

VOLUME 2

1

1870-1899

29th. July 1871

Mainland Guardian

In the case of the Penitentiary, it would simply be a useless waste of public money to place it near Victoria, setting aside the additional cost of maintaining prisoners in the place, the expense of conveying criminals from the extreme points of British Columbia would entail a heavy expense on the public finance and necessitate a large increase in the number of officers connected with our police and gaols.

The penitentiary, if not placed somewhere in the lower Fraser Valley, which we think would be most conducive to economy, must not be higher up than Lytton so as to be within a reasonable distance of the centre of population which the great majority of criminals are likely to be sent.

At the present time a man can reserve without difficulty the most convenient locality and in such sufficient quantities as will enable the authorities to turn the labor of the convicts to account in producing articles within the prison limits which would go far to maintaining the inmates in the more bulky portions of food.

It will be an act of supposition for us to enlarge upon this system of conduct in the state of the prisons, the modus operandi is perfectly understood by the Canadian Authorities, who have reduced the managements of these necessary institutions to a science.

Our suggestions are merely in relation to the site, and at the present moment the solution of that question will be a few years hence.

27th. May 1874:

The plans for the British Columbia Penitentiary may be seen in New Westminster in Mr. Pearsons office.

The plans are very elaborately gotten up, when completed, the building will be a handsome structure, the front will be stone backed with brick, the length of the entire building will be 170 ft.

Officers quarters are 68 ft. by 43 ft. 4 ins. There will be three tiers of cells, the building will be three stories in height with an attic.

The brick cells, 60 in number, will have wooden floors with brick and concrete beneath.

Female and Male prisoners will be kept separate, a gallery supported by iron brackets will run around each tier to allow inspection and communication with the prisoners.

In the basement an engine and boiler for ventilating purposes will be stationed and a ventilating shaft will run entirely through the building.

Note:

The A/M building would be later known as the Main Hall and be numbered B4.

The third floor would house in turn the shoe shop, school room and in the 1950's would be renovated to accommodate the Psychiatric Department.

The second floor would become the Prison Hospital with its operating room, X-Ray room and Hospital cells.

The first floor would have the Deputy Wardens Office, Chief Keepers office, Barber Shop, Dentist and Dental Technician, Armouries and the Penitentiary Employees Credit Union.

The basement would accommodate the Reception and Discharge, Photo Studio, storage for inmates effects and the Supervisor of Institutional Services office.

Many changes were made in this building over the years, both in the interior and the exterior.

September 6th. 1874

The Colonist

Our contemporary at the Mainland Guardian says those who have tendered for the Penitentiary have a grievance in as much as they have been kept in suspense for more than a month and their deposit money locked up. They unquestionably have a veritable grievance, to be kept on the stretch of suspense, afraid to undertake another contract because of expecting that gigantic one, and to have nearly \$8000.00 in deposit money locked up in the bank for some six weeks is 'nt pleasant. We feel at a loss to account for such a protracted delay, unless on the grounds that the tenders have overtopped the appropriation and a cutting down process has been resorted to, even then one would think there would have been some information that would have relieved the tension of suspense and release the deposit money to all, save the successful bidder. We understand that steps will be taken at once, taken for the purpose of ascertaining how matters stand

16th, September 1874

The Colonist

We are in a position to state that the contract for building the Penitentiary at New Westminster had been let and that instructions left Ottawa some days ago for this province.

Work will be commenced about the 1st. and pushed ahead as rapidly as the circumstances and the weather will allow.

Mr. Kirkland of New Westminster, a most competent and reliable man has been appointed clerk of the works which will require about two and a half years to complete and will give employment to a large number of mechanics.

17th. October, 1874

The Mainland Guardian

It will be remembered that the subject of a penitentiary first was finally determined early last year when one of our representatives, Mr. Cunningham brought the matter before the MacDonald administration, Mr. Pearson, the Dominion Agent of Lands and Works Department came up here and laid out the site. The plans were to all appearances complete at the architects office last April and upon them no doubt, tenders were called for by advertisement, on the strength of such initiatory steps an appropriation of \$50,000.00 to be expendible this year was awarded.

Tenders were duly sent into the department at Ottawa, and the conditions required from tenders, a deposit of 5% on the aggregate amount of the contract complied with.

Although the tenders were opened early last month nothing has been heard in relation to the award and the tenderers are suffering considerable loss in their interest on their deposit as a consequence

30th. October 1874:

Victoria, Daily Colonist.

I feel very much surprised at the insinuations thrown in the Standard of yesterday in reference to the Penitentiary for blaming the Minister in Ottawa for the delay, now to those acquainted with the facts of the case they are known to be entirely different, a great amount of blame is to be attached to the resident engineer, not being satisfied with delaying the job as long as he could when he received positive instructions to complete the arrangements made in Ottawa he raised some quibble of his own for further postponement, he reminds me of the Admiralty in London sending to Margate to have the Lighthouse whitewashed, but the commissioners held a meeting, they could not go along with the work because the colour was not mentioned.

1st. November 1874

The Colonist

The contracts were signed yesterday by Kinsman and Styles whose Tender was the only one to reach Ottawa on the date fixed for opening of tenders.

Another tender was sent from the province but did not arrive on time. No tenders were sent in from persons resident in other provinces, the policy of the Dominion Government being to give public works here to partys residing in British Columbia.

7th. November 1874

Mainland Guardian

The Penitentiary;

The contracts were signed yesterday by Kinsman and Styles whose tender was the only one to reach Ottawa on the day fixed for the opening of the tenders.

Another tender was sent from this province but did not arrive in time. No tenders were sent from persons resident in other provinces, the policy of the Dominion Government being to give public works here to parties residing in British Columbia.

10th. December 1874

Mainland Guardian

The Penitentiary;

Mrss. Kinsman and Styles have about ten men at work excavating for the foundation and cutting drains, others are preparing the stone required for the foundation walls so that considerable progress will be made by the spring when an additional force of men will be engaged in the work.

9th. January 1875

The British Columbia Penitentiary.

Excavation for the foundations are progressing favourably under the personal superintendence of Mr. Kinsman. Mr Styles is pushing the work at the quarry and already there is a large quantity of stone laying ready for shipment, preparations for receiving this are being made at New Westminster.

It is probable that the works will have made sufficient progress to admit of the foundation stone being laid about the end of February.

11th. April 1875 The Colonist

A portable steam engine and boiler and other machinery for use of Muirhead and Mann on the Penitentiary works was brought up on the Pacific.

Mssrs. Kinsman and Styles have arranged their steam hoisting gear and laid a tramway from the Wharf to the Penitentiary site in ten hours. One day last week they raised 450 barrels of lime. Almost all other materials required in the construction of this building will be raised by this gear.

6th. June 1875 The Colonist

The Chief Inspector of Prisons for the Dominion has issued this report from which appears the following inclusion to our Province. In British Columbia no Penitentiary has been yet established, the building is in the course of construction, meanwhile the Dominion Government has entered into arrangements with the local Authorities for the maintenance of convicts in Victoria and New Westminster at a charge of \$0.75 each per diem, the amount appropriated for the maintenance of convicts in this province for the current Fiscal Year was \$10,000.00, the same sum is asked for 1876-77.

