

Saturday, March 10th

GOVERNMENT SCORED BY LIBERAL LEADER FOR BRADFORD CASE

Attorney-General Should Not Dictate to Magistrates, Says Sinclair

PRICE DENIES CHARGES Declares Politics Did Not Enter—Whole Incident Is Discussed

Government and Opposition forces in the Legislature yesterday scrapped over the bleached bones of the once-famous "Magistrate Jesse Bradford" case. The scrap was to a "no decision" verdict, however, for while Liberal Leader Sinclair obtained on motion what he was after—the tabling in the House of all correspondence and documents relating to this case—it was with the expressed approval of Premier Ferguson and his supporters.

The Government stressed the point, through the Prime Minister and Attorney-General Price, that it had nothing to hide in this case: that politics did not enter into the matter at all, and that, while Mr. Bradford's resignation from office had been accepted, in the interests of the community, it did not imply any reflection on his ability as a lawyer, but, rather, inability to hold public confidence any longer.

Strong Plea by Sinclair.

Liberal Leader Sinclair put up a strenuous argument in favor of the ex-official, charging that he had been deposed for voting "dry" at the last Provincial election, and challenging the correctness of the Attorney-General's methods of procedure in one of the two cases which indirectly spelled Bradford's retirement. The Attorney-General scored a point on the Liberal Leader when he quoted the Election Act to show that if Mr. Bradford had voted as alleged he had done so in contravention of the law and had rendered himself liable to a \$2,000 fine.

Members of the Legislature from down Lindsay way took a hand in the discussion, William Newman (Liberal, North Victoria), in particular, arousing the interest of the House with the statement that Mr. Bradford's case was now actually one of "need," and that he sat in his office waiting for clients who did not come.

Considerable correspondence, hitherto unmentioned in the Bradford case, was read to the House during the debate.

Independence of Courts.

When Mr. Sinclair's motion: "That there be laid before this House a return showing all correspondence passing between the Attorney-General or any one in his department and Jesse Bradford of Lindsay, Ont., in relation to the office of Police Magistrate at Lindsay and the work of the said Jesse Bradford in that office, and also all correspondence passing between the Attorney-General or any one in his department and other parties in relation to the said Jesse Bradford and his office of Police Magistrate at Lindsay, and also all petitions, memorandums or representations lodged with the Attorney-General or his department either on behalf of the said Jesse Bradford or in opposition to him," was called, he rose to charge that the question of the independence of the Magistrates of the minor courts was

at stake. The very essence of a judicial position, he said, was that the Judge should be independent of a Government, of any political party or of any influence of that kind. However, he pointed out that a Police Magistrate was under the direct control of the Attorney-General's Department, which, he said, should be absolutely non-partisan in its administration. It was unfortunate, in his opinion, that the Attorney-General of a Province and the Minister of Justice of the Dominion had to be a part of the Government of the day.

Turning to the case in question—that of Magistrate Bradford—Mr. Sinclair declared that the Town of Lindsay had been very fortunate in having such a man for its Police Magistrate. He had been a capable lawyer, he said, he had ten years' experience as a Police Magistrate in Sturgeon Falls and he had served Lindsay in that capacity for the same length of time. "He was a man of good ability, good reputation and long experience and he served under four Attorneys-General," said Mr. Sinclair. "You would think that he had been improving all the time."

Incident of December, 1926.

The first interference in the smooth course of his career, he said, had come in December, 1926, when he sentenced a boy and a girl, who pleaded guilty to a charge of perjury, which followed their swearing falsely to the girl's age when they applied for a marriage license, to 10 days and \$25 for the girl and two months and \$50 for the boy. Mr. Sinclair did not consider that, since the maximum for the offense was seven years the Magistrate had been extremely severe.

Later in the month of December, Mr. Sinclair said, it had been intimated to Mr. Bradford that he had been guilty of partisanship. "He had been a Conservative, but in the last election he

disagreed and voted against Government control."

Says Resignation Wanted.

An inspector, Mr. Sinclair said, was sent to Lindsay, and, ultimately, Mr. Bradford resigned, not because he had wanted to, but because his resignation was wanted. It was charged that Mr. Bradford had given two bad judgments, he said, and that the punishment had been too severe in the cases of the boy and the girl. "The Attorney-General did not appeal against the judgment; that is where he made a mistake," he insisted. "The Attorney-General took unto himself the powers of an Appeal Court and released the two."

