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## Martha J Jeune's Commercial Partnership Dissolution, 1910

### Tracking down the original records

A rather short, seemingly innocuous item appeared in the 2<sup>nd</sup> column on Page 19 of the edition of the *Toronto Daily Star* which was published on Tuesday, 20 December 1910.

It's copied below:

**PARTNERS AT LAW.**

**An Action to Force the Dissolution of  
the Relationship.**

Before Mr. Justice Latchford this morning Mrs. Martha J. Jeune commenced action to dissolve the partnership of the Canada Brass Manufacturing concern, of which she is one-half, and Samuel Mersman is the other.

According to the plaintiff, \$800 was to be paid to dissolve the partnership, \$750 being actually paid, and \$50 to be handed over when the deal was closed.

On the other hand, Mersman claims that all the money has not yet been paid, and also that he was to get half the profits, which he has not yet had time to figure out.

He, therefore, refused to allow the dissolution of the partnership.

Mrs. Jeune also says she even agreed to pay the remaining \$50 before the dissolution.

What was this all about?

Mrs Martha J Jeune appears to have been the plaintiff in the case that Justice Latchford heard.

Martha J Jeune, was Martha Jane Jeune. She was the wife of Edwin Jeune. Martha had been born near New Carlisle, in Quebec's Bonaventure County, on the north shore of the Chaleur Bay. She was the daughter of Samuel William & Nancy [nee Young] Allen of that place.

Martha and Edwin had been married in New Carlisle in 1874, Edwin having landed at Paspébiac in the employ of the British Channel Island of Jersey's '*Robin & Co.*' just a few months earlier.

Three children are known from the marriage – Annie Louisa, born in Montreal in 1875; Aubrey Edwin Havelock, also born in Montreal in 1877; and Katie Maud, born in Capelton, Quebec (near Sherbrooke) in 1880.

By about 1890, or so, Edwin was in Toronto. Martha's whereabouts at that time are not known, but Edwin & Martha's oldest daughter, Annie Louisa, was married in Toronto on the 12th of August 1891, barely 4 months after that year's Census Day.

Martha appears in public records for the first time (other than Sherbrooke & New Carlisle census schedules) in the 1901 City of Toronto Directory that was published by Might's Directory Company, in the early weeks of the year [Page 553]. She was then, according to the Directory, living in her son Aubrey's household at 271 Carleton St. - Aubrey had only just recently (on 17 January 1901) been married in Toronto to Alice Maud McLim. Curiously, Martha was said in this directory to be 'the widow of Edwin', although we know for fact that Edwin was very much alive, and remained alive until 1929.

In the 1902 [Page 631] and the 1903 [Page 551] Directories, Martha was said to be a 'mantle maker' still living in her son Aubrey's home, now at 641 Gerard St. East, and in 1902 still identified as 'the widow of Edwin'. Aubrey at that time was said to be a 'spinner' for J H Edmunds & Co. James H Edmunds operated a metal-work shop at 14 Temperance Street in Toronto .

By 1904, still a mantle maker, Martha and her son Aubrey – now a 'plater' at J H Edmunds & Co, were living at 2 Linden Street [Page 581] . There is no listing for Martha in the 1905 Directory, but Aubrey – again a 'metal spinner', was living at 6 Dermott Place [Page 593].

The 1906 edition of the Directory found Martha living by herself at 402 Pape Avenue, still (or again) said to be ‘the widow of Edwin’, but with no occupation identified [Page 636]. The Directory shows no listing for ‘402 Pape Ave’ in the ‘Streets’ listing, but does note that when the area was canvassed by Directory workers, there were vacant lots where that number should have been – just before the Guelph Ave intersection.

The 1907 Directory shows Martha still at 402 Pape [Page 664], and it shows the principal occupier as one Catherine Wrenshall, the widow of Thomas, who had been at some time prior to his death in Toronto in 1902, the manager at J H Jackson & Co, a metal engraving company [Page 1108]. The 1907 Directory implies that Aubrey Jeune, still residing at 6 Dermott Place, was associated with the “*Ontario Brass & Copper Company*”.

In 1908 – still identified as ‘the widow of Edwin’, Martha has moved again, and is now living at 28 West Avenue [Page 717]. The ‘Streets’ listing suggests that she is the principal occupier at that address. She remained there when data for the 1909 Directory was gathered.