19th. June, 1875

Mainland Guardian

The Penitentiary;

This important public structure now being erected by the Dominion Government is naturally looked upon with with some interest by our politicians because the presence in the community enhances the value of adjacent property and creates a vital fact for the locality.

A few days ago we went up to Sapperton to see the progress made with the building and were agreeably surprised to find an outer wall of the main building, entirely of stone, had reached the whole way around the height of the first story, a portion had attained the second story, we were then able to judge of the plans and the substantial character of the building, which is probably quite equal to any requirements for detaining the most dangerous criminals.

We should give here a detailed description of the building but we have the intention of returning to the subject another day when the building being near completion our readers will be better able to follow up on our description.

We may however say that the building so far is as promised. The large slabs obtained from Nanaimo appear to be of the finest quality and the most durable rock, but of course the Nanaimo name is only used for sills and openings. The walls are for the most part of granite, faced in the vicinity.

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January 31st.1876 Ottawa
British Columbia Penitentiary

The New Penitentiary for this Province will soon be completed.

It is possible,however,that convicts will not be moved there before the first of next July.They are still confined in jails of Victoria and New Westminster.According to your instruction every possible information is being collected that may prove useful with the opening and organization of the New institution.

Permit me,Sir,in closing this report,to thank you personally for the uniform courtesy and kindness which I have received at your hands whenever I had occasion to meet you in my official capacity.I have the honour to be,sir,your obedient servant,

J.G.Moylan

June 2nd.1876

The Colonist

As we hear of the rapid approach of the Penitentiary building towards completion we experience a feeling of satisfaction because when the criminals show up and are gathered beneath that roof, the demoralizing spectacle of the gangs of convicts marching through our public streets on the way to and from work, guarded by armed men, and their steps keeping pace with the horrid clank, clank, clank of their chains will be over. The present system of utilizing convict labor was introduced in 1859. A number of sturdy prisoners are confined in our Victoria Goal, the receptacle for prisoners from all parts of the Island and the Mainland, These men have nothing to do save a lot of mischief and invent plans to make their escape, for satan finds some mischief for all idle hands to do.

Several breaks of convicts occurred, some got clear away, others were recaptured after stout resistance. One Sunday evening a most audacious plot for a general goal delivery without the aid of the Assize Court was all but successful, the Goaler was about to place the convicts in the cells for the night, he had a revolver in a belt strapped to his waist, a bunch of keys in his hand, he placed a key in one of the cell doors and beckoned a convict to enter, at that moment a dozen convicts closed around him, some took the revolver from its sheath, others pushed him into a cell and locked him up.

Only one of the criminals got away, he scaled a fence at the rear of the Goal, dropped from the top into Langley street and ran off. He was recaptured the same night under a house.

If the Penitentiary were not well under way we would deem it our duty to call all citizens to take some steps to give a very decided expression of opinion on the subject. Under the circumstances it would be as well to let bad enough alone, but prepare to relieve any attempt by the city government to apply the system to offenders from the municipal laws.

26th. October 1876

The Colonist

This handsome and substantial structure near New Westminster City is now at the point of completion, it contains 67 cells which were allotted to males and 12 to females, the cells are 8 ft. long and 4 ft. in width, they are lined with brick and between every course of brick are two courses of hoop iron, thus a prisoner might remove all his bricks only to find himself in an iron cage.

There are also 5 cells reserved for special punishment and so constructed so that the dreaded penance of solitary confinement not a voice can be heard by the inmate nor a human form seen, the structure also contains two chapels, each of which is divided into male and female portions. On the same floor are the Chaplains apartments and the Wardens rooms. On the main floor is the guard room where the prisoners are received, in the rear of the building, approaching the front or grand entrance, exclusively for officials and prisoners.

There are some very fine apartments including a Wardens parlor and dining room with a spacious vestibule.

Wardens, Deputy Wardens and Accountants offices, Officers Mess room and all the necessary outhouses, offices etc.

The building has been provided with the most modern appliances for use in the case of fire, and is supplied with a flow of water and powerful force pumps, exterior walls are two feet thick, built by excellent Newcastle stone and in every way the building reflects great credit on the contractors, Messrs. Kinsman and Styles.

The carpenter work has been executed by Muirhead and Mann who have also constructed their portion of the building in a most praiseworthy and accurate manner.

Mr. John Kirkland has acted as clerk of the works and has filled an arduous office most satisfactorily.

27th. October, 1877

Mainland Guardian

The Penitentiary;

The fires are kept constantly burning throughout the building, subject we presume is to prepare it for the arrival of guests, we are not recommending it as a residence to the general public.

When we say that the building has been built regardless of expense and its most modern ornamentation is given place to strength, we don't think toothbrushes are likely to be found chained to the wall, the chains probably will be used for a different purpose, but this we know, that every presentation will be made at site for the general safety.

<u>Name</u>	<u>Official Number</u>	<u>Sentence</u>	<u>Nationality</u>
Ah Tchook	1	7 years	China
John Brown	2	10 years	Portugal
Leo	3	14 years	B.C.
John Steele	4	15 years	Ireland
John Hart	5	5 years	England
Peter Adair	6	14 years	Scotland
Baptiste Tomas	7	6 years	U.S.A.
James Brown	8	10 years	Canada
Charlie Brading	9	4 years	Holland
Antony Simmons	10	7 years	West Indies
Fredrick Harrison	11	5 years	England
Jim	12	2 years	B.C.
Louie	13	2 years	B.C.
Ah Kew	14	3 years	China
Ah Nee	15	3 years	China
Ah Took	16	2 years	China
John Dawdry	17	5 years	England
John Elliot	18	3 Years	B.C.
John Jordan	19	15 years	Ireland
Edward Morgan	20	3 years	U.S.A.
James Kelly	21	3 years	Ireland
Agustus Dwsey	22	2 years	France
Josephe Flacke	23	2 years	England

The above listed convicts were the first admitted to the B.C. Penitentiary on the 28th. and 29th. September 1878.

It is noted that the majority of sentences were handed down by Sir Mathew Begbie, the famous hanging judge.

Leo # 3 died in September 1879

Peter Adair # 6 was pardoned October 1882

James Brown # 8 escaped May 1881.

The above mentioned convicts were received from Provincial Gaols in Victoria and New Westminster.

Report for the British Columbia Penitentiary of 1880, Sessional Paper Number 17.

This institution was opened by me for the reception of convicts on the 28th. of September, 1878. On the morning of that day I left Victoria, Vancouver Island, accompanied by the Warden, Mr. Arthur H. McBride; the Chief Keeper, Mr. James Fitzsimmons, late of Kingston Penitentiary, Mr. W. H. Falding, Accountant, Mr. W. F. Bullen, Acting Steward, and two guards having in charge twelve convicts who have been handed over to the custody of the warden, by Thomas Harris Esq. sheriff of Victoria. The Hudson Bay Company steamer landed the prisoners the same evening, at the Penitentiary Wharf on the Fraser River, where they were immediately conveyed to their future quarters, supper and the necessary change of clothing having been provided for them.

The following day eleven more convicts were received from the gaol at New Westminster, thus making a total of twenty three as criminal occupants of the new penitentiary, on the Pacific Coast at its first opening.

