

Chapter Four: Sheriff William Sutton

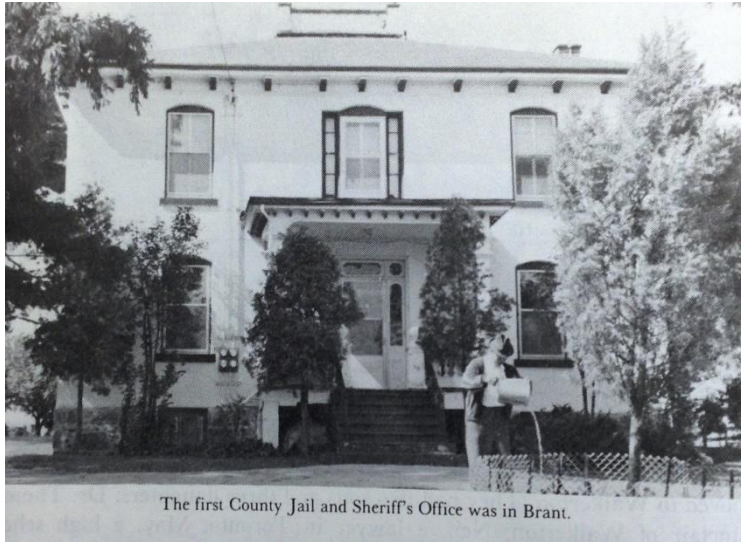


William Sutton, Sarah Keyworth, c. 1867, thanks to Keith Sutton.

Walkerton (1867-1893)

Walkerton is just over 27 miles eastward of Kincardine and is on a slightly elevated plateau round the banks of the Saugeen River. On his appointment as sheriff, William Sutton, his wife Sarah and their first four children, William John, Sarah Ellen, James Edward, and Mary Louisa, moved to Walkerton.

William bought the previous sheriff's house which had served as both his family home and the jail and the sheriff's office. It was situated on the southern outskirts of the town. The house is no longer there – it was knocked down and turned into a car sales room but we have a description and a photograph.¹



From *The History of the Township of Brant, 1854-1979*,
Laura M. Gateman, editor.

Initially, family accommodation was at the rear of the house in a one and a half storey wing with its own stairs whilst the lock-up with cells, and a windowless solitary confinement room, were housed in the large basement. All of the basement windows were barred and there was no outside entrance. A narrow, inside, stairway led from the basement to the main floor where there were four large rooms with fireplaces, then a wide staircase led to six further rooms on the second floor with ten foot high ceilings.ⁱⁱ It must have been strange, and perhaps scary, for the family to live in the same building as the jail but this was only temporary until a few months later when the new prison and county offices were opened.

The house is reminiscent in its layout to that of West House in Dent and the family were clearly fond of it as they lived there for twenty-six years and it is where the younger

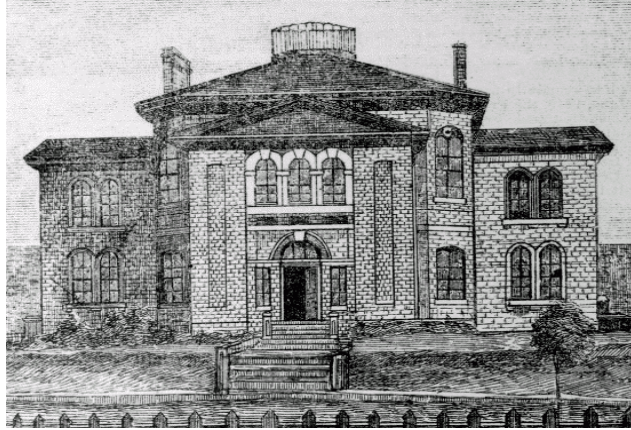
two children, Richard Keyworth and Fannie, were born. It remained in the family after William, Sarah and Fannie moved to Victoria, British Columbia: William handed it over to his son, Richard Keyworth, for \$1. Richard Keyworth and his family continued to live there for a further eleven years until he sold it in 1904.

