

REMEMBER WHEN?

by Pat Winans

A single bullet to the head killed Phillip Lake. The skull of his pregnant wife, Bertha, was fractured. Their child, Jackie, died from exposure on that cold winter's night in 1936. The Lake baby was nowhere to be found. Were the young men found guilty of the crime 'evil incarnate'? Or good lads, just helping their mom with her plan to bring in a little extra cash?

The Bannister Boys – And the Cost of Crime

In the 20s and 30s, many Maritime men and boys took advantage of free passage on the freight trains heading west. In SE New Brunswick, drifters tended to gather about eleven miles northwest of Moncton at a place where two major rail lines intersected. Some of the drifters even settled in for awhile, building cabins on cleared railway land. Soon there were a number of families squatting in Pacific Junction, eking out a living at whatever work they could find.

In 1936, the Lake family lived near Pacific Junction; a little closer to Berry Mills lived the Bannisters. They knew each other. They were neighbours. The two Bannister boys, Daniel and Arthur, and their sister Frances visited and stayed over at the Lakes on at least one occasion. There was no reason for Philip Lake and his wife, Bertha, to suspect that the three oldest Bannister children were a threat to their family.

On January 6th, 1936 the body of Philip Lake was discovered in the burned ruins of his cabin. Nearby in the snow his pregnant wife, Bertha, lay dead, with a large gash on her forehead. The frozen body of their 20 month old son, Jackie, was found a few feet from his mother. It was assumed that 6-month old Betty Ann Lake had been consumed in the fire.

When the story of the tragedy was reported in the Moncton newspaper, the headline read "FOUR ARE DEAD IN DOMESTIC TRAGEDY AT PACIFIC JUNCTION".

But the footprints in the snow suggested that the death of the Lake family was something other than a domestic tragedy. Those footprints led to the home where Mae Bannister resided with her children, Daniel (20), Arthur (18), Frances (15) and Marie (13). Within days, Daniel and Arthur Bannister would be taken into custody for the Lake murders; their sister Frances would be held as a material witness.



Prior to their arrests, neighbours were asked what they had seen and heard leading up to the crimes ...

Two strangers had been seen walking along the railway tracks the day before the tragedy. A neighbour of the Lakes, and a young man from Moncton who visited the family were questioned as to their whereabouts when the crimes took place.

When the police went to question Daniel Bannister about what he might know of the fire and deaths, they showed him a blue and white woollen mitten.

"It's mine," Daniel blurted out. He asked where they had found it.

They replied with the truth. They found it the day they discovered the bodies, beside the trail of three sets of footprints that led from the Lake home.

Daniel told them he had loaned his mitts to his brother and Arthur had lost one of them. Daniel was taken in for questioning and then released, leaving Arthur as the main suspect in a murder case.

As the investigation progressed, both Daniel and Arthur Bannister were taken into police custody. They were the prime suspects in the deaths of the Lake family. Their sister Frances was held at the Moncton jail as a material witness.

Arthur Bannister told the police he had gone to visit Philip Lake on January 5th. Late in the evening his brother, Daniel, and his sister, Frances, had come to bring him home. An argument – which grew into a fight – took place. In the midst of the confusion, Bertha Lake was hit with a piece of firewood thrown by her husband. Daniel knocked Philip Lake unconscious with an-

other piece of wood, and in the scuffle an overturned oil lamp caused the cabin to catch fire.

Further questioning of Daniel Bannister resulted in a similar account. Their sister, Frances, added that as they were fleeing from the burning cabin, Bertha Lake ran after them calling for help.

This was the first "Bannister version" of the story. But as the trials unfolded, the story would change many times.

A Coroner's Inquest concluded that Mrs. Lake had died from a fractured skull and brain damage, Jackie Lake had died from exposure and the cause of death of the burned body presumed to be Philip Lake could not be determined. There were no conclusions reached regarding the missing infant, Betty Ann. It was presumed her tiny body had been reduced to dust in the blaze.

As part of the investigation, policemen were busy in Pacific Junction and the Berry Mills area going door to door questioning everyone about what they might know of the Lake fire. An attempt to search the Bannister house was refused by the boys' mother, Mae, because the police had neglected to get a warrant. A male friend of Mae Bannister, however, told the police about a baby that was staying at her home. In fact, the baby had been there since the morning the bodies of her neighbours had been discovered.

Mae Bannister insisted that the baby was hers. She insisted that many had seen her with the baby on outings in Moncton and offered names of people who would validate her story. Upon questioning, these acquaintances agreed that they had seen her carrying a parcel of some sort but had neither seen nor heard an actual baby. Frances Bannister later testified that the 'baby' her mother carried around town was really a doll



Arthur Bannister, eighteen, plants a kiss on the cheek of his adoring mother Mae. In this March 9, 1936 photograph, he had already been found "guilty as charged" of the murder of Phillip Lake, but had not yet been sentenced to pay with his life.

