**Who was Dr Toles?**

Within Madame Bergman Österberg’s Report, dated 1895, Emily Baker, the Captain of Cricket and Hockey Eleven, wrote:

Basket Ball is an American game introduced into our College by Dr Toles ; its aim is to get the ball into the opponents’ basket or goal, the basket being placed at a height of about seven or eight feet. The play is entirely with the hands, and no player is allowed to hold the ball for more than 5 seconds. It is a good winter game and can be played by any number. We played a few games in the gymnasium under Dr Toles’ supervision, but apart from that we have had little practice.[[1]](#footnote-1)

The part Dr Toles played in the development of basketball/netball at Madame Österberg’s College is widely acknowledged and is usually mentioned in any books published about the history of netball. However, research does not affirm his special place in history. His name does not seem to have been linked with games of any kind after this short visit to Hampstead.

In the same report Madame herself also refers to the visit of Dr and Mrs Toles (nee Woods) in May 1895. She mentioned his interest and research into the effects of wearing corsets and tight waist bands, she referred to the ten gymnastics lessons he had given her students and the help he had given laying out the cycle track at Dartford, ahead of the move of her college from Hampstead. Madame also indicated the success of a lecture he had given in Los Angeles in November 1895.[[2]](#footnote-2)

This lecture was reported in the Los Angeles Herald. It took place at The Teachers Institute, during the *Second Day’s Session held by the Pedagogues*.[[3]](#footnote-3)

Dr. Justin K. Toles read an excellent paper on physical training. He claimed that most of the weak and nervous children are the natural result of the almost entire neglect of physical training in the public schools. "In such physical training as we have we are too intent to force the weak and nervous children-those who have the greatest need of physical culture-into the position of mere spectators of the beneficial exercise of others. There should be a recorded observation by each teacher of every defective child under his care. The ordinary gymnastic exercises should be given to the healthy children only. Gymnastics and physical education are not synonymous. Physical education is the art of training the body and mind to do the things that are pleasant and agreeable, healthful and ethical. Those who think that real physical education can be obtained by drilling children on the same gymnastic exercises in great classes are sadly mistaken. Before living one must learn how to live." Questions were called for and the inquiry was made about how to determine nervous weakness in children. Dr. Toles gave several methods of examination, including that of holding the arms horizontally, palms downward, and noticing whether the thumbs droop or not. One schoolmarm gave an interesting account of a running expedition, and wanted to know whether running would answer as a physical. The doctor answered that running would serve as an excellent exercise, but that walking was not so beneficial.

The details of his full name provided the opportunity to undertake further research about Dr Toles. Much of what unravelled exposed an extraordinary story. He had an extremely chequered career. He might now be described as having anger management issues and certainly had an affinity with Reggie Perrin. Unfortunately, it has not been possible to discover where he went to University, what course of study he followed or how Madame met him and invited him to stay at Hampstead. It is possible that he invited himself.

The majority of information about Dr Justin K. Toles comes from newspapers and documents available on line. In 1896 and in 1897 Dr Toles’ name is on a list of persons engaged in the practice of Medicine in California *– none of whom possess a certificate and.... are designated* *Illegal Practitioners*. *Many of these persons insist they are curing disease by magnetism, massage, mind cure, electricity, electro-vapour baths, etc.*[[4]](#footnote-4)

As Dr Toles was linked to the laying down of the cycle track at Dartford in the summer of 1895, the following report, from June 1897, is reported in full

Dr.Toles Fined $30 for Striking a lad. Justin Kay Toles was fined $30 by Justice Owens yesterday for striking Nathan Jacobs, a consumptive lad. The assault was an aggravated one, and according to the evidence was wholly without provocation. Dr. Toles and Jacobs were riding in opposite directions on bicycles. Jacobs turned to the left, and the two came near running into each other. Dr Toles was highly incensed, and, getting off his wheel, struck Jacobs twice in the face, knocking him down. As he fell he also kicked him. Jacobs is only a lad of very slight build, and is a consumptive.[[5]](#footnote-5)

In 1898 there was another altercation reported in the press:

TROUBLE OVER A DOG

A Brief Slugging Match on West First Street. The afternoon crowd on First street near Spring was treated to an exciting exhibition of slugging yesterday about 5 o’clock, but the impromptu match did not last long, as Officer Richards took both men into custody. E. H. Barmore of the Los Angeles Transfer company was one of the parties to the scrimmage, while Justin K. Toles was the other participant. Toles had taken umbrage over a statement Barmore had made regarding him and the disappearance of a dog Barmore had owned. He called on Barmore at the truck company's office, No. 218 West First street, to ask concerning it. Toles threatened to punch the head of Barmore, and the latter suggested that they go out onto the sidewalk, which was done. Toles made a smash at Barmore and was struck in return. The men were charged with disturbing the peace and then released on their own recognizance.[[6]](#footnote-6)