Sheriff

The term sheriff comes from shire and reeve and given William had been reeve of Kincardine for three years this would have been a natural step up. The sheriff was appointed by local politicians and could have been dismissed by them at any time.

In many jurisdictions the sheriff acted as tax collector; he also administered corporal punishment, as directed by the courts, and was often required to carry out the death sentence. Some constructed formal gallows whilst others simply threw a rope over a strong branch. Alongside crime fighting, other duties could include civil enforcement functions. By the end of the 19th century, the sheriff was pre-eminent in law enforcement.ⁱⁱⁱ

The new County jail and court house were completed in 1867 costing \$40,000. The ground floor of the court house had offices for the Registrar of Deeds, the County Treasurer, the County Court Clerk, the Sheriff, the County Attorney, and Clerk of the Peace. The first floor included the Courtroom, Judge's Room, Grand Jury Room and Petit Jurors rooms.^{iv}



Walkerton Court House, Canadian Illustrated News, 16th December 1871



Back of Bruce County Jail, © Bridget

There must have been many tales about William as sheriff during his 25 years in office but there does not appear to be many extant official records and whilst the local newspaper would normally be a good source it seems editions which covered William's time in office were burnt.^v

We do know that during the first 13 years William was sheriff there were 16 charges of murder. Four were women, of which there was insufficient evidence to support the prosecution of one: two were found not guilty and the fourth charge was reduced to concealment of a dead body.

Six of the men charged with murder had their charges reduced to manslaughter, all being convicted with sentences ranging from six months to three years; all served hard labour. Of the remaining six charges, one of the prisoners was moved to Goderich; another person was let out on bail for \$2,000 despite him facing three separate murder charges - we do not know what happened to him but it certainly sounds suspicious. The other two, James Johnson and John Haag, were found guilty and sentenced to be hung.^{vi} We know little about James Johnson but stories about John Haag are plentiful.

The most famous hanging that took place here [Walkerton] was perhaps that of convicted murderer, John Haag, in 1868. He survived his hanging because of a conspiracy between his doctor and the hangman. They rigged a false noose and a special harness that took the weight off his neck. According to the story, the casket was taken to the cemetery, where Haag jumped out and rocks were buried instead. He escaped to the US but was later spotted by the very judge who sentenced him to hang.^{vii}

One source tells us William Sutton employed a professional hangman named Dan Beasley of Toronto. The same account says William Sutton knew nothing about the false noose and occupied himself overseeing erection of the gallows which were especially high so that people could watch from outside of the prison.^{viii}

Over the years there has been a lot of hype about this story, much of which emanates from a novel written by Dr. W.M. Brown entitled *The Queen's Bush*, published in 1922. Dr. Brown takes the basics of an historical event and creates a whole new story around it: he spins a love story about the murderer, John Haag, and the murdered man, Stephen Neubecker, being in love with the same woman. In fact, neither knew each other and Stephen Neubecker was a 46-year-old married man with seven children who had been robbed, beaten and left to die. Whether the story about Haag surviving the hangman is true is unknown.

William's name crops up in a political intrigue of 1878. The Government lost \$30,000 during the process of deciding who should be commissioned to build Goderich Harbour. There had been four tenders for the job, one of which was from a Mr. Tolton. The *Montreal Gazette* tells us Mr Tolton was rejected partly because no-one knew him but also *"because his security, Sheriff Sutton of Bruce was a litigious man who had given the department some trouble on a former contract."*^{ix}

Sacked

In 1892, after being sheriff for 25 years, William was sacked. Robertson describes what happened,

On November 29th, 1891, an old servant of the county, Samuel Roether, died, the vacancy caused by his death resulting in a scramble for the position. It seems that the gaolership has anomalous features: the sheriff appoints the official, the government confirms the appointment, while the County Council fixes the salary and pays the greater part of it. The first appointment made by Sheriff Sutton was Geo. A. Henry, of Port Elgin, of which appointment the government did not approve; neither did

they approve of H. B. McKay, of Walkerton, the sheriff's second appointment, political interests and influences being the cause of the delay in filling the post. The man the politicians at first wished to have made gaoler the sheriff refused to consider.