The following are the officers of the higher grades;

A. H. McBride, Warden

Rev. E. M. J. Horris, Acting Catholic Chaplin

Rev. Mr. Baskett, Acting Protestant Chaplin

C. Newland Trew, M. D., Surgeon

W. H. Falding, Accountant and Storekeeper

W. F. Bullen, Acting Steward

I remained nearly a month at New Westminster assisting and directing the Warden in the work of organization. As briefly mentioned in my last report the building was handed over by the representative of the Department of Public Works in a very

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defective condition. The state of moisture in the range of cells and several other apartments in the basement, owing to the want of drainage, the insecurity of the windows of the cell and other doors, the uselessness of the baths, water closets and sinks on account of their not being in working order, the shrinkage in the flooring of the upper rooms, the wainscotting and doors by reason of the unseasoned lumber used, the wretched and insufficient preparations for heating, the nakedness of every office as regards furniture, all went to prove that the supervision exercised over the building when in the course of construction was, to use a mild term, lax.

The memoranda of the Resident Engineer, Mr. W. B. Pearse, in a reply to my report on the state of the building along with a report of the examination of the premises made by the Warden and Chief Keeper, not to speak of two distinct reports of the Assistant Inspector on the subject, established beyond question that the penitentiary was received from the contractors by the officer of the Public Works with all the faults and drawbacks enumerated and more too. It is not in the spirit of fault-finding that I refer to these matters. I would rather praise than censure but at the discharge of my duties to you, sir, and to the public, I feel myself called upon to report in general terms upon the imperfect and unfinished state in which the building was transferred into the Department of Justice.

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The penitentiary at Stony Mountain had been delivered over to us about twenty months previous to the inauguration of this one and it is well known in this Department and in that of the Public Works, what trouble and money have been expended in repairing the defects and rectifying the blunders of the contractors.

When Mr. Pearse had his attention called to the several matters above stated and had seen and examined what was necessary to be done to provide for the comfort, health and security of the inmates, he addressed himself promptly to the task of making such improvements as he deemed essential. Indeed, it is but an act of justice to Mr. Pearse to say that he evinced an anxious desire to do whatever he could to make amends for the carelessness of the contractors, by trying to remedy the many glaring defects which he himself had seen and admitted to exist. I have learnt from the Assistant Inspector and the Warden that most of the improvements required have been made since, chiefly by convict labour.

The upper storey of the main building was left in a completely unfinished state. It had been used for the storage of an immense number of double or weather windows which are not required in this climate, a fact which must have been well known to the architect in charge of the construction. I caused this attic flat to be partitioned into rooms, **lathed and plastered** for the married officers. The penitentiary being in an isolated locality nearly two miles from New Westminster I judged it

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necessary for security to have as many officers as possible accommodated with quarters in and near the prison. On this account I ordered these rooms to be prepared, which was done by convict labour and at a small money outlay.

In reference to the accommodation for the staff it may be well to state that the Warden informed me upon the authority of the Resident Engineer that the old Government House and grounds are included in the penitentiary reserve. This being the case the position of the premises should be surrendered to this Department by the Minister of Public Works pursuant to Section 15 of the Penitentiary Act, "It is inconvenient and irregular for any person not connected officially with the institution to occupy any portion of the penitentiary property".

This is peculiarly the case in reference to the old Government House which would answer as a suitable residence for the Warden while the outlying buildings would furnish quarters for married officers. In this way the entire staff would be lodged in the immediate vicinity of the penitentiary and be within easy call should any emergency arise for their services on short notice. Either this arrangement must be effected or it will be absolutely necessary for the government to provide a sufficient number of cottages for the officers married and single, because the rooms not occupied by the latter in the penitentiary will at no distant day be wanted for other purposes. In order then that no outside

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party or parties should have possession of any house or tenement or other portion of the penitentiary property contrary to the spirit of the law and to provide better and more suitable accommodation for the officers of the institution I beg to recommend that you will urge the Minister of Public Works to grant the application, already made by this Department, for the immediate possession of the old Government House and grounds. The objection which has been made to the surrender of this portion of the reserve to the penitentiary on the score of its being required as a picnic ground for the citizens of New Westminster, should not, I respectfully submit, be entertained. On the contrary such a demand furnishes all the stronger ground for occupancy by the penitentiary of the Government House and grounds. It needs no argument to show how incongruous, how repugnant to good taste leaving aside the incentives to the breach of discipline and escape it were to have games, music, dancing and other amusements with all the attendant boisterous mirth within easy earshot of convicts undergoing their allotted punishment.

The Government House and grounds being part of the reserve and within five hundred yards of the penitentiary, the prisoners following their daily labours are near enough to hear and see what would pass at a picnic. There is no benevolence, no philanthropy in this picnic project. Were it entertained and advocated with the full knowledge of the pangs of misery and envy

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which the merry laugh, the gladsome shout and the enjoyment by the picnickers of the good things provided would excite in the breasts of their hapless fellow beings nearby, it were not too much to say that the proposition involves a strange degree of selfishness, nay, anyway, a heartlessness. It is therefore but fair to assume that those who clamour for the picnic ground almost at the very door of the penitentiary and within sight and hearing of the unfortunate convicts are acting without reflection and that they will, upon knowing what their demand involves, forego a claim which none but the thoughtless would urge.

A portion of the river front including the penitentiary reserve was leased by the time the building was finished to a salmon canning firm. In doing this a great error was committed. The trifling amount annually received as rent does not go far to compensate for the great disadvantage which the penitentiary administration suffers from having such objectionable neighbours in the numbers of Chinese and Indians employed at the cannery. In this instance as in that of the selecting of the site of the Manitoba Penitentiary, the Department of Justice should have been consulted. From what I saw on the spot as from what I have since learned from the proper officers I strongly recommend that the lease be set aside. If this can be done under the Act or by any other process of law, it must be evident from the contiguity of the penitentiary to the river where boats are lying everywhere under the banks and from the fact that part of the reserve is a boundless and almost impenetrable forest, a wall enclosing at

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least ten acres is of paramount necessity. I believe stone that would answer for it can be obtained on the reserve. It could be built by convict labour under a competent instructor appointed by the Minister of Public Works. Application has been made to the Department of Public Works to include a sufficient amount in their estimates to meet the necessary expense in building this wall.

The grounds around the penitentiary have been so far cleared and improved that seven acres were under cultivation last summer. The crops were reported as fair. It is expected that ten acres more will be ready for seeding next spring. The practical knowledge of farming, draining and fencing possessed by the Chief Keeper, Mr. James Fitzsimmons, along with his great experience in regard to the rules and discipline have been most valuable.

I cheerfully concur in recommendations which have been already made to you in favour of an increase to his salary and of having his rank changed to that of Deputy Warden.

In consequence of the enormously high rate of living in British Columbia I reported when there upon the expediency of revising the salaries of all the officers with a view to an increase. I am still of the same opinion on this subject. In fact, it has been strengthened by information obtained since that time. It is all-important at such a great a distance to have men of good character and proper qualifications as penitentiary officers.

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It is mistaken economy not to grant the salaries which will induce such men to remain in the service.