The 1910 edition reveals that Martha has moved yet again – she was then boarding in the home of one James Orr, at 28 Sackville Place [Page 715]. And there’s another change – Martha (her surname spelled in this edition as June) was shown to be employed at the T Eaton Company! Aubrey Jeune was named as one of three principals associated with “*Ontario Brass & Copper Company*” [Page 975] situated at 401 King Street West. The others were John Duck and Wm G Caslor. It’s not been possible to identify John Duck in 1911 Census of Canada schedules, but it’s believed that 34 year old William Caslor was working as a foreman for Crown Electrical in Brantford, on Census Day in 1911.<sup>1</sup>

By the time the 1911 edition of the Directory was published, Martha was back living within Aubrey’s household, at 120 Galt Ave., with no employment details noted [Page 760]. Aubrey was shown this year to be the manager of the “*Canada Brass Manufacturing Co.*”.

Martha lived out her last days in a small cabin at the back of her grand-daughter Minnie Louise [nee Johnston] Pickard’s home at 121 Queensbury Ave, in Birchcliff, well east of what was known in 1910 as East Toronto. Martha died there on 6 May 1935.<sup>2</sup> Her son Aubrey reported the death to officials. At that time he reported that he was living on Bloor St West, at Grenadier Apartments. Aubrey apparently did not know who Martha Jane’s parents were, but he did accurately report that her birth date was 5 October 1852.

1 1911 Census of Canada, Province of Ontario, District 57 – Brantford, Sub-district 3, Enumeration District 21, Brantford City, Ward 4; Page 3, Line 50 [his wife Elizabeth’s details are on Page 4, Line 1].

2 Ontario Death Registration, York County, No. 1935-039015 [York County No. 78]. Accessed through <[www.ancestry.ca](http://www.ancestry.ca)> on 25 December 2021.

The defendant in the case appears to have been Samuel Mersman, and he seems to have been a rather unusual character.

Samuel Abe Mersman Petitioned for US Citizenship in Boston, Massachusetts, on 11 June 1906. At that time he declared that he had been born in Russia in 1880, and emigrated to the United States in 1897, perhaps with his parents Solomon and Fanny [nee Siegel] Mersman. Samuel also stated that he was occupied as a ‘poulterer’ in 1906.<sup>3</sup>

Later in June, 1906, he was married to Lena Ray Celler in Cambridge, Massachusetts, by Rabbi S Kalman of Chelsea, Mass.<sup>4</sup>

According to the 1907 City of Toronto Directory, Samuel A Mersman was working as a ‘grocer’, and living at 435 Queen St. East [Page 800]. The 1908 Directory shows no entry for his name. By 1909 he had moved to living at 59 Duchess St, and was working as a ‘polisher’ [Page 852]. The 1910 Directory shows that Samuel Mersman, whose residence was then at 110 Sherbourne Street, was working as a ‘buffer’ at “*Ontario Brass & Copper Co.*” [Page 914].

According to the 1911 Directory, Samuel Mersman was then living at 153 Ontario St, and was employed as a ‘brass polisher’ [Page 919]. The place of his employment was not noted. Samuel does not appear to have been enumerated in Toronto on Census Day in 1911. His name appears in the 1912 Directory [Page 1022], as it was in 1911, but not thereafter.

By mid-1918, Samuel and Lena Mersman were living and working in Detroit, Michigan.<sup>5</sup> They appear to have remained in Detroit for their remaining days, although Samuel apparently died in Dade County, Florida, in March, 1971.<sup>6</sup>

Samuel and Lena were living in Detroit in early July of 1939, when they registered the birth of their first child in Ontario – son Oscar Mathews Mersman. Samuel and Lena declared that Oscar had been born at Dufferen Ave, [sic] Toronto, on 6 December 1906. Samuel declared that at that time he had been working as a ‘brass polisher’ in Toronto, but no company name was specified.<sup>7</sup> On Census Day in the US in 1940, Samuel declared that he was working as a ‘helper’ in a wholesale poultry operation in Detroit. When he registered for the Draft in 1942, he added one year to his birth year, and declared that he was ‘unemployed’.