The upshot of the controversy, which became intense, was evidently a determination to change the sheriff. In the summer of 1892 Aemilius Irving, Q.C., was directed by the government to hold an investigation in the matter of some charges made against Mr. Sutton in his official capacity. On the receipt of the report of this investigation, in which some of the charges were sustained, Mr. Sutton was asked to resign. This he would not do, so he was dismissed, and on November 5th, 1892, Frederick S. O'Connor (a brother of the member for South Bruce) was gazetted as sheriff of the county, and a week later the office of gaoler was given to Donald McKechnie, on the recommendation of the new sheriff. Nothing but the highest commendation can be uttered of these two appointees, who proved capable and well qualified for their respective posts.^x

To dig deeper into the story we have to turn to newspaper articles outside of Walkerton. *The Toronto Mail*, Friday, May 20th 1892, under a piece entitled, '*An Enquiry into the Charges Against the Sheriff*,' tells us the gaoler and turnkey had died in the same year leaving both positions vacant. The person William Sutton put forward for turnkey was accepted. William nominated a Mr George Henry for the post of gaoler, he was a moderate conservative and had strong support from leading liberals but the Government were slow to confirm the appointment.

It seems the Government discovered Mr Henry had lost three fingers due to an accident and intimated he was no longer acceptable. William then nominated H.B. McKay, a Reformer; he gained a majority of county councillor support. But whilst this was awaiting confirmation by Government, Pat Heffernan, a constable who had previously had a legal altercation with Sheriff Sutton, preferred charges against him, one of which was that he was away from his office for months without leave of absence – this led to an investigation. The article continues,

When charges were first entered the Government looked upon them as frivolous. The provincial inspector of offices had always reported in high terms as to the manner in which Sheriff Sutton conducted the duties of his office. For some reason or other the Government have changed in their first view of the case. It is understood that the charges would never have been entered had the sheriff nominated a man acceptable to the politicians...

The *Newmarket Era*, July 15th 1892, gives the verdict,

The commissioners appointed to enquire into certain charges of irregularity against Sheriff Sutton, of Walkerton, have concluded their labors. Press despatches state that the commissioners held that the charges had been sufficiently sustained to require them to report the irregularities to the Government.

The *Northern Advance*, 20th October 1892 elaborates more on the political intrigue,

Mr Mowat has been determined to lop off the head of the Sheriff of Bruce. So far as we can learn Mr. Sutton, has not been preaching annexation - like Myers of Orangeville, but has been simply independent enough to refuse to appoint to the position of gaoler, a nominee of Mr. O'Connor, a thick and thin supporter of Mr. Mowat in the Local Legislature. Whatever difficulty there may be in Mr. Sutton's office on which Mr. Mowat demands his resignation, we do not know, but it is generally believed that the step is simply one in the centralization policy of the little premier. Every petty office whose occupant can be made to aid in keeping Mr. Mowat in power in spite of the untrammelled voters of Ontario, is being seized and utilized as an additional wheel in the political machine. Mr. Mowat thus becomes perpetual provincial autocrat, and his "wicked partners" have a life lease of office and the substantial benefits of the provincial money chest. The unfortunate feature of this is that the average Grit voter is quite content because it is called Reform.

In response to the finding, P. Heffernan wrote to the County Council of Bruce. The letter was discussed at a meeting of a special committee who then presented a report to the full Council meeting held on 2nd December 1892. Minutes of the meeting stated,

GENTLEMEN:- Your Special Committee have considered the letter of Patrick Heffernan asking for an examination of the books of Wm. Sutton, Ex-sheriff of this County.

Your Committee had no information or material before them as to the amount which, it is alleged, has been improperly received by Mr Sutton from the County, and do not therefore feel justified in recommending this

Council to incur the expense of employing an accountant to examine into the matter.

As the Government, however, are interested in the matter also, we would recommend that the Ontario Government be requested to appoint an Auditor to examine Mr Sutton's books, the expense attending the same to be borne by the Government.

