



# THE ONTARIO NUMISMATIST

OFFICIAL PUBLICATION OF THE ONTARIO NUMISMATIC ASSOCIATION

WATERLOO, ONTARIO

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## O.N.A. 1976 Convention

The 1976 O.N.A. Convention has been moved from the Don Valley Holiday Inn to the Downtown Westbury Hotel. The date will remain the same on May 15th and 16th, 1976. Stan Clute found it necessary to resign as General Chairman of the Convention due to the pressures of his University Studies. He will be replaced by Mrs. Louise Graham. The following is the first corrected News release, with most of revised information.

ONTARIO NUMISMATIC ASSOCIATION

13th, ANNUAL CONVENTION

WESTBURY HOTEL, TORONTO,

May 15 - 16, 1976.

We are happy to advise the above dates and locations are correct. Plans for an excellent program are in progress. Hotel room registration cards and Convention registration forms will be mailed to all members. Time table will be published when completed. A few highlights of the Convention are as follows :

Banquet - Speaker, Major Sheldon S. Carroll, Curator, Numismatic Section, Bank of Canada.

Bourse - some tables still available.

Displays - competitive and Court of Honour are solicited.

Education - excellent program planned.

O.N.A. Annual Meeting -

O.N.A. Club Delegates Meeting - Clubs are reminded to appoint their Delegates.

Auction - By Frank Rose - Material accepted by Frank Rose up to February 15th.

A partial list of Committee Chairmen formed by members of the North York Coin Club are as follows :

General Chairman	-	Louise Graham
Deputy	"	- F.C. Jewett
Bourse	"	- John Regitko
Displays	"	- Paul Johnson
Registration	"	- Harvey Farrow
Education	"	- Ted Banning
Treasurer	-	George Fraser
Secretary	-	Lucille Colson

We invite all O.N.A. members and their friends to join us in making the 13th. Annual Convention of the Ontario Numismatic Association a memorable event.

Mail address for information : North York Coin Club,  
P.O. Box 294, Station A,  
Willowdale, Ontario. M2N 5P0.

Louise Graham,  
General Chairman.

My thanks Louise for getting this to me on time. I appreciate the fact that you did stay up till 3.00 a.m. to type up the above, but just think your job is nearly over, only 4 more months of problems.

#### MEETING LOCATION CHANGES

The St. Catharines Coin Club are now meeting at a new location, at the Thistle Building, Brock University, St. Catharines, Ontario. They continue to meet the third Sunday of the month at the same time.

The Oshawa District Coin Club, P.O. Box 212, Oshawa has changed their meeting hall from the Polish Alliance Hall Oliver St. E. Oshawa, to The Auto Worker's Credit Union Building, Downstairs Hall King St. West, Oshawa, Ontario, just west of the Park Rd. N. starting on January 25th, 1976.

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The Ontario Numismatist is published by the Ontario Numismatic Association. The publication can be obtained with membership in one of the following categories: Life Membership-\$50.00, Regular Membership-\$5.00 annually, Husband and Wife one Journal-\$7.00 annually, Juniors up to 18 years of age-\$3.00 annually, Club Membership \$10.00 annually. Special O.N.A. Silver Lapel Pins - \$2.50.

Remittance made payable to the Ontario Numismatic Association, P.O. Box 33, c/o Mr. Bruce Raszmann, Waterloo, Ontario. N2J 3Z6.

PROPOSED CHANGES IN ELECTION OF OFFICERS PROCEDURE

The following amendments to our Constitution and By-Laws are hereby respectfully submitted to the President and Executive for their discussion and approval :-

ARTICLE 7 - OFFICERS - ELECTION

Section 1 - No change proposed.

Section 2 - To be amended to read as follows "No member shall be eligible for or appointed to the office of President until he has served a full two year term as an elected or appointed officer of the executive".

Section 3 - No change proposed.

Section 4 - In an election year, the President shall make a call for nominations of elected officers six months prior to the opening of the Annual General Meeting, in the official publication and at the same time shall appoint an election committee consisting of a Chairman and two members. Members of this committee shall not be seeking the office of President, First Vice-President or Second Vice-President.

Section 5 - All Nominations shall be made in writing, signed by a member in good standing or an officer of a member club which is in good standing. All nominations must be accompanied by a written acceptance from the nominee or an assurance from the nominator that said nominee will stand for office, otherwise the nomination shall be declared invalid and nominator so advised.

Section 6 - Nominations shall close four months prior to the opening of the A.G.M. No member may be nominated to or stand for, more than one elected office.