3 See Petitions and Records of Naturalization, 8/1845 – 12/1911; US Circuit Court - Massachusetts; National Archives and Records Administration RG 21, Volume 447 [#445-69 to 447-200, 26 Feb to 17 Sep 1906] No. 56. Accessed through <[www.ancestry.com](http://www.ancestry.com)> on 25 December 2021.

4 Massachusetts Vital Records, 1911-1915; New England Historic Genealogical Society, Boston; No 554, Cambridge City, 1906, Page 367. Accessed through <[www.ancestry.com](http://www.ancestry.com)> on 25 December 2021.

5 As shown by his 1918 World War I Draft Registration Card; 1920, 1930 & 1940 Federal US Census records; and 1942 World War II Draft Registration Card. All accessed through <[www.ancestry.com](http://www.ancestry.com)> 21 Dec 2021.

6 See the US Social Security Death Index, re Samuel Mersman, SSN 381-07-7456.

7 Ontario Delayed Birth Registration, No. 1906-902320, York County.

Some of the wording in the newspaper article is a little ambiguous.

It's not yet known when Mrs Jeune first Petitioned the Court for the right to dissolve her business partnership with Samuel Mersman, but Justice Francis Robert Latchford is the one who heard what would have been the opening arguments on the 20<sup>th</sup> of December 1910. At the time, Latchford was the "Puisine Judge of the High Court of Justice for Ontario". The term 'Puisine' means 'younger', so he was obviously one of the more recent appointments to the top bench in Ontario's justice system in 1910, even though he had been in the legal profession all of his adult life. Born in 1854, he died in 1938.

The notice text states that '*this morning Mrs Martha J Jeune commenced action to dissolve the partnership*'. So the 20<sup>th</sup> of December was obviously the start of the proceedings.

A later part of the text reads '*He therefore refused to allow the dissolution*'. On first reading, one considers that it was Justice Latchford who refused to allow the dissolution. But later interpretation suggests that it was Samuel Mersman who refused to dissolve the partnership, which decision lead to Martha Jeune taking him to court.

And, in some respects, it seems like we're hearing the opening arguments in the case – Martha: she's paid what was required, even agreed to pay the balance owing ahead of time; Samuel: all that was owing has not yet been paid, and I haven't had time to calculate the profit on the concern, which I'm entitled to half of.

All things considered, then, it's certain that the case was opened before a Judge on the 20<sup>th</sup> of December, 1910, but it's not certain that Justice Latchford decided on the merits of the case at that time. It's quite probable that he heard the arguments, and reserved his decision for some later date. Certainly there is no text in the notice as published to suggest that a decision was reached on the 20<sup>th</sup>.

There seem to have been published no further notices about this case, in either the *Toronto Daily Star* or what is now the *Globe & Mail* newspapers.

The newspaper article mentions that the partnership between Martha J Jeune and Samuel Mersman was a ‘Canada Brass Manufacturing concern’. Was it the “*Ontario Brass & Copper Company*” that they jointly owned, where Martha’s son Aubrey appears to have been a principal for several years?

Perhaps not.

It was reported in June of 1910, that all of “*the equipment of the Ontario Brass and Copper Company, Toronto, Canada*” was sold to Crown Electrical Manufacturing Company, and moved to Crown’s new plant in Brantford, Ontario.<sup>8</sup> The sale was executed a short while after Ontario Brass and Copper had “*made an assignment*”, but doesn’t specify what that assignment might have been. The new plant facilities in Brantford were just about completed by July, 1910.<sup>9</sup>

The journal ‘*Domestic Engineering*’ reported in April, 1907, that the enterprise known as “*Canada Brass Manufacturing Company*” had been “*well established... until a year ago*”, and was acquired by the Labatt Manufacturing Company of London, Ontario.<sup>10</sup>

But Aubrey Jeune was shown to be the manager at “*Canada Brass Manufacturing Co.*”, in the 1911 Toronto City Directory [Page 760]. Aubrey was noted to be living at 120 Galt Ave., that year, and the operation itself was located at 26 Pearl St [Page 464].

Was Martha J Jeune’s Petition to have her business partnership with Samuel Mersman dissolved acceded to, and did she come out of the case as the principal owner of the concern? Or, had the enterprise collapsed around 1907, even though the formal, legal partnership continued? Did Aubrey Jeune become manager of this enterprise after it was taken over by Labatt Manufacturing?