(Photo courtesy Moncton Museum)

that had been purchased at the Metropolitan store.

It soon became evident that the baby residing in the Bannister home was, in fact, Betty Ann Lake.

Mae Bannister offered a revised version of her story. She said that Frances had brought her the baby the night of the fire at the Lake's. Frances had saved the baby from the burning house.

Mae Bannister was taken into custody as a material witness in the case against her sons. She joined her daughter Frances in the police lock-up.

One week after the deaths of Philip, Bertha and Jackie Lake, Daniel and Arthur Bannister were arraigned for the Lake family murders and preliminary hearings began. The Police Court on Duke Street in Moncton was packed to capacity with curious on-

lookers and a large crowd filled the street outside. Newspaper reporters and photographers from all over the Atlantic Provinces and from the major Canadian cities were there as well as the New York Daily News and the Boston Globe. What began with a swift start soon turned into a grinding, slow, stalling and starting ordeal.

The case against Daniel and Arthur Bannister was complex and as time went on, new evidence kept coming to light – making things even more complex. Eventually the Bannister boys were transferred to Dorchester where they stood trial for the Lake murders.

Initially Arthur and Daniel Bannister were charged separately for the murders. The Crown then decided to try them jointly, only to change its mind again and revert back to the separate charges.

At first, Mae Bannister was being held as a material witness but the Crown decided that there was enough evidence to charge her separately with kidnapping. This was something that no one had anticipated, including Mae Bannister. The local newspaper reported that “the arraignment, coming suddenly out of a clear blue sky, astonished the jammed courtroom ... so stunned that it could hardly believe what it heard”. Mae was henceforth moved to Dorchester to await her trial for the kidnapping charges.

While the activities in the courtroom went on, the police were following up on new leads and trying to figure out a motive for the murders and kidnapping.

Neighbours of Philip Lake insisted that it would have taken more



When the police went to question Daniel Bannister, they showed him a blue and white woollen mitten. “It’s mine,” he blurted out. At age twenty, Daniel and his eighteen year old brother, Arthur were sentenced to “hang by the neck until dead” for the murder of Phillip Lake. (Photo courtesy Moncton Museum)

than a blow from a piece of firewood to ‘take him down’. His body was exhumed and after x-raying his skull the cause of death was found. He had been shot in the head with a single bullet. The police were very quiet about their findings as they began their hunt for the weapon.

A call went out for men to go to Pacific Junction to help with the investigation. Their task was to begin shovelling the snow along the path of the footprints that the police had found leading from the Lake home after the fire. The men were asked to shovel an area on each side of the path that could equal the distance that a man could throw a rifle.

Frances Bannister, accompanied by two policemen, walked the route she said she had taken while rescuing the Lake baby on the night of the fire. After shovelling what one

man described as “half the snow in Westmorland County” they found the broken butt of a .22 calibre rifle and later found the barrel.

It was during Mae Bannister’s arraignment for kidnapping that a motive for the Lake murders finally came to light.

For some time, Mae Bannister had been looking for an infant to adopt. She had made an application to the New Brunswick Protestant Orphan’s Home in Saint John in the spring of 1935 for a baby. Later that Fall she had sent her daughter and sons to make the same request from the Lakes.

Mae Bannister needed an infant to support the paternity suit she planned to initiate against two of three male visitors to the Bannister home. A gentleman testified at her trial that Mae claimed to be the mother of his child. Another gentleman testified that Mae accused him of fathering a child soon to be born to Mae’s thirteen year old daughter, Marie; she was going to hold him responsible for supporting the child and the young mother. (Marie, in fact, was not pregnant.)

By late February, 1936 the final trials by judge and jury for Arthur, Daniel, and Mae Bannister began in Dorchester. The judge stated that he would wait until the last of the three trials before passing sentences on any of the accused if they were found guilty.

Arthur was tried first and after hearing all of the testimony again from all of the witnesses the judge charged the jury that in their verdict “It must be murder or nothing”.

Three hours later the jury returned their verdict of “Guilty as charged” with no recommendation for mercy.

Mae Bannister’s trial was next. At no time during their testimony did Arthur, Daniel or Frances implicate her in any way as having any knowledge of the Lake murders or kidnapping. Mae was charged with “procuring without lawful authority ... and seizing an infant ... and harbouring that said infant ...”

After four hours of deliberation the jury remained divided on the ‘seizing a child...’ part of the charge but all agreed that she was guilty of the charge of harbouring the Lake baby. Again the judge postponed sentencing Mae until Daniel’s case came to trial.

Daniel Bannister’s trial ended in early April. The witnesses had all been called to again testify and no new evidence was found. As in Arthur’s case, it was not proven that the bullet that killed Philip Lake was from the gun found near the cabin. Nor was it known who had struck Bertha Lake on the head.

