

The Baker Street Briefs

Being the Writings of
S. Tupper Bigelow, BSI
“The Five Orange Pips”



General Editors
George Albert Vanderburgh
and Cameron Hollyer



THE BATTERED SILICON DISPATCH BOX
2000

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e-Mail: gav@bmts.com * Fax: (519) 925-3482

420 Owen Sound Street
P. O. Box 204
Shelburne, Ontario
CANADA L0N 1S0

P. O. Box 122
Sauk City, Wisconsin
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Upon the Terrace

I first met Tupper Bigelow in July 1992. Cameron Hollyer introduced us. Just prior to this edition going to press, Tupper passed away at the age of 91 after a lengthy illness, at Sunnybrook Medical Centre. At his Memorial Service held at the Royal Canadian Military Institute in Toronto, we had the opportunity to talk with his companion Hilda, his son Charles, and his sister Mollie, and show them the Scott Bond caricature of Tupper, in addition to the proof of this book cover and text. Now Judge Bigelow has *stood upon the terrace*; his obituary has been published in the newspaper; he has gone, but his Sherlockian writings will remain with us forever. The publication of this collection of Sherlockian articles now becomes a *de facto* tribute to a man of many talents and interests whose incisive thinking has helped to create and mold the fabric of Canadian society as well as Sherlockian scholarship.

– G.A.V.

HAPPY 86TH – TUPPER

The years have come and gone

Creeping from babyhood

To crawling infant

To the all knowing youth

To the self assurance of a young man

To husband, father, grandfather

To a life of success, achievements, memories.

All this in eighty-six years

Years well lived, enjoyed!

May the enjoyment continue

For many, many years

With love ever there!

– by Hilda Fisher, *The Woman*



Sherburne Tupper Bigelow

Judge Sherburne Tupper Bigelow, Q.C.

Dedicated to Hilda



Magistrate Bigelow by Scott Bond

Preface

HOLMESITIS: Holmz-i-tis. n. (med.)

A benign disease marked by an obsessive interest in Sherlock Holmes and in the minutiae of his life and career accompanied by an apparent belief in his reality. It is caused by the *Holmes virus* usually implanted through childhood exposure to the Sherlock Holmes Canon. The disease is frequently latent; emerging fully developed in later life.

– *The Dictionary of Rare Diseases*, by Dr. Hill Barton.

Fortunately Holmesitis is not fatal. No one has ever died from it. Although Holmesians or Sherlockians (either term is usable) have scuffled on the edge of the Reichenbach Falls, none has committed Sherlockocide by plunging into the gorge. Nor does the disease interfere with its victim's normal functions or appearance. Though the victim must acquire a deerstalker, it is not necessary for him or her to wear it. Only in the seclusion of the study or in genial conference with others similarly afflicted do the symptoms of Holmesitis manifest themselves.

Exactly how or when it struck Judge Tupper Bigelow I do not know. Judge Bigelow is a card player and he has always held the cards of his personal history so close to his vest that it is impossible to get a peep at them. I am forced therefore to supply the want of data with pure speculation and guess-work.

Presumably the young Tupper passed many evenings in his childhood home in Saskatchewan – a province where you can see miles in every direction but there is not that much to see – reading the Sacred Writings (the 60 Sherlock Holmes stories, nominally authored by A. Conan Doyle). In them he found enough picturesque scenes and exciting events to fill a province. He then put these books aside, took up the law, went East and became a lawyer, a Queen's Counsel, and finally a judge. He lived many years as a respected citizen, calm, steady, judicious, thorough and painstaking in the performance of his duties. No one suspected that he carried the Holmes virus until it emerged full-blown when the century and the Judge were both middle-aged. He continued to work as efficiently as before; but at night he rushed home, barred the windows against airguns, and immersed himself in the Sacred Writings. Stung by the charge of plagiarism (as he tells us himself), he proceeded to acquire all the Writings upon the Writings – the commentaries of the Sherlockian scholars – voluminous even then – not only to read them but to index them so that he would never be caught out

again. Finally he articulated as a Sherlockian. To articulate in the Sherlockian rather than the legal sense means to produce learned articles on moot points in the Sacred Writings.

These articles were closely argued as befits a judge and they drew not only upon Judge Bigelow's extensive knowledge of the Sherlockian literature but also upon his wide reading in other fields especially the law. In several of the articles collected here, he submits the conduct of Mr. Sherlock Holmes to judicial scrutiny. In one article he convicts Mr. Holmes on 17 counts of misprision of felony; in another he has second thoughts and clears him on all 17 counts. Both articles are convincing and you may take your choice as to which is right. In another one, he acquits Sherlock Holmes on several charges of burglary, even though the detective himself has admitted guilt. So cleverly does the Judge argue his client's innocence, citing obscure laws and legal precedents, that the reader has no doubts that Holmes should walk (as we who are versed in modern crime fiction say). Decrying whimsy in Sherlockian writings, the Judge shows that he can play that game with the best of them, by proving that Sherlock Holmes, far from being Irene Adler's lover or father of her child (Nero Wolfe), was himself Irene's father. Here again his knowledge of legal nuances stands him in good stead.

