

The Birchall Murder

by Edith Fowke

The most famous murder case in Ontario's history occurred in 1890 when John Reginald Birchall was tried and hanged for the murder of Frederick C. Benwell, a twenty-five-year-old Englishman whose body was found in the Blenheim swamp in southwestern Ontario on February 21 of that year.

Birchall was himself an Englishman, the son of a clergyman and a former Oxford Student, who had come to Canada some years earlier and settled in Woodstock where he won quite a reputation in sporting circles as "Lord Somerset." When his creditors became troublesome, he left Woodstock and went back to England where he advertised for farm pupils. It was then the custom for well-to-do English families to send their younger sons to Canada to establish themselves on the land, and Birchall told Benwell's father that he had a well-stocked farm near Niagara Falls.

That farm did not exist, but on the pretext of taking Benwell to inspect it, Birchall murdered him and left his body on the lonely swamp. When it was found and identified, the police discovered his relationship with Birchall and established a strong chain of circumstantial evidence that led to Birchall's conviction at the fall assizes in Woodstock.

The trial aroused great interest throughout Ontario, and thousands massed in the market place in front of the town hall to see the prisoner. The Toronto Globe carried sixteen columns of news on the trial the day the defense counsel addressed the jury. After Birchall was sentenced to be hung, he wrote the story of his life for the Toronto Mail and the New York Herald Tribune to raise money for his wife. A booklet called "Birchall: The Story of His Life, Trial, and Imprisonment as Told by Himself," and bearing the heading, "Woodstock Gaol, October 1890," went through many printings.

Such a celebrated trial naturally produced ballads. The best known one, which was widely sung at the time and for many years afterwards, was patterned on the American gallop ballad about Charles Guiteau who was executed in 1882 for killing President Garfield. A fairly standard text of this, which I have titled "The Birchall Murder I," appeared in the Montreal Family Herald and Weekly Star, November 20,

1940, from a copy provided by a Mr. Herbert Buck of Woodstock.

This ballad is remarkably accurate: Birchall was hung on November 4, 1890. He maintained his innocence to the end, and his wife visited him in jail the night before his execution. His spiritual counselor recited the Lord's Prayer on the scaffold, and the trap door was sprung at 8.29 a.m. — close enough to the nine o'clock found in most versions, and in some it is given as half past eight.

I first came across this ballad in American collections. Louise Pound cited it as "The Death of Young Bendall" in her *American Ballads and Songs* (New York: Scribner's, 1922, p. 148). She got it in 1918 from a Nebraska woman who told her that the lines "were composed and set to music by a young school teacher in the neighborhood where the tragedy took place." Her text is very similar to the one I have given as typical: it has four stanzas corresponding to 1, 3, 5, and the last one a combination of the first half of 3 with the last half of 6. Sigmund Spaeth also quoted a version in *Weep Some More My Lady* (New York: Doubleday, Page, 1927, p. 135). One other American version turned up in Olive Wooley Burt's *American Murder Ballads and Their Otories* (New York: Oxford University Press, 1958, p. 228). Her version corresponds very closely to stanzas 1, 2, 3, 5, and 6, but her account of the murder is inaccurate, placing it back in 1861. She noted that she learned the ballad in Winder, Utah, the first year she taught school, but does not give the date.

Having come across American references to this Ontario murder ballad, I looked for someone who could sing it for me. Lamont Tilden, the announcer on my CBC radio program, "Folk Song Time," said he had heard it when he was growing up in Harrison, Ontario, and sang a five-stanza version corresponding to stanzas 1, 2, 3, 5, and 6. I included his version on the record *Folk Songs of Ontario* (Folkways FM 4005), and played it on my radio show in 1959. Shortly thereafter Lorne Lindsey of St. Thomas, Ontario, sent me the version he knew which paralleled the Tilden with very few variations, the most notable being in the second half of the third stanza which ran:

They took me to the prison and locked me in a cell
And till my execution alone there I must dwell.

The next version I got came from Emerson Woodcock of Peterborough who sang a slightly different text and a tune somewhat different from the usual "Charles Guiteau" form. It appears in *Traditional Singers and Songs from Ontario* (Hatboro: Folklore Associates, 1965, p. 126). He began with the stanza usually given as a refrain, substituted the lines:

While running to Buffalo to make my escape
The chief of police in Niagara Falls he nabbed me in my chase

for the usual come-all-ye opening, and added a verse not found in other versions:

Three cheers for Lawyer Mackey who did so much for me,
Likewise for lawyer Blackstock who tried to set me free.
Sir John Thompson would not pardon me; and I will tell you
the reason why:
Because he thinks I'm guilty, and this day I am to die.

Birchall's lawyer was George Tate Blackstock who was assisted by Samuel G. Mackay, D.C., and Sir John Thompson was the federal Minister of Justice who refused a reprieve. The rest of his lines paralleled the usual form.

I recorded another version from Michael Cuddihy of Low, Quebec, in 1965. It had only minor variations: he changed scaffold to gallows, spot to swamp, revolver to pistol, and his fourth stanza ran:

My wife she came to see me to take her last goodbye.
She threw her arms around my neck and bitterly did cry.
She said "My dearest husband. I'll weep and mourn for you,
For yonder is the scaffold where you will meet your doom."