8 “Trade News”, *The Metal Industry*, Volume 8, No. 6 ( June 1910), Page 279. Accessed through

<[https://books.google.ca/books?id=qOs0AQAAMAAJ&pg=PA279&lpg=PA279&dq=%22ontario+brass+and+copper+company%22&source=bl&ots=IVpYC-tPBb&sig=ACfU3U2wGohnKhtWF5eJsL3i2k2EfJ\\_S6A&hl=en&sa=X&ved=2ahUKewiA5c-xmP\\_0AhVZGs0KHbTeD0kQ6AF6BAgHEAM#v=onepage&q=%22ontario%20brass%20and%20copper%20company%22&f=false](https://books.google.ca/books?id=qOs0AQAAMAAJ&pg=PA279&lpg=PA279&dq=%22ontario+brass+and+copper+company%22&source=bl&ots=IVpYC-tPBb&sig=ACfU3U2wGohnKhtWF5eJsL3i2k2EfJ_S6A&hl=en&sa=X&ved=2ahUKewiA5c-xmP_0AhVZGs0KHbTeD0kQ6AF6BAgHEAM#v=onepage&q=%22ontario%20brass%20and%20copper%20company%22&f=false)> on 25 December 2021.

9 *The Labour Gazette*, Journal of the Department of Labour [Canada], Volume XI, July 1910-June 1911 – July 1910, Page 30 – Report for Brantford, Ont., and District. Accessed on 25 December 2021 through

<<https://archive.org/details/labourgazette1911cana/page/30/mode/2up>>

10 *Domestic Engineering* [Chicago, Ill, USA] Whole No. 748, Volume XXXIX, No. 2 (13 April 1907), Page 46, Column 2. Accessed 25 December 2021 through <[https://books.google.ca/books?id=FiTOAAAAMAAJ&pg=RA1-PA46&lpg=RA1-PA46&dq=%22canada+brass+manufacturing+company%22&source=bl&ots=DsYPxt-zve&sig=ACfU3U3cpM1\\_23qu3x5DfMMzkoazpUJUGQ&hl=en&sa=X&ved=2ahUKewjUp\\_Pgxf\\_0AhWVZM0KHdEUA\\_oQ6AF6BAhEEAM#v=onepage&q=%22canada%20brass%20manufacturing%20company%22&f=false](https://books.google.ca/books?id=FiTOAAAAMAAJ&pg=RA1-PA46&lpg=RA1-PA46&dq=%22canada+brass+manufacturing+company%22&source=bl&ots=DsYPxt-zve&sig=ACfU3U3cpM1_23qu3x5DfMMzkoazpUJUGQ&hl=en&sa=X&ved=2ahUKewjUp_Pgxf_0AhWVZM0KHdEUA_oQ6AF6BAhEEAM#v=onepage&q=%22canada%20brass%20manufacturing%20company%22&f=false)>

<[https://books.google.ca/books?id=FiTOAAAAMAAJ&pg=RA1-PA46&lpg=RA1-PA46&dq=%22canada+brass+manufacturing+company%22&source=bl&ots=DsYPxt-zve&sig=ACfU3U3cpM1\\_23qu3x5DfMMzkoazpUJUGQ&hl=en&sa=X&ved=2ahUKewjUp\\_Pgxf\\_0AhWVZM0KHdEUA\\_oQ6AF6BAhEEAM#v=onepage&q=%22canada%20brass%20manufacturing%20company%22&f=false](https://books.google.ca/books?id=FiTOAAAAMAAJ&pg=RA1-PA46&lpg=RA1-PA46&dq=%22canada+brass+manufacturing+company%22&source=bl&ots=DsYPxt-zve&sig=ACfU3U3cpM1_23qu3x5DfMMzkoazpUJUGQ&hl=en&sa=X&ved=2ahUKewjUp_Pgxf_0AhWVZM0KHdEUA_oQ6AF6BAhEEAM#v=onepage&q=%22canada%20brass%20manufacturing%20company%22&f=false)>