Section 7 - The Chairman of the election Committee shall cause the names of all eligible nominees to be published in the official publication, three months prior to the opening of the A.G.M.

Section 8 - Amended to read "The election committee" shall cause the names of all nominees to be printed on the official ballots and shall mail one official ballot to each member in good standing sixty days prior to the opening of the A.G.M., together with an envelope marked "Official Ballot" and an envelope addressed to the Chairman of the election committee.

Section 9 - The unopened envelopes containing the marked ballots shall be taken by the chairman of the election committee to the A.G.M., where they shall be opened on the first day of the Convention by the Chairman, in the presence of at least one other member of the committee, and the ballots counted. This will take place prior to the commencement of the A.G.M. In the event of a tie the matter shall be reported to the President, who shall then call for a vote from the floor at the A.G.M. to break the tie. The results of the election shall be announced by the chairman of the election committee at the A.G.M. Said elections required by Section 8, shall be the last item of new business at the A.G.M. with the election chairman calling three times for nominations from the floor. The President shall call for a motion from the floor "that the ballots may be destroyed".

Section 10 - Any office for which no nominations have been received may be filled by the following procedure :-

(a) Nominations from the floor

(b) Vote of elected and appointed officers at a regular executive meeting.

Sections 11, 12, and 13 - No proposed changes.

Section 14 - The term of office of an elected president shall be limited to One elected two year term, but this in no way prevents retiring presidents from standing for election to any other executive position. But in any case they can attend any O.N.A. executive meeting with voting privileges.

Section 15 - To be deleted, as this has been fully covered in the final paragraph of Section 6.

The above-mentioned amendments are hereby presented to the Executive for inclusion in the agenda of the next Annual General Meeting.

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New Members

Applications published in the December 1975 issue of the Ontario Numismatist have now been accepted. The following applications have been received and if no written objections are received, their acceptance will be acknowledged in the March issue of the Ontario Numismatist.

975 Francis Madden, 27A Dayfoot Drive, Georgetown, Ontario L7G 2L4

976 M. William Stroud, 642 Wallingford Road, Don Mills, Ont. M3A 2T9

977 Richard Matte, 1303 Roy Ave., Sudbury, Ontario.

978 Don Wm. Blackburn, 1203 Edmison Dr., Peterborough, Ont. K9H 6V2

979 Bob Bainbridge, 30 Tuxedo Court, #1108, Scarboro, Ont. M1G 3S6

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In Memoriam - John E. Roberts  
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The O.N.A. lost one of its strongest supporters and a dedicated member with the recent death of John E. Roberts called Jack by his friends. He died in hospital Dec 1st, 1975 at Kemptville, Ontario. He is survived by his wife, 2 daughters, 2 brothers and 1 sister. He was 64. He was interested in coin collecting for many years and he exhibited widely. His recent book on Canadian Centennial Medals is a useful addition to any library and a very tangible remembrance of one of our most active numismatists. Jack was a well rounded numismatist who will be remembered as one who shared his knowledge and enthusiasm.

Our deepest sympathy is extended to Mr. Robert's family.

COUNTERFEIT COINS and CANADIAN LAW conclusion by Robert Aaron.

In the case of the King v. Haggarty, a mold capable of being used in the manufacture of counterfeit coins was found in an ice cream freezer buried in the garden of the home occupied by the accused, his wife, mother and brother.

The British Columbia Court of Appeal ruled on the case in 1946 and decided that in the absence of some evidence indicating knowledge of its existence or consent to its remaining in that place, the mere finding of an article buried in a householder's garden does not, in itself mean that an accused person is guilty of making or beginning to make counterfeit money, or having materials in his possession for that purpose.

By far the most important judicial decision in Canadian counterfeit law is that of the Supreme Court of Canada in the case of Richard Robinson v. Her Majesty the Queen.

On the afternoon of May 14, 1969, three police officers uncovered a cardboard box which had been hidden in Robinson's Toronto apartment in a chesterfield. The box contained 711 U.S. gold coins and 146 1941/42 U.S. dimes. None of the coins were genuine.

At the trial before County Court Judge Harry Deyman, the question arose as to whether the coins involved, if genuine, would be current. Canada's Criminal Code, section 408, makes it an offense, without lawful justification or excuse (the proof of which lies on the accused) to buy, receive, introduce into Canada, or have in one's possession or custody, counterfeit money. The maximum penalty is 14 years imprisonment.