H. Murray Lambert, the lawyer who represented the Bannister family, argued, discredited and scrutinized every piece of information presented by the Crown but his efforts were to no avail. The newspaper reporters of the day commented that whoever was paying this lawyer’s fees was certainly getting their money’s worth. The jury took almost two full days to deliberate Daniel’s fate and returned a verdict of “Guilty of murder with a strong recommendation for mercy”.

As promised, Chief Justice Berry was now ready to impose sentences for Arthur, Daniel and Mae Ban-

nister. He sentenced Arthur and Daniel to be “hanged by the neck until dead” on June 20th, 1936 for the murder of Philip Lake.

The Cost of Incarceration circa 1935...

In 1935, due to inhumane conditions and inconsistencies in the penalization and treatment of prisoners in Canada, the Federal Government initiated a Royal Commission to do a comprehensive study of the Canadian penal system. For comparative purposes the Commissioners also studied the penal systems of the United States and several European countries. The study took three years to complete. When the results were published, there were many criticisms of the Canadian system from both the federal and provincial standpoint. Also included were recommendations for improvement. As a result, better meals for prisoners, more comfortable cells and less physical punishment were soon adopted. Other recommendations continued to be phased in over the next decade.

The cost of convicting an individual of a crime in 1935 in Canada was \$18,000. The annual cost of maintaining them in prison was \$24,000.

C h i e f
Justic Berry was not pleased with the jury’s verdict in Mae’s case. He told her publicly in court that he could not understand how she was only found guilty on the charge of harbouring an infant, the least serious of the subsections of the Criminal Code for kidnapping. Mae Bannister’s sentence was three and a half years in prison for her part in the crime.

As expected, Daniel and Arthur Bannister both appealed their sentences. Arthur’s application was denied and Daniel was granted a new trial. Arthur’s hanging date was set forward to August 20th, to give him the opportunity to testify at Daniel’s retrial.

Daniel was again found guilty of the murder of Philip Lake and was sentenced to hang on September 23, 1936. Meanwhile, the Bannister lawyer applied to have both Daniel’s and Arthur’s sentences reduced to manslaughter. The application was denied; they were destined to go to the gallows together on September 23.

In Mae’s letter to her “dearest boys” dated August 13, 1936 she tells Daniel “be true to Arthur and him to you and dont do what sister has and be good to each other ... you should have turn and put it on me and be free fore that would not hurt me ...” Her reference to “sister” probably meant Frances, who was not formally charged for any part in the crimes.

Frances, when questioned and threatened with reprisal, had refused to implicate her mother or disclose damaging information about her brothers. She had, however,



"My dearest boys ... I can't live without you," Mae Bannister wrote her sons from Kingston Penitentiary. In fact, she would outlive them by thirty-three years. Arthur and Daniel Bannister were hung on September 23, 1936 at Dorchester. They were the last people executed at that facility. Mae Bannister served less than her 3-1/2 year sentence, then returned to the Berry Mills where she resided until her death in 1969.

area. She died of tuberculosis at the Moncton Tuberculosis Hospital on October 30, 1947 after a long illness. Her obituary tells of her being survived by her widowed mother Rosanna Mae Bannister of Berry Mills, her sister and two nieces and two nephews.

The youngest member of the family, Marie Bannister, married and lived the rest of her life in the Moncton area. She died February 19, 1998.

For good behaviour, Rosanna Mae Bannister spent less than the 3-1/2 years of her sentence at Kingston Penitentiary in Ontario. She returned to Berry Mills and lived there until her death on March 24, 1969.

Betty Ann Lake was adopted by her aunt and uncle in Barker's Point, NB. She married, had one adopted son and two daughters. After a lengthy illness she died on February 23, 1991.

accompanied the police as they retraced the path she took from the Lake cabin with the baby; this was how the gun was found. She had also told of the doll that Mae had bought and presented as a baby. During the trials, Francis spent a considerable time in jail; as a material witness for the Crown, they needed to keep her close at hand.

After the trials, Frances Bannister was released and lived the rest of her life in the Berry Mills and Moncton

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The Cost of Incarceration today...

For 2001-2002 the daily cost of incarcerating a federal male prisoner in Canada rose to \$199.57 or \$72,843.05 per year. For women, the cost rose to \$316.34 per day or \$115,464.10 per year. For a provincial prisoner, male or female, the cost was \$114.14 per day or \$41,661.10 per year. Part of the increased cost is attributed to better meals, health services, counseling, housing and educational and vocational training.

Overall, Canadian Correctional Services spent \$2.6 billion for the year 2001-2002. This figure does not include policing or court costs preceding incarceration which brought the total expenditure up to more than \$10 billion.

After a stormy, lengthy debate, the death penalty was abolished in Canada in 1976. Capital punishment still exists in many of the United States. Pro-abolition supporters point to studies which compare the cost of executing a prisoner to the cost of life imprisonment. Study results show that the current cost of execution in most cases is significantly higher than the cost of keeping someone under lock and key for the rest of their natural life. The cost of appeals, court costs and legal fees are credited for the difference in the final amount.