The California, Voter Registers, 1866-1898 provides physical information about Dr Toles:

Residence Year: 1896. Residence Place: Los Angeles, California Age: 31/ Birth Year: abt 1865. Occupation is Specialist, 5'10" medium complexion Brown hair, Brown eyes, ring scar on middle finger of right hand, born in Indiana, lives as 217 S Broadway, Los Angeles.

In January 1900, Dr Toles’ wife sought a divorce:[[7]](#footnote-7)

The application of Mrs. Marie Louise Toles for divorce from Dr. Justin K. Toles, on the ground of failure to provide, a default case, was heard yesterday by Judge Webb. Attorney L. H. Valentine appeared as counsel for the plaintiff. Mr. and Mrs. Toles have resided at Olen Mary, near Highland Park. They are people of culture, and have widely travelled. In 1894 they married at Paris, France, and since residing in Southern California the husband has enjoyed a high reputation as a specialist in contriving, designing and applying plaster casts in orthopaedic cases... It is a rather curious branch of the medical profession, but Mr. Toles is consulted upon all matters within his special line by all the city physicians. The court made the order for $75 a month as alimony... Mrs.Toles scarcely did herself credit when upon the stand. Not only is she a lady much above the average in intelligence, but she is a skilled pianist, and, perhaps best of all is understood to have come into the cosy sum of $50,000 left her by her mother, recently deceased.[[8]](#footnote-8)

The next newspaper story appeared in April 1901. This reported a serious court case in which Dr Toles was accused of having assaulted a lady who was under the influence of opiates.[[9]](#footnote-9)

LOS ANGELES, April 16th Dr. Justin K. Toles' preliminary examination on the charge of having feloniously assaulted Edna F. Reynolds began this afternoon before Justice James. The plaintiff, shed tears on the witness stand while telling of the alleged crime, which she declares was committed while she was under the influence of opiates. Several other witnesses were examined, and the case went over till to-morrow

*The Los Angeles Herald* reported the story too, on 5th April and gave more detail:[[10]](#footnote-10)

Dr. Justin Kay Toles, whose office is in the Potomac building, was arrested by Constable Yonkin shortly before 5 o'clock yesterday afternoon and taken before Township Justice James, where he was arrested on a charge of felonious assault, alleged to have been committed on March 4th. The complaining witness is Miss Edna Reynolds, a young woman who graduated last year from the normal school. Dr. Toles was required by the magistrate to give a bond in the sum of $1500 pending his examination next Wednesday morning. The complaint does not allege that the crime was committed by force and violence, but by the administration of an anaesthetic or a narcotic. Miss Reynolds avers that it was while she had gone to Dr. Toles' Office for professional advice that her downfall occurred. The accused physician vigorously denies the accusation, says it is a blackmailing scheme and is confident that he will be able to show conclusively his innocence.[[11]](#footnote-11)

Further news coverage of the story appeared on 10th April 1901:

Toles case continues: Dr Justin K Toles, who is charged with the grave crime of enforcing intimate relations with a patient, was before Justice James of the township court yesterday. His examination was continued until 18th April.[[12]](#footnote-12)

On 18th April 1901 the *San Francisco Call* reported that Dr Tales was exonerated:

LOS ANGELES, April 17.-Justice James this morning dismissed the case against Dr J.K. Tales charged by Miss Edna Reynolds with having criminally assaulted her; while she was under the influence of a narcotic in his office.[[13]](#footnote-13)

Dr Toles was married again on 25th December 1901 to Edna Barnum in Cook County, Illinois.1905 appeared to be a better year for Dr Toles and he was clearly busy with his flax business. Dr. Toles said that the climate and soils of California should be largely credited with this superior production, and he hopes to show a continued yield of the high grade of fiber in his future work. This following application was filed on 22nd May 1919 Serial No. 298,918

To all whom it may concern. Be it known that I, JUSTIN KAY TOLES, a citizen of the United States, and a resident of the city and county of San Francisco, State of California, have invented a certain new and useful Built-Up Board of Fiberized Cereal Straw, of which the following is a specification. The invention relates to a fibrous product, made from cereal straw, such as rice straw. An object of the invention is to provide a highly efficient heat insulating material made of fiberized cereal straw. Another object of the invention is to provide heat insulation. A further object of the invention is to provide a built-up board or product made of fiberized cereal straw...[[14]](#footnote-14)