And here I would beg in a special manner to call your attention to the exceedingly small salaries paid to the Chaplains of this and Manitoba Penitentiary. It would hardly pay horse hire and the wear and tear of their clothes in the government service and yet their duties are quite as onerous, equally responsible, and occupy as much of their time as those performed by the Chaplains of the two smaller penitentiaries at St. John and Halifax.

In connection with the salaries of the Chaplains of the Manitoba and British Columbia penitentiaries it must be borne in mind that clergymen are not so numerous comparatively as they are in the older provinces and their duties are more of a missionary character and their services are accordingly enhanced in value over those performed where clergymen abound and where they have a fixed and limited mission. Under all the circumstances I recommend that the salaries of the Chaplains of the two penitentiaries at Stony Mountain and New Westminster be placed on the same level as those at St. John and Halifax.

I am informed by the Assistant Inspector that the administration in all its details is satisfactorily conducted by the Warden, ably assisted by the Chief Keeper. The conduct of the other officers and the general discipline is represented to be very

good. The school is recorded to be indifferently organized and taught since the resignation of the Acting Steward, Mr. Bullen, who acted as schoolmaster. Steps are being taken to render it as beneficial as in the other institutions. The library being yet in embryo I would earnestly bespeak a liberal grant for the purchase of books, the advantage of which to the poor convict cannot be exaggerated.

27th. February, 1879

Mainland Guardian

A Magic Lantern at the Penitentiary;

Archdeacon Woods gave an exhibition of the dissolving views at the Penitentiary on Wednesday night.

This may be intended as a great kindness to the prisoners but we conceive it to be a mistake.

The penitentiary is intended as a place of punishment.

When so much privation exists among the honest poor, it looks very queer that these well fed rascals should be amused with a magic lantern.

J.G.Moylan, Inspector of Penitentiaries report on the B.C. Penitentiary 30th. June, 1878 - from the Colonist dated 11th. May 1879

This penitentiary has been built on precisely the same plan as the one in Manitoba, a sad mistake was made in selecting the site for the building, it should have been placed on the table land instead of the side hill where it serves as a dam to impede the progress of the water which in the rainy season percolates the gravelly soil in volume, the consequence is the walls and the foundation and in the several apartments in the basement including a range of cells are so saturated with moisture the plaster has become dead and must be replaced.

The defects noticed in the Manitoba Penitentiary are still worse in this institution, here likewise an engine of furnace room is likely to be a useless appendage for some time to come as there are no appliances leading to it for the heating. All the stove pipes from the prison proper and the drying room lead into one narrow chimney, the only one provided for all the stoves required to heat the corridors surrounding the cells, the basement dormitory and the drying room, this solitary chimney not being of sufficient capacity, there remains the alternative of discomfort from blinding smoke or the piercing cold.

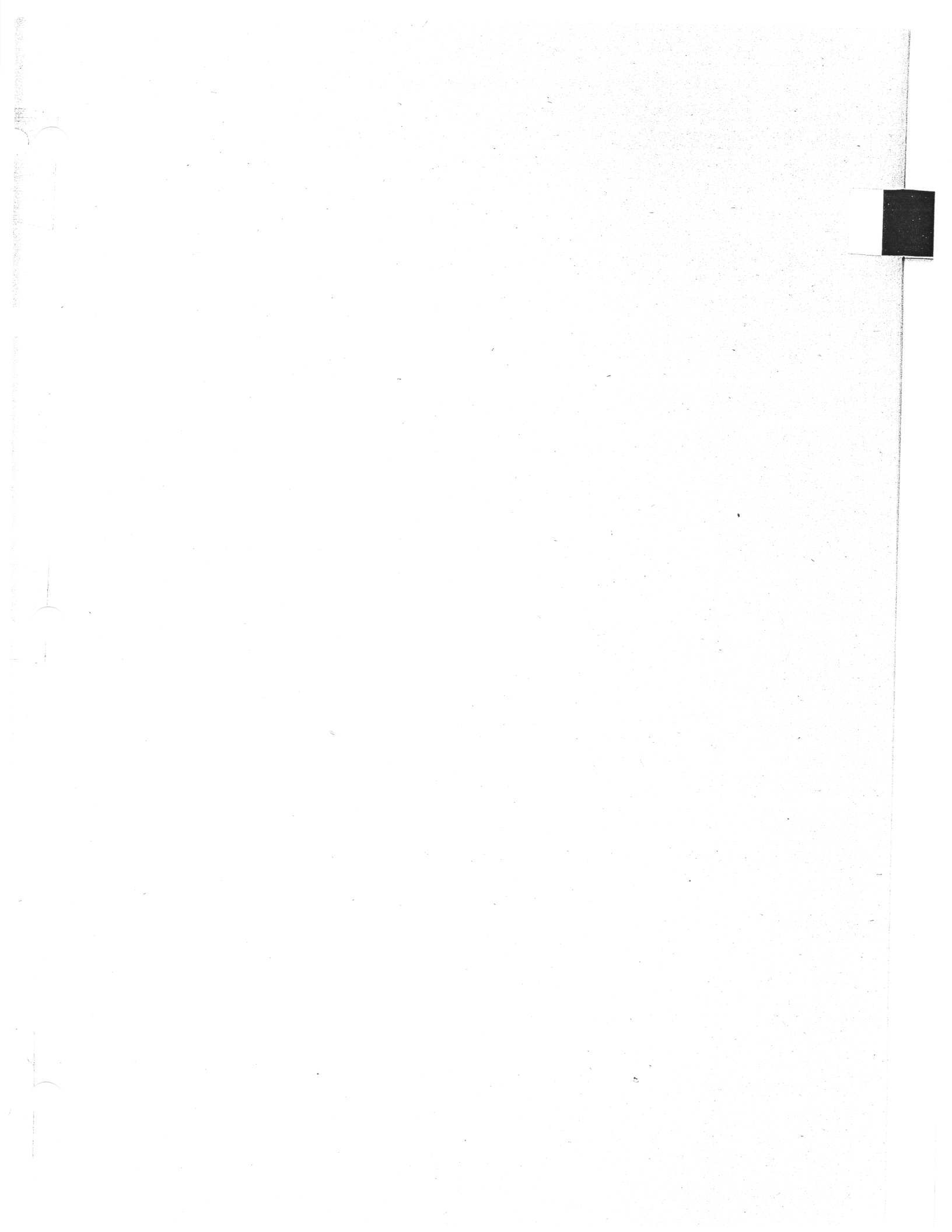
The brickwork in the interior is of the worst description not having been properly burned, if burned at all, for it is said they were baked in the sun, the bricks are moulding already.

The flooring, doors, sub-bases and woodwork are generally of unseasoned timber, the shrinkage is so great that it will be necessary to either replace the flooring to a large extent or take it up and relay it anew, the tongue has so far parted from the groove as to render the use of soap and water for scrubbing purposes, a process not to be attempted unless to the irreparable damage to the ceilings underneath. A large number of windows in the building to which the convicts have access have been left unprovided with iron bars to prevent escape, those windows that have been protected are very insecure because the bars have been inserted in the wood. A board fence of sufficient height and strength to prevent escapes enclosing about six acres will be required until a permanent boundary wall be built.

An appropriation has been asked for from the department of public works in the next estimates for workshops, quarters for married officers and proper heating and draining of the building and improvement of the grounds within the penitentiary reserve.