Counterfeit money is defined in section 406 as including a false coin that "resembles or is apparently intended to resemble or pass for a current coin."

"Current" is the key word here, and is defined to mean "Lawfully current in Canada or elsewhere by virtue of a law, proclamation or regulation in force in Canada or elsewhere as the case may be." The key question at the trial was whether the gold coins and the dimes were "current" U.S. coins.

Robert Goff, legal counsel for the U.S. Secret Service, testified as to the state of the law in the U.S. on behalf of the prosecution, and Professor Samuel Dash, then with the Institute of Criminal Law and Procedure at Georgetown University in Washington, D.C., testified on the same subject for Robinson.

Goff testified that in his opinion the Coinage Act of 1965 was broad enough to include gold coins in its scope as having legal tender. Professor Dash, on the other hand, believed that the Gold Reserve Act and the Presidential directive made under that Act removing the legal tender status of gold coins were both still in force in 1969.

Judge Deyman accepted Dash's evidence, saying that he believed that the state of the U.S. law at the time was that gold coins had ceased to be legal tender, and this status was not reinstated by passage of the Coinage Act in 1965.

This finding of the state of a foreign law in a Canadian court is a finding of fact (as opposed to a finding of law) and as such it was not subject to appeal. Robinson's acquittal of possessing counterfeit gold coins still remains on the books. The state of Canadian law today is that it is perfectly legal to possess or deal in any counterfeit, non-current coins.

Judge Deyman's findings are not binding, however, and it is open to another judge trying another case to find on the basis of evidence presented to him that American gold coins are current and legal tender today.

If this were the case, another accused might be found guilty of possession of counterfeit copies of such coins - notwithstanding the Robinson decision. With respect to the dimes, Judge Deyman found that they too were not copies of money.

Robinson's lawyer had read a definition of money from an 1899 British decision called *Moss v. Hancock*. The definition, which Judge Deyman approved of, reads: "Money as current (is)... that which passes freely from hand to hand throughout the community in final discharge of debts and full payment for commodities, being accepted equally without reference to the character or credit of the person who offers it and without the intention of the person who receives it to consume it or apply it to any other use than in turn to tender it to others in discharge of debts or payment for commodities."

Judge Deyman ruled that since the coins would have, if genuine, a numismatic value of between \$100 and \$800, they could not fall within this definition, and hence were not money. On a Crown appeal, the Ontario Court of Appeal overturned the acquittal and sentenced Robinson to two years less one day in prison for possession of the counterfeit dimes only.

Mr. Justice Arthur Kelly, delivering the unanimous judgement of the Court, ruled that the dimes were still current legal tender since no subsequent enactment affected their legal monetary status. Once they were issued as lawful coins, their status as coinage remains unless change is effected by legislation.

The intention of the owner of the coin from time to time (whether to use the coin as money or as a numismatic curio) was irrelevant. Dealing with the submission that the status of the original coins had changed and that they had become articles of virtue instead of money, the Justice referred to the case of *Moss v. Hancock*.

In that case, a thief stole an 1887 five pound gold piece from his employer. He traded it to a dealer in curiosities for five sovereigns, the face value of the larger coin. The employer sued the dealer for the return of the coin, and won.

The British court found that the coin had not been received by the dealer as current coin but as a curio, and accordingly, since it was not being dealt with as money, the dealer would have to give it back.

The Ontario Court of Appeal found nothing in the *Moss* case to indicate that the five pound coin had lost its status as money merely because it had a value of more than five pounds. By analogy, the Court said that genuine 1942/41 dimes were still money even though they had an increased numismatic value.

The Court said that in the absence of the termination of the monetary status of the coin by the sponsoring government or the disappearance of the sponsoring government (as in the case of the Roman empire) every coin issued as such remains a current coin and the unauthorized replica is a counterfeit.

Robinson again appealed to the Supreme Court of Canada. In the judgement of Mr. Justice Ritchie dated February 28th, 1973, the Supreme Court again rejected the contention of Robinson that the

dimes were not money, agreeing on this point with the Ontario Court of Appeal.

The Court then dealt with the submission that the proof of mens rea (guilty mind, or guilty intention) was essential to the success of the Crown's case, and that Robinson's belief stated to the arresting officers that the coins were genuine constituted lawful justification or excuse for possession. This argument was also rejected on the ground that the statement did not amount to a sufficient explanation.

(A statement by an accused that he did not know the coins were counterfeit, if believed by the court, is considered legal justification or excuse for possessing a counterfeit.)