These newspaper articles provide a background to the life of Dr Toles, after his visit to Hampstead. His life before 1894 seems a mystery. His year of birth was ‘about 1869’ but his place of birth varies from census to census: Illinois, Indiana and Canada are all mentioned.[[15]](#footnote-15)

Immigration records suggest that he arrived in England from River Plate, South America on the *Danube* on 29th September 1894 using the name of K. Toles. (River Plate is the estuary between Uruguay and Argentina.) J.K. Toles left Southampton, on a ship named *Paris*, to sail back New York on 5th January 1895. He arrived on 2nd February 1895 but returned to Southampton on 21st February 1895, listed as Aust (Justin) Toles. This time he described himself as a merchant.[[16]](#footnote-16)

Ancestry.com Message Boards reveals further information from a relative:

In Polk's Medical Register and Directory of the United States and Canada, California Medical and Surgical Register it lists: TOLES, JUSTIN KAY (R) AM MD, Royal Coll of Surgs, London, Eng, 1890; Associated Member of the Med Assn and Charity Organization Soc, Demonstrator of Physical Education in Theory and Practice Hampstead Physical Training College for Women, Practice Limited to Nervous Diseases, Deformities of the Spine, Defects in Physical Development, etc.

To find him listed as surgeon in 1890, at the age of 21, is unexpected. Unfortunately it has not been possible to check this entry. The fact that he mentioned his connection with Hampstead indicates that he must have considered that his links with Madame an important and impressive part of his curriculum vitae.

City Directories indicate Dr Toles had many different careers. In 1901 he is a Physician but between 1907 he is also listed as a Manager and, in 1911 he invented an artificial limb. Between 1917 and 1923 he was a Consultant Engineer, a Mechanical Engineer, and a Researcher.

The most sensational information about Dr Toles comes from Message Boards on Ancestry.com. I states:

*He died March 14, 1932 in Lake Grove, Oregon. On his death certificate they list his father as ? Clark born in New York, and his mother, as Charlette Ward born in New York. His first wife was Mary Louise Wood m. 1895 in Kanosha Wisconsin (b. 1875 Chicago d. 1950 Los Angeles) They divorced - 1900.*

The marriage date, 7th June 1895 Kenosha, Wisconsin appears to be a contradiction of Madame’s report which said Dr and Mrs Toles visited her in May1895. However, it is possible if they married in France a second service had to be held in the USA. The information went on to suggest:

*His second wife was Edna BARNUM m. Dec 24 1901 in Chicago. (b. 1870 Chicago d. 1960 Santa Clara, Ca), they had two children Justin Barnum Toles and Gertrude Toles.  
  
Justin K.* (Toles) *was my g grandfather. He and my great grandmother (Edna Francis Reynolds) (b 1879 NY, d. Huntington Beach, CA) never married.*

Edna Francis Reynolds is the same lady as the one who accused Dr Toles of assault 5th April 1901. She must have been pregnant at that time. Another entry states:

*I have information that his original name was OMAR (Omer) Clark. Family history has that while in medical school he fought a duel, left the area for several years (never finishing medical school), and came back with a new name, Justin Kaye Toles.*

The great granddaughter of Justin Toles and Enid Braun’s confirmed the story about the duel:

*Gertrude Toles Funkhouser was my grandmother. The story is that while in medical school he fought a duel. He left the country for some years. He came back with a new name: Justin Toles.*

There may be some truth in the story of the duel, as this comes from two different branches of the family. One, a direct descendant of Dr Toles and his second wife and the other from an illegitimate branch. These families probably never met each other. Justin Kay Toles may have started life as Omer Clark, the son of a wagon maker in Illinois. The family cites one source of information as Wisconsin Marriages 1836 – 1930.[[17]](#footnote-17) However, when checked, the father is listed as Justin C. Toles and mother as Charlotte Bun. It is not possible to trace either of these names which could infer that they were given as a deliberate intent to mislead. The Clarke (sic) family does appear on the 1881 Canadian Census.[[18]](#footnote-18) On this document ethnicity is given as Irish and the religion as Baptist. (If the Clark family has been correctly identified it does seem to have been one which could have supported a son at college.)