I also have fragments from Mrs. Eva Bigrow of Calumet, Quebec, and Sam Campsall of Toronto.

LaRena Clark knew a version obviously springing from the standard text but varying more radically. She sang it for me in 1964 and included it on her record Canadian Folk Sound with LaRena (Clark LCS 109) in 1977. It begins with the usual refrain but then goes on:

Pursued along the Queen's highway, the bloodhounds
at my heels,
I drew the pistol from my belt, determined not to
yield.
They landed me in Woodstock jail, I was condemned
to die
For the murder of a merchant I would hang on the
gallows high.

My day of execution was a sad, sad sight to see.
My aged parents they had come to mourn there over
me.
They said, "My son, what have you done, that you
should have to die
On the tenth day of November all upon the gallows
high.

As he stood on the scaffold with the rope in his right
hand
He told the judge and jury that he'd murdered many a
man.
The judge he read the sentence and the jury wrote it
down.
The trap door it flew open and young Birchall he went
down.

This is an interesting variation, suggesting that LaRena's father, from whom she got it, or the singer from whom he learned it, had remembered only the refrain of the Birchall song and a few phrases from the original, and had improvised the rest using standard cliches from other gallows ballads.

A second completely different ballad about the Birchall murder also circulated in Ontario, although it was nothing



like as well known as the first. I recorded part of it from John Condon of Peterborough in 1958, and his mother supplied a six-stanza manuscript copy which I have transcribed as "The Birchall Murder II." Later I came across another copy of this version in a dilapidated manuscript belonging to Elsie Huggins of Peterborough, written down in 1900. The first two stanzas of her text correspond closely to the Condons', and then she has two other stanzas which probably belong between 2 and 3 of the Condon version:

It was not through love or drink that this murder came to
be
But for the sake of wealth as you may plainly see,
Fred Benwell had a fortune and Birchall he had none,
And the rogue's plan that he did take to lure him from his
home.

'Twas on board the bold *Bergiantic* there three men they
did sail.
When they got to New York city they left without delay.
Like a lamb onto the slaughter he coaxed along his prey;
They got on board the first fast freight and started for the
west.

(For the sake of easier reading I have corrected the spelling and added punctuation to the two manuscript texts.)

THE BIRCHALL MURDER I

Family Herald and Weekly Star, Nov. 20, 1940, from
Herbert Buck of Woodstock.

Come, all you tender Christians, wherever you may be,
I pray you pay attention to these few words from me;
On the fourteenth of November I am condemned to die,
For the murder of F. C. Benwell--upon a scaffold high.

Chorus

My name is J. R. Birchall — that name I'll never deny,
I leave my aged parents, in sorrow for to die;
For little did they think that in my youth and bloom,
I'd be taken to the scaffold to meet an awful doom.

Now Benwell was an Englishman who had not yet a wife,
He came out here to Canada to seek an honest life;
They said that I betrayed him unto a certain spot,
And there with a revolver poor Benwell he was shot.

I tried to play off innocent, but found it would not do,
The evidence being against me, it proved I had no show;
The Judge he gave the sentence, the clerk he wrote it
down,
And to the scaffold I must go to meet my fearful doom.

My friends they came to see me, to take their last farewell,
They seemed most broken-hearted to see me in my cell —
Saying, "Comrades, darling comrades, why shed those
tears for me?
For before tomorrow's sun shall set, from troubles I'll be
free."

My wife she came to see me to take her last farewell,
She said it was heart-rending to leave me in my cell;
She said, "My dearest husband, you know that you must
die,
For the murder of F. C. Benwell, upon a scaffold high."

It was nine o'clock in the morning, I knew my doom was
near,
I bid farewell to all on earth, to friends and loved ones
dear;
The last few words were spoken, the words "Thy will be
done,"
The trap-door was now opened, and Birchall he was hung.

THE BIRCHALL MURDER II

From John Condon and his mother, Peterborough, Ontario,
1958.

Pay attention my dear comrades and listen unto me
While I relate a story all of a tragedy.
It's of a cold-blooded murder all of the first degree,
How the murderer slayed his victim and tried himself to
free.

John Reginald Birchall was the name of this inhuman
man,
Fred Benwell was his victim, he is numbered with the
slain.
He lowered him into a lonely swamp and took his life
away;
Two bullet wounds he did inflict, and left his body lay.

To get away out of the place he thought he would be best
Till link by link they made a chain which caused his
arrest.
They lodged him in the Woodstock jail his trial for to
stand
Before the judge and jury, the best ones in the land.

They brought him up before the court and tried him with
great skill
But to confess this terrible deed 'twas sore against his will
They jury found him guilty, they were sworn one by one,
The judge pronounced the sentence and likewise sealed
his doom.

The judge that gave the sentence, his words they did come
true
In spite of all the pleading that Birchall's friends could do,
Saying "A life for life is justice and the laws you cannot
mend,"
But Birchall pleaded innocent all till the very end.

And by command of justice he boldly took his stand,
A bolder murderer never was strung in our Canadian land,
He cracked his jokes, smoked his cigars, played tricks
upon his guards,
Canadian soil is very well of such a murderer freed.