Mr. Arthur H. McBride was appointed warden of this penitentiary in June last. (June 1878).

It is expected the convicts will be moved from Victoria and New Westminster jails some time next fall.



DEPARTMENT OF THE SECRETARY OF STATE, 17 April 1880

Return #152 to an order of the House of Commons dated 21 April 1879 for copies.

1. Of all papers and documents including specifications relating to the construction of the British Columbia Penitentiary from November 1874 to September 1878.
2. Minutes made by the Inspector of Penitentiaries on his visit of inspection on September last.
3. The amount paid by Mr. J. Kirkland, late Inspector of the building for taking care of the Penitentiary from December 1st, 1876 to September 27th, 1878.
4. A detailed statement of prices paid Mr. James Cunningham of New Westminster for stoves etc from completion of building in November 1876 to first of January 1879.
5. The leasing of water frontage of Penitentiary grounds to Mr. Cunnigham and Holbrook for fish curing purposes for a term of ten years.

By command of J. C. Atkins,
Secretary of State

(In accordance with the recommendation of the joint committee on printing the above return is not printed.)

ANNUAL REPORT OF THE B. C. PENITENTIARY, 30 June 1880.

ARTHUR H. McBRIDE, WARDEN

There remained in this Penitentiary 30 June 1879:	30 convicts
Received since from common gaols:	40
Discharged during year by expiration of sentence:	3
by Death:	2
by Escape:	2

Left remaining in this Penitentiary Midnight, 30 June 1880: 33 convicts.

In the last year the men have been employed clearing land, taking out stumps, blasting rocks and generally preparing for a farm. A crop of vegetables was grown last season, which has fully met the requirements of the Penitentiary for the whole year, both for food and seed and left a small surplus which has been sold.

The carpenters have been employed fending and doing repairs to the building. A lot of old buildings erected by the Engineers have been collected and repaired and now form a good stable and barn.

There still exists a great necessity for a large workshop where the men might be employed in wet weather as during an average of three months a year the rain interferes with outside labour and much time is lost.

There have been five attempts at escape during the year. Two of which were successful, the other three were brought back by the guards.

The Babcock Fire Extinguisher as sent by the Public Works Department have supplied a much felt want. I have also received from the Department six hundred feet of hose for use in the Penitentiary.

It would be a great convenience if quarters were built for the married officers. The Steward resides in town about a mile and a half from the Penitentiary. The

houses occupied by the two married guards are in wretched condition. One of them is a small detached building belonging to the old government house. It was cold and uncomfortable last winter and not worth repairing. A short distance from the Penitentiary there is a suitable piece of ground for building the necessary houses and the work can be done entirely by convict labour.

On the 29th April last, I received from Mr. Pearce, resident Engineer, a telegram requesting to know who occupied the government house and if I was receiving rent for it in the account of the Penitentiary. It was then and is yet without a tenant. The grounds were left open to the public, consequently the place was being destroyed so I have taken upon myself to nail up a large gate which opens on to the public road. Although since answering Mr. Pearce's message I have heard no more about the affair, the back gate opens onto Penitentiary grounds which is this year under crop and by having a large gate left open our whole crop would be in danger of being destroyed by cattle as the fences around government house are very old and insecure.

The general behaviour of the convicts during the year has not been so good as I would desire, owing to the class of men being received at that time being of a worse order than usual. Still discipline has been well carried out for which I have many reasons to thank Mr. James Fitzsimmons, late Chief Keeper, now Deputy Warden. He is thoroughly practical and experienced in every branch of the Department that has come under his care.

I have the honour to be Sir:

Your Obedient servant,

Arthur H. McBride
Warden

June 30th.1880

Report of the Minister of Justice on Federal Penitentiaries issued for the year ending 30th.June 1880.

The report of the assistant Inspector and Warden concurred in representing the conduct of the convicts as unsatisfactory during the year.

The Warden attributes the falling off to the bad character of the convicts who have been admitted since the beginning of the year, this is rather a strange state of affairs, I would be very reluctant to cast a reflection on any officer without being fully satisfied of his compatibility, yet I cannot shut my eyes to the probable fact that there must have been some laxity in enforcing observance of the rules and regulations, some want of administration ability when it is found necessary to report that thirty three convicts cannot be kept in order by the Warden and his staff.

I am ready to admit that the want of a fence and the consequent temptation to escape are circumstances, calculated to keep convicts in a continuous state of excitement and to withdraw their minds from the proper performance of their allotted duties when side by side with the temptation of outside locks and bars.

But never the less I cannot divest myself of the belief that the proper display of judgement and firmness in dealing with any bad or unruly characters among the convicts must have produced good results.

It might be well, after two years since the opening of this Penitentiary if a visit by the Inspector were to be made to examine into its working and seeing what way the administration may be improved or altered.

The Assistant Inspector and the Warden speak in high terms of the efficiency and vigilance of the Deputy Warden, he was selected from the Kingston staff on account of his superior qualifications for the position.

The recommendations made in this regard for a higher rate of remuneration and requital for his valuable services will I hope, be favourly considered.

I beg to invite your attention to the remarks of the Roman Catholic Chaplins report upon the great loss that is felt for the fence, five attempts at escape, two being successful were made in the course of the year.

The penitentiary is situated on the outskirts of an impenetrable forest which invites evasion and makes recapture extremely difficult, I honestly recommend that an appropriation be made to buy enough lumber to fence two or three acres until a permanent fence will be built. When at New Westminster I examined the fence that surrounds the Lunatic Asylum and it appeared to me just such one as would suit the penitentiary, it encloses about five acres and the cost of it by contract was under \$3,000.00, the expense of course would be much less with convict labor employed.

The large workshop which the warden asked for in order to protect the convicts in the rainy season when at work, is of pressing necessity, this also could be erected by the prisoners if the material be supplied by the public works department. The warden reports the old government house to be unoccupied and the fine grounds around it to be suffering injury from trespass. The married officers have no quarters at or near the penitentiary, they are obliged to live in New Westminster, too far away from the penitentiary, the house and grounds being on the penitentiary reserve it appears very strange indeed that there should be any let or hinderance to the building being occupied for any suitable purpose in connection with this institution.

In my last report I strongly advised the surrender of the old government house by the public works department and the grounds to the penitentiary instead of being reserved and thrown open for picnic parties and I am now more convinced than I was then that the requirements of the penitentiary imperitavely call for the cessation which I recommended. Both Chaplins represent the department of the prisoners during religious exercises and while receiving instruction and advice appear to be respectful and attentive.

The school which is taught by the accountant is reported to be going on favourably, the progress being made by the prisoners being satisfactory. An additional supply of books for the library is greatly required. The surgeon reports the sanitary condition is improved, he adverts, and with good reason, for the inconvenience felt for the want of a hospital or distinct infirmary ward and of a proper surgery.

8th. September, 1880

The Mainland Guardian

The Penitentiary;

We visited this establishment the other day and were well received for our trouble, we were received by the warden Mr. A. H. McBride who politely showed us everything worth noting in the institution.

We have on a former occasion described the building and its various departments and it only now devolves upon us to state that everything in and about the institution is scrupulously clean and that the strictist discipline is observed.

