within a few feet of our father who was lifeless in a pool of blood. At 2:15 a.m., we heard banging on our door again. Our little home was being invaded. In seconds, they were all hovering over my dad's lifeless form. The house had a strange odor of stale sperm, and blood could almost be tasted in my mouth. A fire was built as they bustled around looking for clothes to dress us in. We girls slept with our bloomers and sweaters on.

After six years of trying to find the letters mom wrote to the Timmins Police, a file was found. The file contains my mom's written statements, as well as The Daily Press picture taken of us children that night and a picture of my mom taken at the time of her arrest. No letters were found. I have asked for my mom's file and all newspaper clippings and statements to be returned to me to remove the murder of my dad from their records, to set us free. I was refused.

I have been told that I do have a right to the records which are in control of the Timmins Police Service. Do Daily Press readers not think we children have the right to the files since my mom passed away in February of 1994? If anyone knows the whereabouts of Gregory Evans, my mom's lawyer, could they please let me know.



Mr. Evans was a loyal friend to my mom and our family during mom's trial.

I would also like to meet former Police Chief Albert Lepic. I feel he owes such a meeting to me and my family, but also he owes it most of all to himself.

As for the city of Timmins, I have heard that my home on 42 Carlin may be up for sale. I would like that home I lost as a child when it was sold to pay for mom's legal fees, bought back for me. Yes, it was a house of horror at the time of my dad's murder. But underneath all that horror was a bond of love – our love for each other. That love I can feel when I think of my home in Timmins, even though I am many miles away. My belief is the City of Timmins owes this to me.

The people apparently closed their eyes to what was happening and did nothing to help. They chose to live in a make-believe world. My family, I believe was unjustly oppressed.

Thelma St. Cyr Bertold

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