

The Darker Side: Justice Undecided - Execution of Stefan Swryda By Deanna Natalizio

THIS MAN WAS MURDERED.

REVOLTING CRIME UNCOVERED IN TORONTO TOWNSHIP.

The Body Found in an Unfrequented Spot Was Evidently That of a Foreigner—His Face Had Been Crushed In.

(Special Despatch to The Globe.)

Brampton, May 4.—Some children walking in the bush near Erindale today came across a ghastly discovery, that points to murder. Under a pile of brush and leaves, on the old Mitchell farm, they saw a dark object, which, on closer inspection, turned out to be the head of a man covered with black hair. The body was under the brush, and only part of the scalp was visible.

The alarm was promptly given, and local officers took charge of the remains, and County Crown Attorney McFadden and Coroner Sutton were notified.

They opened an inquest at Erindale this evening, but were unable to secure many additional particulars.

The deceased was evidently a foreigner, probably a Bohemian. The body had been in the spot for some time, as it was in a decomposed state, and the position in which it was found, hidden under the brush, renders the suicide theory of death untenable. The side of the face was crushed in, as if with a heavy blow, and the clothing about the neck was torn and some of it rent away.

This is the third person who has been killed under peculiar circumstances in Toronto township during the past year, the two former being found on the railway track near Port Credit.

The dead man is an entire stranger in the neighborhood. It is probable that something may be discovered later that will throw some light on the crime.

On April 12th 1908, Oleck Loutick (sometimes spelt Leutik - various spellings for both victim and perpetrator are found in official reports) was a hopeful 17 year-old, newly landed in Canada. Loutick's plans of joining the track gangs on the Grand Truck Pacific took an inestimable turn. A mere four days after his arrival, he was found beaten to death in the woods of Erindale village. His alleged perpetrator, Stefan Swryda, was a Polish immigrant living in York County. Swryda disavowed his involvement in the murder throughout the entire period leading up to his hanging. His execution is historic in that it marked the first to take place in Peel County.

Swryda emigrated from the Eastern European region of Galicia to Rochester, New York, alongside his wife. He later moved to York County in March of 1907. Described by the media as a "friendless young foreigner," a build-up of circumstantial evidence and variations of his alibi led to his indictment in May of 1908.

Upon Loutick's arrival, progress on the railway had slowed. Like many other immigrants, he was advised to seek wages elsewhere. Destitute and devoid of connections, he sought refuge on the floor of the police station for two nights before meeting Swryda; both men were of Galician origin which may have prompted Swryda to extend his care. Swryda took the distraught boy in for two nights at his lodgings on Adelaide Street. They left the city on the eve of Good Friday, on the hope of finding Loutick work on a farm in Erindale. Swryda had

heard rumours of labour opportunities out that way and spoke of this to the owner of the boarding house. Two receipts were later furnished to police confirming their travel on the electric railway from Sunnyside to Port Credit.

Prior to leaving, Loutick sold his concertina (a small accordion) for 1 dollar, a fact that would be later tied in to the pile of circumstantial evidence built against Swryda. Swryda aroused suspicion by paying that same amount for overdue room fees upon his return. According to his lodger, he had continually put off his payments of rent. A *Toronto Star* article printed on May 13th, 1908, strongly intimated at Swryda's motive for

committing the crime, titling their article "Did Swyryda Murder for \$1?" It was such unfounded hearsay that contributed to the growing case against Swyryda.

Loutick's body was found by 3 young boys lying in the woods of Samuel Fasken's farm (Fifth Line and the Middle Road (near Erin Mills Blvd. and the QEW, today). The body was obscured by stumps, twigs, and other debris in a seemingly deliberate attempt at concealing the remains. Autopsy reports showed that Loutick's skull had been severely crushed in by a piece of wood. Trousers saturated with blood and emblazoned with the number "13" were found beneath a log. A bonfire had been started in the bush nearby, surrounded by empty beer bottles and a whisky flask. Fasken's bush was a popular hangout for teen revellers at the time. This widely known fact should have prompted constables to widen their search for suspects.

Swyryda contended that Loutick was placed at a farm in Clarkson, although he later had difficulty naming the exact location of the farm. The farmer paid him \$1.75 for the new labourer (which may have been the origin of the 1 dollar paid by Swyryda to the lodging housekeeper).

Provincial detectives searched Swyryda's room at the lodging house on May 12th and found matches of a strange manufacture. They were quickly discerned to be the exact make of the matches found in Loutick's luggage. A reasonable explanation for this circumstance was never sought out, and only hardened the opinion of officials.