In a separate, concurring judgement, Mr. Justice Bora Laskin, now chief justice of the Supreme Court of Canada, said that the lack of intention to use counterfeit coins as currency, if properly established in evidence, is as much a lawful justification or excuse as proof that the accused was unaware that the coins were counterfeit. The Supreme Court upheld Robinson's conviction.

What is the state of counterfeit law in Canada now? It seems that it is perfectly legal to collect, own, buy, sell or trade counterfeit coins or paper money in Canada, provided the items in question have been demonetized or are no longer current: or the items, if genuine, would be current legal tender, but the owner can prove he did not intend to use them as currency.

The counterfeit sections of the Criminal Code were apparently designed only for punishment of those who pass, or intend to pass, counterfeit money as genuine article. Police and prosecutors, in future, when dealing with numismatic counterfeits in Canada (where the collector value is higher than face value) will probably look to other sections of the Criminal Code under which to lay charges.

Sections relating to fraud, attempted fraud, false pretenses or conspiracy have been suggested. It is doubtful whether another Canadian would ever be acquitted of possessing counterfeit U.S. gold pieces.

Now that gold ownership is legal again in the United States, the way is open for repeal of section 12 of Executive Order 6260 which prohibited the use of gold as currency.

But even if gold remains demonetized in the U.S. (and this is still a matter of opinion, notwithstanding Judge Deyman's ruling), the air has not been cleared over the Canadian counterfeit laws by the Supreme Court decision, and Canadian lawyers and law enforcement agencies now have a better understanding of the way the Criminal Code works in counterfeit matters.

In the absence of the termination of monetary status of a coin by the sponsoring government or the disappearance of the sponsoring government (as in the case of the Roman empire) every coin issued as such remains a current coin and the unauthorized replica is a counterfeit, the Court added.

Robinson again appealed to the Supreme Court of Canada. In the judgement of Mr. Justice Ritchie dated February 28th, 1973, the Supreme Court again rejected the contention of Robinson that the dimes were not money, agreeing on this point with the Ontario Court of Appeal. (As previously stated on the previous page).

The Supreme Court's ruling was a step in the right direction, but there is still a long road to travel. Some Canadian collectors are agitating for a law similar to the U.S. Hobby Protection Act

which would clamp down on the presence of counterfeit coins in Canada. In time such a law may be passed by our Parliament, and the hobby will be better for it.

Many thanks to Robert Aaron for the above. I hope you enjoyed it as much as I did.

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PROPOSED COIN SHOWS

The following are the annual Coin Shows proposed for the near future, that we have received notices for or taken from Club Bulletins. We advise you to check this list as you debate the date of your Club's coin show, to ensure that your date does not conflict with any other shows.

- Feb. 14-76 Huronia Numismatic Association-Annual Mini-Show, Bayfield Mall, Barrie, Ontario. 10am to 6pm. Enquiries to Box 243 Barrie, Ontario. L4M 4T2. Coins, Stamps and Antiques.
- Feb. 28-76 North York Coin Show - 10.00 a.m. to 10.00 p.m. North York Community Hall, 5090 Yonge St., Toronto.
- Mar. 20-21 Niagara Falls Coin Show  
Sheraton Brock Hotel, Niagara Falls.  
Enquiries to Mel Fiske, 7795 Beaverdams Rd. Niagara Falls.  
Bourses to Howard Hill, 1 Hayes Ave., St. Catharines, Ont.
- Mar. 25-28 Canadian Association of Numismatic Dealers.  
Westbury Hotel, Yonge Street, Toronto, Ontario.
- Apr. 1-4 Torex 1976 Show and Auction.  
Westbury Hotel, 475 Yonge Street, Toronto.  
55 prominent Coin & Stamp dealers. 3 session auction.
- April 11 Kent Coin Club Annual Coin Show. 10.00 a.m. to 6.00 p.m.  
Wheels Motor Inn, Richmond St., and Keil Dr., Chatham, Ont.  
Bourse Chairman - Lou Wagenaer, 27 Peters St., Chatham.
- May. 15-16 O.N.A. Convention and Show  
Westbury Hotel, 475 Yonge St., Toronto.  
For more information write to :  
North York Coin Club,  
P.O. Box 294, Station "A",  
Willowdale, Ont. M2N 5P0
- July 8-10 The 1976 C.N.A. Convention and Show.  
Chateau Laurier in Ottawa.  
For more information write to  
Ottawa Coin Club, 183 Island Park Drive, Ottawa, Ont. K1Y 0A3
- Oct. 31-76 Stratford's First Combined Coin & Stamp Show.  
Stratford Legion Hall, corner of St. Patrick & Church Sts.  
10.00 a.m. to 7.00 p.m. For more information write to:  
Stratford Coin Club, P.O. Box 262, Stratford, Ont. N5A 6T1