<[https://books.google.ca/books?id=FiTOAAAAMAAJ&pg=RA1-PA46&lpg=RA1-PA46&dq=%22canada+brass+manufacturing+company%22&source=bl&ots=DsYPxt-zve&sig=ACfU3U3cpM1\\_23qu3x5DfMMzkoazpUJUGQ&hl=en&sa=X&ved=2ahUKewjUp\\_Pgxf\\_0AhWVZM0KHdEUA\\_oQ6AF6BAhEEAM#v=onepage&q=%22canada%20brass%20manufacturing%20company%22&f=false](https://books.google.ca/books?id=FiTOAAAAMAAJ&pg=RA1-PA46&lpg=RA1-PA46&dq=%22canada+brass+manufacturing+company%22&source=bl&ots=DsYPxt-zve&sig=ACfU3U3cpM1_23qu3x5DfMMzkoazpUJUGQ&hl=en&sa=X&ved=2ahUKewjUp_Pgxf_0AhWVZM0KHdEUA_oQ6AF6BAhEEAM#v=onepage&q=%22canada%20brass%20manufacturing%20company%22&f=false)>

So many unanswered questions, from one short, seemingly innocuous newspaper article.

Clearly, we have to hope that original Court records pertaining to this particular case have survived.

If any original Court records have survived, they will be found at the Archives of Ontario, in Toronto.

To this end, the descriptive databases of the Archives' holdings have been surveyed, and an Archivist responsible for Justice Matters there has been consulted. A list follows of references and titles, and microfilm numbers where applicable, which should be of value.

These will be examined in due course – access to the Archives of Ontario is currently restricted because of COVID-19 mitigation regulations. These restrictions will hopefully be lifted within the next year, or two.

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Justice Francis R Latchford's 'Benchbooks' have survived. 'Benchbooks' – notebooks of various form, were places a Justice wrote down key points of cases over which they had purview as they were presiding. There are 32 volumes of his Benchbooks, in all, principally covering the years 1908-1922, but extending to 1927.

These are catalogued at the Archives of Ontario as Record Group 22 Series 461.

Latchford's Benchbooks have not been microfilmed, rather they exist only as original volumes. The volumes are grouped according to the venue of each hearing – a Circuit Court, a Divisional Court, or Court & Chambers. It's not possible to discern from the newspaper notice which type of Court Justice Latchford would have been presiding over when Martha Jane Jeune's Petition came before him. 'Court & Chambers' might be the place to start, but it may be necessary to survey all three types.

The relevant items could be:

<i>Reference</i>	<i>Type</i>	<i>Dates</i>	<i>Box/ Container</i>
RG22-461-1-6	Circuit,	16 May 1910 - Apr 1911	1
RG22-461-2-2	Divisional,	12 Apr 1910 - 9 Feb 1912	3
RG22-461-3-2	Court & Chambers	Oct 1909 - Feb 1914.	3

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There also exist Indexes that might be of value:

RG 22-5809 Court of Chancery and Supreme Court Central Office Indexes to Civil Actions and City Suits, 1873-1978.

The relevant index: Volume 6, 1908-1916, RG 22-5809-0-4,

This has been microfilmed, and is accessible through MS 2611.

These indexes are arranged *alphabetically* by the first letter of the Plaintiff's surname, and then *numerically* by docket number.

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For cases heard after 1899, the original records are held within  
RG 22-5800 – Supreme Court Central Office Action Files.

Access to the original records is by Year and File (Writ, or Docket) Number.

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The Justice's decision – the Judgment, in this case may have been recorded in  
RG 22-5805 – Supreme Court Central Office Judgment Books.

Judgments were entered in the Books chronologically  
by date of registration of the Judgment.

Judgments registered after 1906 are indexed in  
RG 22-5811 – Supreme Court Central Office  
Indexes to Judgment Books.

The relevant index would be:

RG 22-5811-0-1 Judgment Index 1906-1916  
microfilm MS 6575 & MS 6576

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RG 55-17-66

Expired Partnerships and Sole Proprietorship Registrations, pre-1975  
(York County East & West  
are also a potentially interesting series.

Check the 'Individual Index'

for 'JEUNE', H-L, 1870-1965

RG 55-17-66-3

MS 2074

for 'MERSMAN', M-P, 1870-1965

RG 55-17-66-4

MS 2073

Once a 'Declaration Number' is found

examine the Copy Book, #1-2590, 1870-1939

RG 55-17-66-7

MS 2561

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