Though Holmesitis shows in general a low recovery rate, some people do shake the disease. When I first met Judge Bigelow in 1969, he was showing signs of recovery. He was willing to part with his collection and it was acquired by the Metropolitan Toronto Reference Library, where it became the nucleus of one of the best public collections of Holmesiana and Doyleana in the world (advt.) With the collection went the Bigelow index to the Writings upon the Writings, which the Judge discusses in the first article in this collection. This index is actively maintained by the library with the help – more than the help – of Donald A. Redmond of Kingston, Ontario (“Good Old Index!”). After Judge Bigelow parted with his collection, I believe that he lost interest in the subject. Of the articles collected below only one bears a date in the 1970's and that was written for a special volume dedicated to his good friend Julian Wolff, Commissionaire of the Baker Street Irregulars (“An Assessment and Valuation of the Ten Best Canonical Stories, with Some Observations on Those Somewhat Less Deserving of Praise”). All the other articles come from the 1950's and 1960's when the Judge was in the grip of Holmesitis.

In the course of my twenty years of curatorship of the library's Arthur Conan Doyle Collection, it sometimes crossed my mind that Judge Bigelow's articles – scattered through Sherlockian periodicals – should be

collected. But I took no action, and it was only after my retirement that I casually mentioned the idea to Dr. George Vanderburgh. One does not casually mention a Sherlockian project to George as some pie-in-the sky, far-in-the-future possibility. His eyes light up, his computer clicks, and the thing is done. George of course suffers from – no – glories in – a case of acute Holmesitis. On top of this he also has advanced Computeritis, caused no doubt by a computer virus.

For the past two years George has been busy reducing to machine-readable form as many Sherlockian and Doylean texts as he can get his hands on. In his computer are two and a half volumes of Ronald Burt De Waal's massive *The Universal Sherlock Holmes*. By touching a few keys, George came up with a complete list of Judge Bigelow's Sherlockian writings. (Hartley Nathan unearthed two unlisted articles in *The Ontario Magistrate's Quarterly*, formerly edited by Judge Bigelow). All of the listed articles were available in the Arthur Conan Doyle Collection and photocopies of them were made. George then scanned them into his computer and produced a camera-ready text which the Metropolitan Toronto Reference Library agreed to publish. Although Judge Bigelow is in poor health and rarely receives visitors, George managed to see him and to obtain his blessings on the project. Wherever possible, permission was also obtained from the magazines involved. In all cases, the original sources are cited.

George and I agreed that *The Baker Street Briefs* was an appropriate title in view of the legal background of the author and the legal nature of many of the articles. The Judge made no objection to this decision.

All the articles that appear here (with one or two minor exceptions) have been published elsewhere. But this is the first time they have been brought together in a single volume. The completist may not be completely satisfied since we did omit an article too faint to be photocopied. Nevertheless the volume contains all but the most trifling of Judge Bigelow's Sherlockian articles. We dedicate it to all Sherlockians, who like ourselves carry the Holmes virus and suffer from an incurable desire to know ever more about the Master and his doings. Those who knew Judge Tupper Bigelow will be grateful for this reminder of their great friend and colleague: those who know him only by name will find in the work of this Sherlockian master inspiration for further investigations of the Sacred Writings, and perhaps a warning that on certain topics the Judge has spoken the last word.

— Cameron Hollyer, M.Bt., BSI

Introduction

It is a great privilege to be asked to write a few words about His Honour Judge Bigelow. He was appointed a magistrate of the Magistrates Court in Toronto on January 1, 1945 and became a Provincial Court Judge when the judiciary was reorganized in December, 1968. While Judge Bigelow became supernumerary in August, 1971 he continued to serve as a Judge part-time until his full retirement in 1976. During his distinguished career on the bench he found time to establish the *Ontario Magistrates Quarterly*, of which he was its first editor. Several issues bear his Sherlockian musings.

The first time I set eyes on Judge Bigelow was one morning in Magistrates Court in 1963 when I appeared before him as a young law student. Phobos and Diemos¹ were my companions that morning watching my every movement and listening intently until the adjournment was successfully obtained.

The next time we met the fear and panic were dispelled by his grace and charm. As Mr. Meyers I had the pleasure of introducing Judge Bigelow at a meeting of the Bootmakers of Toronto held on Sunday, November 18, 1973 at the Westbury Hotel, where he presented a paper on *The Second Stain*. It was at that meeting that he was inducted as the first Honourary Member of The Bootmakers of Toronto with the title of “The First Step.” The event was so successful I was determined to persuade him to attend another meeting. We met for lunch at his usual table at Simpsons Acadian Court on February 7, 1975 where he was a wonderful host and in “good spirits.” He reminisced about his early school days in Saskatchewan with the late True Davidson, also an ardent Sherlockian and the Second Mr. Meyers of the Bootmakers of Toronto. I got my commitment. As promised on Sunday April 6, 1975 he delivered a toast to the Master at our second brunch meeting again at the Westbury Hotel. A book of this type is a fitting tribute to Judge Bigelow. Each of the essays is “as one would expect, fascinating, brilliant in spots, coruscating most of the time, and highly intelligent at all times!”²

— *Hartley R. Nathan, M.Bt., BSI*

¹ The Greeks gave the names Phobos and Diemos to the two sons of Mars. In English they are fear and panic, the companions of war. When it was discovered that the planet had two moons - actually captured asteroids - they could not resist naming them for the Greek's god's two sons.

² See “Some times the Old Ways Are Best” by Judge Bigelow, as the Editor of *The Ontario Magistrates Quarterly*, April 1969 Vol. VI, No. 2 and also see Table of Contents.