Mrs. George Manley, who lived on an adjoining farm a mile east of the Fasken property, claimed that Loutick and Swyryda called at her house the evening of the 16th. In a statement taken by police the day before Swyryda's inquest, she claimed she saw two men nearing the entrance of Fasken's bush at dusk. She described Swyryda as a heavy set man wearing a light-coloured overcoat (a garment fitting the description was found in Swyryda's room the day of the arrest, purportedly stained with blood). At the May 21st hearing, she again varied her story, claiming to have encountered the two men on the road as she travelled by carriage with her son. The light emitted by a bright moon allowed her to identify one of the men as



STEPHEN SWYRYDA,
Who is to be Hanged at Brampton
To-morrow.

Loutick and identified Swyryda from the witness stand as the taller man accompanying him. She had seen Loutick's body and asserted she was not mistaken in her id of either of the men.

The most damning evidence came from CPR fireman Albert Weir, who claimed he saw Swyryda on the morning of Good Friday washing his hands and clothing in a pool beside the tracks as his train moved into the City. Asked what he was washing by the Attorney, Weir answered "Apparently blood, sir. He had blood on him." On the return trip, Swyryda was seen walking beside the tracks in the direction of the City, presumably to his lodging house. Contrary to this story, was evidence from a Grand Trunk Railway employee, Robert Henry, who, from his watchman's tower in Mimico, said that he saw a man like Swyryda walking to Toronto along the GTR tracks the afternoon after the murder. The contradictory claims diminish the credibility of both stories.

Although reticent the majority of the trial, Swyryda's story was said to have wavered and the variation did not sit well with Swyryda's detractors. He first maintained that he placed Loutick himself with a farmer, then said Loutick had fallen in with a group of three Jewish men, and that he had arranged for the same men to find Loutick work (which he later denied).

An inquest was held May 14th at Erindale, arousing the interest of nearby villagers who clamoured to fill adjacent establishments. As the materials found at the scene of the crime were displayed during the proceedings (brown overcoat, a battered cap, white blood stained trousers and underdrawers), Swyryda made no overt signs of discomfort as he took them in. A verdict of murder was quickly brought in by the jury.

In a hearing before Police Magistrate Shaver in Cooksville on May 20th, Swyryda pleaded not guilty. Crown Attorney McFadden brought forth the testimony of key witnesses in support of the prosecution. Swyryda remained silent and did not wish to discuss his position with anyone, including his lawyer; Mr. Morris. Mr. Morris attempted to establish reasonable doubt when cross-examining the doctor who performed the post-mortem by examining the likelihood of alternate causes of death. The doctor was resolute in his belief that Loutick had died of a fractured skull that could not have been produced by an accidental fall or train hit. A committal for trial was set for November 18th, 1908, with Swyryda to appear before a Peel County citizen jury. It was at this time that twelve men decided upon a sentence of death by hanging.

Swyryda was remanded in Peel County Jail in Brampton until the date of his execution on February 11th, 1909. A mere 24 hours before the hanging, he proclaimed "I no kill that boy; I go to my God not afraid, because I no kill that boy." Officers on death watch said his English continually improved during his period of incarceration. He had declared his innocence so fervently that they were beginning to doubt whether justice was truly being served.

In three previous cases where a death sentence had been passed and later commuted, the evidence of guilt was much more compelling. Townspeople were of the growing

opinion that the evidence in this case was not conclusive enough to warrant the hanging, even gaining the support of Sheriff Brody in favour of its annulment. This undercurrent of sympathy produced a swell of interest in the execution, with townspeople divided into two camps; those who wished to view the hanging, and those who left town due to the unease associated with it neighbouring their homes.

Swyryda met with a Polish priest hours before the hanging to have his last rites administered. His last words before executioner Radcliffe took to the gallows were, "friends, I'm no guilty, I'm no guilty. I'm guilty before the people, but not before my God." Twelve minutes later, he was pronounced dead.

A short burial service was conducted at the grave site, the grounds of which now belong to the Peel Heritage Complex. In 1983, the body of Swyryda was exhumed and reinterred at Meadowvale Cemetery after being discovered by a contractor conducting renovations on the property.

Doubt and speculation surround the question of Swyryda's guilt to this day. A play commemorating the one hundred year anniversary of the execution was carried out at the historic Peel County Courthouse, aptly titled *A Complex Verdict*. A 2009 article published in the *Mississauga Booster* calls the sentence an "Injustice Most Foul", describing the village of Erindale at the time as a "bastion of the British Empire" and Swyryda an unwelcome foreigner with no chance of having ever escaped police scrutiny.

There were many points of contention in the chain of circumstantial evidence leading to Swyryda's conviction gone undisputed. The contradictory reports of the railway staff, Mrs. Manley's assortment of tales as to how she came into contact with the men, and an unsubstantiated motive for murder did not likely elicit the confidence of the jury.

Whether this was a case of justice served with the strong hand of the law, or the triumph of early 20th century prejudice, will never be known for certain. Swyryda's execution has undoubtedly left a legacy in the courts of modern day Peel Region - one of citizens' rights to fair and equal treatment before the law.