The wilderness of stumps that formely surrounded the building has given place to a green sward, the entire margins of the grounds being planted with garden vegetables, the quantity produced may be judged from the fact that after supplying the entire needs of the institution, there is a large quantity for sale.

Annual Report for the B.C. Penitentiary for the year ending 30th. June 1881. Arthur H. McBride, Warden

Sir; I have the honour to submit my third annual report on the management of the British Columbia Penitentiary with the usual returns for the fiscal year ending 30th. June 1881.

There remained in this penitentiary on the 30th. June 1880, thirty three convicts, received since from common gaols twenty two, total fifty five. Discharged during the year by expiration of sentence, eight; by pardon, one; by proclamation of the Supreme Court, one; by death, one; by escape, one; which left remaining at midnight 30th. June, 1881, forty three convicts.

I have no alterations to report in the way of employment as there still exists the necessity of a workshop and if I were to make a detailed account of their everyday life and occupation it would only be a repetition so far as the convicts are concerned of last years report. The only difference being that I am pleased to say that the general behaviour of the convicts has been much better than the previous year.

I sincerely wish that in this report I could write as the Warden of Manitoba Penitentiary did in his report of last year, namely that the dwelling houses for the guards had been commenced.

Nothing in the way of improvements has been done to the old houses that are at present occupied by the guards and they and they cannot much longer remain fit for habitation. Therefore, again, I bring this subject forward in order that it may receive your generous and sympathetic attention.

I also beg to remind you of the condition the chapels are in.

Something should be done in regard to heating them before the cold season. Although our winters are not so severe as in the eastern provinces, here we have so much rain that the damp and cold air, especially in rooms that are closed during the week, prove very uncomfortable and must be injurious to health.

During the past year the wants and worries of this penitentiary have been so frequently brought to your immediate notice and so promptly attended that I consider there is no necessity for a more lengthy report.

Arthur H. McBride, Warden

On the 23 May we had a severe encounter with a forest fire which began about a mile from the Penitentiary reserve. It spread so rapidly that although in the morning we anticipated no inconvenience except the smoke, and the unusual heat that shortly after noon the Officers and convicts were earnestly at work in keeping it back. The fire came so close that a portion of the new fence had to be torn down to prevent it from coming any nearer to the building. As it was the wagons, carts and other property were brought out. We suffered no loss except the building of that portion of the fence above mentioned. I think the fence will be finished in September, all lumber being on the ground at the present time.

So far nothing has been done about heating the chapels and the wing. I must mention that it is provided with nothing more than a stove, which at times are so insufficient to keep the place comfortably warm and are at times a means of keeping a dormitory in an untidy, dusty state. Anything but what I would like to have it.

The School during the year has been conducted as well as possible, considering the mixture of nationalities to be found among the convicts of this Penitentiary.

The conduct and industry of the convicts, generally have been good.

Your obedient servant,

Arthur H. McBride
Warden

The Report of the Surgeon, C. Newland Trew - July 1, 1882

The health of the convicts has on the whole been better than in former years notwithstanding a large number of deaths have to be reported. The decease of three were Indians and the cause of death in each case was due to that constitutional condition, largely prevalent and fatal among them at liberty and much more fatal to them while in confinement as well as Whites or Chinese. At least two of those undergoing sentence are failing in health and may be reasonably expected that these will show the same tendency. The fourth death was sudden and totally unexpected and was due to heart disease.

I am also indebted very much for the assistance of the Steward, Mr. McGinnes.

Protestant Chaplin, Robert Jameson

Robert Jameson, the Protestant Chaplin reports he had twenty-four convicts under my care during the year. There are now nineteen.

Roman Catholic Chaplin, E. W. J. Horris

The Roman Catholic Chaplin, Edward W. J. Horris report follows along the same lines as the report of the Warden Arthur H. McBride.

August 6th.1882

The Colonist

In common with other public institutions in the province, the Penitentiary is progressing, would that it were not so but as the population increases the number of morally diseased persons naturally increases too, we found forty three inmates at the Penitentiary last week, all healthy in body and apparently resigned to their fate, the one man who was sent from Victoria a year or two back has gained much flesh and is robust and rosey as a London Alderman, the dietary scale is abundant and good, clothing clean and in excellent repair, the cells neat and freshly whitewashed, the grounds have been greatly improved by drainage, with convict labor the soil has been prepared for crops and is in a high state of cultivation.

All the pork and vegetables consumed in the prison and all the hay for the teams are now raised on the grounds.

Last year \$109.00 worth of vegetables were sold, this year the yield will be very heavy. The system of drainage which covers 6300 feet is complete and the excellent drains carry off the surface water and leave the buildings dry and comfortable.

The surgery is under the charge of Dr. Trew, the visiting physician, it is a complete affair, as well filled as the average drug store. The excellent health enjoyed by the inmates is a high tribute to Dr. Trew's skill. Warden McBride was absent, Deputy Warden Fitzsimmons courteously showed the visitors through the establishment.

There is no public institution in the province so well conducted as the Penitentiary.

20th. December, 1882 The Mainland Guardian
Investigation in the Penitentiary;

Twelve months ago a convict in court complained to Judge Grey and said that the Catholic gets more fair play in the penitentiary than any other convict. The warden was present and indigently demanded an investigation, the result is the Honourable Joseph Trutch was authorized to hold a court of inquiry, he has examined all the witnesses and feels satisfied that the convict has no cause for complaint, he refused reporters permission to be present at the investigation, we highly approve of that opinion, any questions that would tend to disrupt the harmony of the court that exists among reporters should be asked in a whisper and not published.

WE feel that the religion of the convict was never refused by way of the excellent officers of the penitentiary. The warden and his deputy have served in jails for twenty years and in all that time there was no substantial complaint against them.

Mr. McBride is well known in this city as a kind hearted and just jailer and his deputy, Mr. Fitzsimmons has a reputation in Ontario that is highly creditable, and he is in our opinion the best prison disciplinarian in the mainland, designer of prisons, reliable for the safe keeping of criminals for the sentences made against them.

As a general rule, it may be said the convicts care very little for any part the art of living at ease at the cost of the industrious is the foundation of their religious belief, and having practiced this for a few years outside the jail they go in to continue in slippers and soft beds.

The honourable Joseph Trutch is well known to be a judge and a just man, therefor we may recommend to his consideration the condition of prison discipline, ask that he believe in the good signs of civilization, no criminal in slippers or industrious men refused admission to the Royal Columbian Hospital because the local community have no means to provide additional accomodation for the sick and the destitute.

The system under which the hospital and the penitentiary are managed would lead anyone to suppose that the robbery of our respectable citizens is a lawful occupation.

The third term the prisoner gets slippers and beds and food but the state says to the honest and industrious man who seeks hospital treatment, there is no room for them, commit robbery and you will be treated like a gentleman.

We know the investigation at the penitentiary may be described as a lot of smoke but we hope it may produce suitable change.

The religious question is a veritable delusion, but the contrast in the two local institutions deserves the attention of them whose duty it is to keep the peace, preserve lives and protect the property of our people. We again recommend the honourable Joseph Trutch to give his amenities to the subject.

ANNUAL REPORT OF WARDEN ARTHUR H. McBRIDE, B. C. PENITENTIARY
for the Fiscal Year ending June 30, 1883.