All of which is respectfully submitted.
J.H. SCOTT, Chairman^{xi}

The Public Accounts for the Province of Ontario, year ended 31st December 1893 include payment of \$400 to P. Heffernan for expenses as prosecutor re Bruce Shrievalty. So it looks like William Sutton was prosecuted but there does not appear to be any record of the findings.

Further investigation into affairs in British Columbia (the other side of Canada) reveals that William Sutton had been visiting British Columbia for twenty years and spending some considerable time there setting up a lumber business at Cowichan, Vancouver Island. He had visited enough times for the local newspaper to state, in his obituary, that he had lived in British Columbia for 20 years, yet he did not actually move there until 1893, three years before he died.

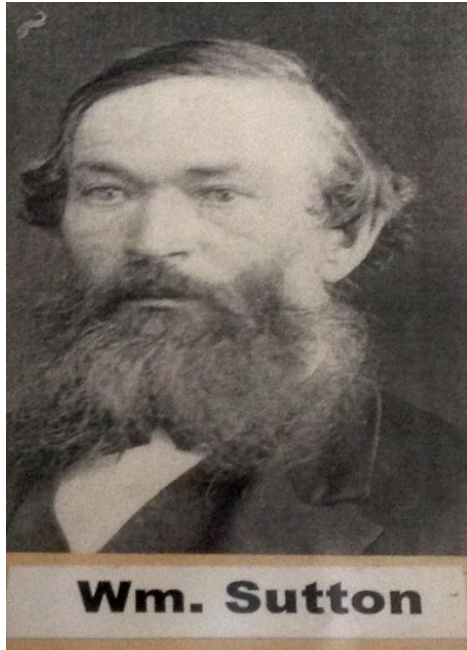
Concluding Remarks

It looks like the reason William lost his job was a combination of leave of absence without permission, political intrigue and a grudge on the part of Constable Pat Heffernan. William was absent for months at a time but he had been doing this since the 1870's and, given his office was next to many other County officials, it is unlikely it was a secret.

Had William supported the government and accepted their recommendation for the new gaoler he would not have been sacked. He may have stayed in Walkerton, been recognised alongside James Walker and Williamsburgh may still be a district of Kincardine. Perhaps he was just unlucky, or made too many enemies, or was simply not cunning enough to get away with it? Or perhaps he deserved to be brought down? Whatever the reason, he is little remembered in either Walkerton or Kincardine.

William Sutton cannot, however, have been totally disgraced otherwise it is unlikely his son Richard Keyworth would have remained in Walkerton with his family for the rest of his life. If the scandal had been that bad it would have affected the chances of his great nephew becoming reeve in Kincardine, a post he was elected to not long after William had left Walkerton. And when Will, Annie and Fannie visited Walkerton in 1903 they met many family friends (over a dozen) with Will meeting friends from his father's office as well as some from Kincardine. It does not sound like the townsfolk turned against him.

We learn more about William's character in Chapter Six when we look at what happened in British Columbia. Meanwhile, it is time to introduce the main protagonist, William John Sutton. But before we do so it is worth looking at a photograph of William Sutton that hangs, along with other prominent pioneers of Kincardine, in the Walker House Museum: He looks old, sad and defeated, a far cry from the earlier photograph when he had taken up the position of sheriff.



William Sutton, Thanks to Walker House, Kincardine

ⁱ Laura M. Gateman, editor, *The History of the Township of Brant, 1854-1979*.

ⁱⁱ *Ibid.*

ⁱⁱⁱ <http://canadafreepress.com/article/54176>

^{iv} *The Directory of Bruce County, 1867*.

^v We might learn more about William's activities in the future as old newspapers from the region are digitised.

^{vi} *Brant Township Scrapbook*, p.71, Bruce County Museum & Cultural Centre

^{vii} Lloyd Cartwright, *The Scrapbook of Reflections by the Cordwainer Memories*, 1995.

^{viii} Ted McCannel, Walkerton Grave Holds Answer to Eerie Riddle, The Record, Kitchener Waterloo, January 7 1961.

^{ix} 18th March 1878

^x Robertson op.cit.

^{xi} Bruce County Museum and Archive.