Dr Toles travelled to South America in 1894 and on to England. This seems unusual in the middle of a medical degree but might substantiate the suggestion he had to flee his training in a hurry and disappear. Two sides of the family mention a duel. It seems probable that he changed his name but whether he started life as Omer Clark is unproven. Even Mrs (Marie) Mary Louise Toles is not beyond falsifying information as she, in her passport application to study in Berlin in 1904, states her husband is dead. In 1923 on a similar form she does state she is divorced but, against the entry re her husband’s place of birth, Indiana is written (*believe*).

Madame referred to Dr Toles’ interest in the dangers of corset wearing. Research does not indicate that he, or anyone who might fit his description, published anything on this topic. Could Dr Toles have faked an interest in this issue as he knew it was something that was of great interest to Madame? In 1899 he did publish a long and complicated paper about the treatment of Angular Curvature using traction. He described his methods and the equipment he used together with a plaster cast.[[19]](#footnote-19)

Reading Madame’s 1895 report it is easy to assume that Dr Toles was a qualified medical doctor with a keen interest in health, gymnastics and basketball. He must have had training in Swedish (or German gymnastics) as, without that knowledge, he would not have been able to take ten gymnastics lessons with Madame’s students. Research indicates a man with possibly a hidden past and an earlier, different identity. However, Justin Kay Toles does seem to have had success as an inventor and he used whatever medical knowledge he had obtained, during his earlier education, to good use with his development of a traction machine and an artificial leg.

Dr Toles influence on the development of basketball does seem to be limited to his brief time at Hampstead, in May 1895 and his knowledge of the game was probably much more limited than might appear from the repeated mention of his name in accounts of the history of netball. Maybe the students themselves, at Hampstead and later at Dartford, should be given much more credit for the development of the game of netball. Rather than being an expert in the new game of basketball it seems that Dr Toles literally introduced the current students to the game and they played a few times in the Hampstead gymnasium.

Dr Toles, and also Miss Porter of Baltimore, were clearly not experts or pioneers of basketball. It seems much more likely that they were extremely interested in Madame Österberg’s work and were keen to be able to observe it for themselves. It appears that during their visits. as with other guests, she asked them to enhance the experience of her students by introducing them to some new ideas. (Those of you who have read *Miss Pym disposes* by Josephine Tey, who attended Anstey College, may see some slight similarities with this scenario!)

Jane Claydon April 21st 2015

1. MBÖ’s Report 1895 page 16. [↑](#footnote-ref-1)
2. MBÖ’s report 1895 page 7. [↑](#footnote-ref-2)
3. *INTERESTING DISCUSSIONS Upon Methods of Teaching and General Educational Matters.* Los Angeles Herald 27th November 1895. [↑](#footnote-ref-3)
4. Ancestry.com. California, Occupational licenses, Registers and Directories 1876- 1969. [↑](#footnote-ref-4)
5. Los Angeles Herald, Volume 26, Number 249, 6 June 1897. *IT COMES HIGH.* [↑](#footnote-ref-5)
6. Los Angeles Herald, Volume 25, Number 300, 27 July 1898. [↑](#footnote-ref-6)
7. Los Angeles Herald, Number 120, 28 January 1900. *THE TOLES DIVORCE.* [↑](#footnote-ref-7)
8. Los Angeles Herald, Number 120, 28 January 1900. *THE TOLES DIVORCE..* [↑](#footnote-ref-8)
9. San Francisco Call, Volume 87, Number 138, 17 April 190. Hearing of Dr Toles. [↑](#footnote-ref-9)
10. The Los Angeles Herald 5th April. PHYSICIAN IS ACCUSED OF A GRAVE CRIME . [↑](#footnote-ref-10)
11. Los Angeles Herald, Volume XXVIII, Number 186, 5 April 1901. Dr Toles refutes Miss Reynolds charge and Avers that it is attempted black mail. [↑](#footnote-ref-11)
12. Los Angeles Herald, Volume XXVIII, Number 191, 10 April 1901 page 6. Dr Toles Goes Free. [↑](#footnote-ref-12)
13. San Francisco Call, Volume 87, Number 139, 18 April 1901. [↑](#footnote-ref-13)
14. www.google.com/patents/US1369500. [↑](#footnote-ref-14)
15. Ancestry.com census records. [↑](#footnote-ref-15)
16. Ancestry.com immigration records. [↑](#footnote-ref-16)
17. Indexing Project (Batch) Number: I00838-5System Origin: Wisconsin-EASy. GS Film number: 1276054Reference ID: 2608. [↑](#footnote-ref-17)
18. Familysearch.org [↑](#footnote-ref-18)
19. Southern Californian Practitioner. <http://archive.org/details/southcalif13losa>. April 25th 1899 Vol XIII. [↑](#footnote-ref-19)