I have the honour to submit my fifth Annual Report on the management of this Penitentiary with the usual returns for the fiscal year ending 30 June 1883.

There remained at this Penitentiary 30 June 1882:	52 convicts
Received from common gaols:	39
TOTAL:	<u>91</u>
Discharged during the year by expiration of sentence:	12
by death:	2
by pardon:	2
by escape:	<u>1</u>
Left remaining at midnight June 30, 1883:	74 convicts

The workshops are about completed. Carpenter and Blacksmith Shops I have had in use for some time. One of the shops produced a drying room for convict clothing during last winter and spring.

I have every reason to think that agricultural industry can be profitably carried on with convicts in this Penitentiary for some years to come. Therefore in view of an increasing population here which will undoubtedly add to our number of convicts, I would recommend that all the land on the north side of the ravine be enclosed. In fact it cannot be done too soon, there are only about ten acres enclosed.

Two or three years a Bakery was spoken of as being necessary. I think at the present time it would make a great difference in the expenditure of the Institution to have convicts make bread inside. In the present building there is no place I can recommend as being suitable for that purpose.

The Government House is still in possession of the Canadian Pacific Engineers.

According to instructions I have received from the Honourable Mr. Trutch, I have had the garden fenced off as it was of no use to the Engineers and being left open as it has been for the last eight or nine years was only an attraction for stray cattle. Many of the fine trees are nearly destroyed and all the handsome shrubs and the choice plants have long since disappeared, although since the Penitentiary opened I have done all I could under existing circumstances to preserve the place.

In May 1882 I wrote to you concerning the rifle range used by the New Westminster Volunteers. Where the butts are situated it is directly opposite the Penitentiary grounds on the west side of the ravine and while rifle practice is going on it is not safe for Officers or convicts to work on that portion of the field. Again in June 1882 I wrote you on the same subject, up to the present time nothing has been done to alter the situation of the butts. Both last season and this the work had to be stopped as we never know when they go to practice until we hear the firing or see the danger signals. I am sure you will see the necessity of putting a stop to this.

Another matter which I wish to bring to your attention is the situation of the powder magazine. All the ground in front down to the fence is cleared and under cultivation. The road or drive from the large gate up to the door of the Penitentiary is well graveled and in good condition. From the smaller gate there is a straight path leading direct to the building, in fact the place is looking better than I expected to see for some years to come, and really, the powder magazine where it stands, about midway between the gate and the front door detracts from rather than adds to the beauty of the place. I am sure you will see what a blot it looks if you desire to have it removed.

Last March I began to give the convicts their meals in their cells. Up to that time the corridor was used for that purpose, but the number increased to such an extent that they could no longer be safely guarded while sitting there.

About the same time I learned that some of the convicts had in contemplation to make an attack on the guards during the dinner hour and seize the arms. What more was intended I can only imagine, so since giving the meals in their cells I have had no unusual trouble from them. At meal times, after washing in the morning, they have breakfast in their cells, at dinner time when they come in, dinner is already placed in the cells and each cell is locked. Before being unlocked knives, forks and spoons are passed out to the Steward.

Thos convicts who attend school are allowed to come to the Schoolmast as soon as they have eaten their dinner, in this way there is no time lost and no confusion whatever caused. I am happy to say that this change has received your approval although it may sound very trifling to write or even talk about. I assure you that in every day life of the Penitentiary affairs it makes a great difference.

If we had a suitable dining hall for convicts as I understand they have in most Institutions of this kind, such an alteration in regard to preserving safety would be , I suppose quite unnecessary.

In forming estimates of the Penitentiary for 1883 - 1884, I asked that one Keeper should be appointed and one guard added to the number, and then on account of the unexpected increase in the number of convicts from the Fall Assizes of last year was obliged to trouble you for permission to employ these Officers before the beginning of the Fiscal Year 1883 - 1884. Your authority to employ two guards was received by me without unnecessary delay. Where there are so many guards employed I would most respectfully recommend that at present one Keeper at least be appointed. Although I have had charge of convicts in the Province for many years this is the only Canadian Penitentiary that I have ever been in or have had any experience with, I must gratefully acknowledge the value of your official advise, always clearly and promptly given.

In December last, the Honourable Mr. Trutch held an inquiry at the Penitentiary which lasted three days. For some days before the opening of the inquiry notice was published in New Westminster and Victoria papers calling on any person or persons who had complaints to make to be at the Penitentiary at the appointed time. However no complaints were brought by any outside Institution.

On September 29, 1882, his Excellency the Governor General paid this Penitentiary a visit. He very considerably went over the buildings and out houses and kindly expressed himself pleased of all that was brought under his notice. He also most graciously permitted some of the convicts to be brought before him, they were men who most anxiously pleaded for the favor, his words give renewed hope and encouragement to all whom he addressed.

Your obedient servant,

Arthur H. McBride
Warden

The farm supplied \$1,378 worth of vegetables, pork manure, barley, wheat, pea straw, oat straw, radishes, etc. to the Penitentiary.

November 4th.1883

The Colonist

On Saturday the authorities at the Penitentiary discovered a plot led by three convicts to elect an escape, one of the three got into trouble with the guards and was put into irons for his insubordination, finding his chance of escape gone he intimated that two of his companions were about to make a strike for freedom and gave their names.

On Sunday these two men were kept in their cells and a conversation was heard between them discussing the details of their plan, enough was heard by the authorities to justify an investigation, and on Monday the suspected men were searched, both of them had managed to cut their irons through by means of an old pocket knife from which they had made a kind of a saw. On one was found the handle of an engine bucket made into a form of a dagger with a handle on one end and the other drawn to a very sharp point, this was securely fastened to the inside of his shirt, the other had a piece of rock tied up in a handkerchief and with a stick about a foot long for a handle and a loop through which he put his hand. It had been arranged that the men were to keep together as much as possible and to watch their chance, when a convenient opportunity offered and the rifle guard was at a safe distance one of the men was to run as if attempting to escape, the guard whose business it is to be among the men and direct their labor carries a revolver, this man would naturally pursue the escaping convict, the other two convicts, having thrown off their irons were to run after him with a dagger and slung shot and fell him to the ground, one of them would then seize the revolver and the three desperate men would run the chance of escaping the rifles of the other guards, had the plot been allowed to mature it is difficult to guess what might have been the result, as nothing would be too difficult for such characters under such circumstances.

The Warden inflicted a penalty of sixty lashes on each, when they had received three dozen they begged and promised so profusely that the remaining twenty four were withheld, it is possible the flogging will have an excellent effect, not only on these desperates, but on the other inmates of the institution.

20th. April 1884

The Colonist

Guards Attacked by a Convict.

On thursday afternoon the Penitentiary convicts were building a drain on the upper portion of the grounds, Mr. James Fitzgerald and another guard were with the men directing the work and other guards were in the guardhouse.