AWARD OF MERIT

Just a reminder to the Executives and members of all Ontario Coin Clubs that nominations are still open for the O.N.A. Award of Merit. This is a prize highly thought of in numismatic circles. Any person you feel has done much to improve our hobby, worked hard to promote its qualities and spread the word as to the merits of belonging to a club which specializes in making our hobby a healthy and worthwhile past time, this is the person who should receive your individual consideration. Then take this name to your club for their support. Let's make it tough for the O.N.A. Executive this year and give them some real opposition to choose their Award of Merit Candidate.

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IDEAS    IDEAS    IDEAS

Received a letter from our President, Elliott Jephson informing us that the O.N.A. is in the process of producing a brochure about the O.N.A. Services. He specifically asked if we could solicit some ideas from the numismatic fraternity at large through the bulletin, some ideas on how you the member could be served better, what would you like as an individual and as a club. Your ideas would be greatly appreciated and it certainly would give your Executive some guidelines to start from.... So please send him some ideas... any idea may have merit...

The President's letter continued with some very interesting ideas and thoughts and I am very pleased to print them .....

I have often wondered what has happened to the Esprit de Corps in the Clubs. The individual member has lost his identity from the atmosphere which prevailed in the early 60's. The Clubs in a way are too well organised and very often the only coins you see are under one or two dealers trays. The Club member comes in and is in a half bored state of mind as he listens to a formal program. I think this is one of the maladies affecting the clubs to-day. We need to become less formal and the more experienced should endeavour to change this situation. This might be done by bringing in some other coins, some of our coins, showing them around and hope to get the others trying to collect along similar lines.

We need to create a goal or ambition again. The coin club members should come to a club meeting with expectations of adding to his or her collection as well as for a short time improving his knowledge. To sum up - every club member should bring coins for trade or sale to his monthly club meetings again, and expect to improve his collection.

Many thanks Elliott, I for one think the above should start many collectors to thinking, and maybe they also can come up with more ideas... By the way I always appreciate your letters and I certainly feel that the members of the O.N.A. share my feelings.

Money doesn't talk anymore. It just goes without saying.  
Biscuits and speeches are improved with shortening.

This 'N That

What a pleasure January has been to receive mail again, to receive mail from the Clubs, the Executive and the members... I must thank you one and all... the mail this month was just wonderful... It makes it so much easier to write up a bulletin...

From Pat Lambert... a reminder to print the proposed changes in the Constitution as passed by the Executive and to be voted on at the Annual General Meeting in May, (see page I3) and the Award of Merit (page I9).

From our President... some constructive ideas...see page I9...

From R.W. Irwin... An article, The Counterfeit Medal Act of 1883, which will be the first article left over to go into my file for a future bulletin. You know this is the first time in 6 months that I can say I have material for a future bulletin, it sure sounds nice.

From Jim Charlton... another article for a future bulletin... My thanks to you Jim, I certainly like to hear from you.

From Bob Voaden... an interesting letter with some very good ideas, thanks Bob...

From Tony Gordon... Not one but two letters with lots of information about 4 different Clubs. He also sent me a list of the new Executive for the Thistletown Coin & Stamp Club... Congratulations Tony on being elected President. He also reported that due to an internal mixup of the Etobicoke Library Board, the regular meeting nights in Feb. and March will have to be held on Monday nights preceeding the second Tuesday, then in April back to normal, the second Tuesday of each month.

From K.W. Wilmot... some comments on the bulletin...

And from many others...What a wonderful way to start a New Year... Again may I say thank you all...

I will make some observations regarding the questionnaire in the March bulletin because to date I have only received a total of 12 answers, not really enough to decide the preference of our total membership.

I hear rumors.... that we may have some change in the bulletin as early as our next issue... the March bulletin... This year is surely starting to shape up....

For members wanting to order Mint Sets the address is: Coins Uncirculated, P.O. Box 470, Station "A", Ottawa, Ontario. K1N 8S5. Just a reminder that the price went up this year. The presentation sets are \$16.00, the double cent set is \$8.15, the mint set is \$5.15 and the Silver Dollar is now \$4.00. The Nickel dollars remain at the same price \$2.50. Till next month keep the letters coming. G.J.A.