The other cases, Mr. Sinclair explained, had been when the Magistrate had recorded a fine of \$5 for common assault. It was claimed that in this case he had been too lenient, and it was said that the Magistrate had at one time been a solicitor for the defendant. This complaint, Mr. Sinclair said, had also been investigated by an inspector from the Attorney-General's Department, but there had been no attempt made by the Attorney-General to appeal the case in order to right any wrong.

"In one case the Magistrate was said to have been too severe, and in the other he was said to have been too lenient. These two complaints were the only ones that had been laid against Bradford in 20 years. Surely if a Magistrate makes no more than two mistakes in 20 years, he is not getting very far off the track," said Mr. Sinclair.

Opinion Behind Magistrate.

"If the Magistrate's decisions in these two cases had served to destroy public confidence in him, then the Attorney-General has some grounds for his action," said Mr. Sinclair, and he proceeded to support his claim that the public had not lost confidence in Mr. Bradford, declaring that a large group of the leading citizens of the town supported him. "Public opinion was decidedly behind Mr. Bradford," he said.

"How can it be argued that he voluntarily resigned?" demanded Mr. Sinclair. "His resignation was equivalent to a dismissal."

"If those two decisions were faulty," said Mr. Sinclair, "what right has the Attorney-General to deal thus with a Police Magistrate? Is the Attorney-General to be a court of review of all these courts, holding all these offices in his hand? He should have appealed the decisions in the manner provided.

If it had been a question of misconduct, then it would have been an entirely different thing and the Attorney-General should have interfered. But in this case, I submit, Mr. Speaker, that the Attorney-General was wrong in his conception of the duties which he has to perform. The principle of our judicial system does not allow of such dictation.

"There must be something more behind this case than these two decisions. If a Magistrate can be dismissed from office on such slight evidence, then there is not a Magistrate in the Province that can hold his office for one week from today. The Magistrates should know that they are not independent, but are in the hands of the Attorney-General, and are liable to be removed or reprovved at any time," he concluded, amid applause from the Liberal and Progressive benches.

Mr. Price's Defense.

In reply to Mr. Sinclair, Attorney-General Price said that the Bradford case had been extensively discussed in the past, but "from one side only." He would not say that Mr. Bradford was wrong, in the case of the young married couple, in giving the sentence he gave. He had a perfect right to do so. But the town paper, the Mayor, the Warden of the county, and other prominent people, expressed the view that clemency was desirable. Looking into the case as far as he was able at that time, he agreed. Extra-mural officers felt as he felt. On the whole, there was "great indignation" over the sentence reported to him.

Later on, after release had been ordered, people began to write him, complaining that, in the best interests of law enforcement, the Police Magistrate should be changed. There was, Col. Price stated, some talk of the Magistrate taking part in politics.

Not Allowed to Vote.

"I am surprised to learn from my honorable friend from South Ontario," said the Attorney-General, "that Bradford voted against this Government." He quoted the Election Act to show that if Magistrate Bradford had voted at all in the election he did so in contravention of the law, and had rendered himself liable to a fine of \$2,000.

Col. Price went on to say that he had heard "all these stories" about Mr. Bradford attending political meetings. He said he had had no particular objection to such action on the Magistrate's part as long as he performed his duties acceptably. Complaints against him continued, and still the Government preferred to give him the benefit of the doubt.

Then came the second case—the Howard-Thomson case—in which Magistrate Bradford figured. Col. Price read to the House the letter of Howard, who at the time his wife was allegedly a victim of common assault by Thomson, a neighbor, was in Christie Street Hospital, Toronto, an "incurable," the result of war wounds. In the

letter Howard complained to the Attorney-General that justice had not been done his wife, inasmuch as Magistrate Bradford had let Thomson off with a fine of \$5 and costs, \$7.50 in all. Howard alleged that Thomson had choked his wife, and had left bruises on her body which did not disappear for weeks. He asked that the case be reopened.

Tried to Do His Duty.

"Up to this time, mind you," said Col. Price, "I had had no talk with Bradford. The matter as it stood had been dealt with entirely by the department. I was still anxious to give him the benefit of the doubt, I held no animus against him. Sometimes it is difficult to do one's duty. I think I've done mine." (Applause.)

Col. Price quoted another letter from a neighbor of the Howards to show that in the Thomson assault case the Magistrate had disposed of the matter in his private office. He had not got in touch with the Crown Attorney, although the latter official was in town all day. And he had conferred with Thomson, the defendant, who had been a previous client of his, and had given Mrs. Howard, the assaulted woman, no advice, the letter said.

"I then asked Mr. Bradford to come and see me," said Col. Price. "Interference? No. Simply anxiety to have the case treated on its merits. If he had been a Postmaster he would have been fired on sight. Plenty of politics in that, but none in this case." (Applause.)