Shortly after four o'clock a convict named Barry passed once or thrice in front of Fitzgerald who was sitting on a rock, he then suddenly confronted him with a three prong manure fork in his hand and said give me your pistol. The guard thought he was joking and replied good naturedly, where-upon Barry raised the fork and with an oath said I will make you give it and immediatly struck at him with the fork, running it through his two ckeeks, the guard was immediately knocked down and while drawing his revolver Barry struck him again but the guard warded off the blow with his arm and then got to his feet drew his revolver and was about to shoot, O; Conner the burglar ran up smartly for the purpose of assisting Barry, but Johnston, another convict took up a pick and told O'Conner he would split his head if he touched Fitzgerald. The teamster and another guard came up and called upon Fitzgerald not to shoot as he might hit somebody else. Barry dropped the fork, grabed the pick and ran towards the wall, one of the men in the guardhouse called out that he would fire if he attempted to escape, another guard ordered him to go into the house, this he refused to do, he was finally persuaded to give up his pick to the Warden and was locked up. In his cell he said he was sorry he had not killed Fitzgerald, he and O'Conner were placed in irons.

Barry is not a bad character and is under sentence for seven years for garroting in Victoria.

Fitzgeralds wounds are serious but are not considered dangerous.

30th. June, 1884. Wardens Annual to J. G. Moylan, Inspector of Penitentiaries.

Sir;

I have the honour to submit my annual report on the management of this penitentiary with the usual returns for the fiscal year ending 30th. June, 1884.

There remained in this penitentiary 30th June 1883	74 convicts
Received since from common gaols	34
Escaped July 1882, recaptured	1
Total	109
Discharged during the year by expiration of sentence	12
By sentence reduced	1
By pardon	3

Which left at midnight 30th. June, 1884 - 93 convicts

As in the last year the convicts have been employed in clearing land and have made 4,550 feet of drains, depth from four to six feet.

On laying before you this report, I must call to your attention the delay that is met with on almost every occasion where any outlay is required by the Public Works Department, I would suggest, for these delays are a great drawback in every working day of the penitentiary, to have all necessary small expenses, repairs and other small outlays which now come under the public works department be placed under the wardens direction, it is very annoying and very inconvenient to wait as we are now obliged to do for trifling amounts to be expended on most necessary improvements, work that might have been done weeks ago is not yet commenced, the chapels are overcrowded, they should be altered immediately.

I have before drawn the attention of the department of the advantage of having a bakery built for the institution, bread would be provided for nearly half the price that is now paid for it.

The water supply at the workshops is far from sufficient, it is brought through a branch from the main pipe at the rear of the building and in the event of fire is not enough to be of any service, all we have to depend on are the two Babcock fire extinguishers that are kept in the penitentiary, some time since I applied to be furnished with two more extinguishers to be kept in the workshops. A good supply of water can be had by putting in a larger pipe and running water up the ravine.

The assistant engineer has surveyed the place for that purpose, so far nothing has been done on the matter, I beg of you most earnestly to take notice of what I state concerning this very important matter, the water supply as it now exists, we are at any moment likely to be wholly deprived of water, not alone for the purpose mentioned but also for irrigating our land in many places.

Tenders for the erection of guards cottages have been called for by the department of public works, nothing has as yet been done towards erecting them, year after year since this penitentiary was first established, this great want of cottages for the guards has been brought before the notice of the government, the majority of our guards are obliged to live in town, over a mile distance from their work, when, let me inform you, the expense in living this way is too great when taken from their present salary. While this inconvenience and discouragement exists the right sort of men will not continue to remain on the staff, men who are suitable to guard convicts are almost in every instance well adapted to a more agreeable as well as a more profitable situation.

Immigration to this province is now only beginning, still our convict population is fast increasing, the railway work is steadily approaching completion toward the Rocky Mountains and this penitentiary must be prepared to receive convicts far beyond the number that were first thought of being provided for in British Columbia.

I therefor hope you will urge the government the necessity of immediately building.

The cells have all been constantly occupied since my last report, including the punishment cells, in which cells I have had to put as many as four convicts, you must see how difficult it is to carry out discipline or maintain order, yet I am pleased to report that the general conduct of the convicts has been good with the exception of the attempted revolt on the 17th. April last, particulars of which I wrote you at that time.

The tailor and shoe shops are both well fitted with the implements necessary for the different purposes. I have been successful in obtaining two good men as trade instructors, in the tailor shop there will be enough work for some time to come making clothes for officers and convicts, in the shoe shop I would employ from twenty to thirty men and find the work that would pay well, in fact enough could be done in this department alone

to help considerably in covering the expenses of the establishment as well as teaching many of the convicts a useful trade.

If permission would be given to take work from persons outside I think what might be done in the shop would in no way interfere with the free labor in British Columbia, some of our Chinese convicts have worked in shoe factories in California, could be more profitably employed in this way than anything else I could put them to do here, inside work agrees better with Chinese than with Indians or Whites.

On the 1st. October last, the fish canning establishment opposite the penitentiary gates on the penitentiary reserve was destroyed by fire, part of the penitentiary fence was slightly damaged, the night was calm, otherwise penitentiary property to a great extent might have been lost, as I have mentioned before, we are in no way prepared for such an emergency. Our workshops are unprovided with hose, close to our shops are our stables and sheds, which I must mention here are not suitable for the purpose for which we are obliged to use them, they were put together from portions of the old buildings that were on the grounds when this penitentiary was first established. They may hold together for another winter but really they are a disgrace to the place.

In August, the Honourable Sir Alexander Campbell, minister of justice visited the penitentiary, although his visit was short I am glad to say it produced a good effect.

In my last annual report I drew attention to the department to the fact that this penitentiary had not, since the beginning of its being opened September 1878, received a visit from the Inspector, during the year now closed I have been expecting some notice to be taken of my repeated requests, so far I have received no intimation of an extended visit.

I am well aware that the successful management of any establishment of this kind generally depends on the administration, I have minutely informed you as far as possible, everything that has occurred from time to time in this penitentiary.

If satisfactory results arise from my management, sincere thanks are due to your able and willing advice, I do conscientiously say that under your instruction I do my best and I feel that I can safely say the same for all officers who are at presently working with me.

The Deputy Warden deserves thanks, he has never relaxed an earnest attention to his several duties, he is as careful and industrious as when he first came here.

Arthur H. McBride Warden

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August 20th, 1884

THE PROVINCIAL PENITENTIARY

For some time the Dominion Government has been considering the question of enlarging the Penitentiary at this city. The present building, everybody knows, is entirely too small for the proper accommodation of the convicts. There are sixty-eight cells and eighty-nine prisoners. The Penitentiary regulations do not allow more than one person to be put in each cell, but under the circumstances the Warden must either violate the rules or refuse to receive those who have been sentenced to the Penitentiary.

At the present time there are as many as five in some of the cells, and there is one room where six convicts sleep together upon mattresses spread on the floor. If the prison regulations are good, the violation of them must be bad. The hospital accommodation is very imperfect, and there seems to be no provision at all for female convicts.

Not only are the buildings totally inadequate, but the grounds attached to the Institution are far too limited. These grounds in all comprise of about ninety-nine acres. But off this only from forty-five to fifty acres are of any use to the Institution. The balance is occupied chiefly by the large ravine known as the Glen, and is unfit for cultivation or any other useful purpose.

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The Penitentiary should have about five hundred acres of ground attached, and it is believed that with a farm of such dimensions it could be made nearly self-supporting and the Federal Government would thus be relieved of the considerable annual outlay.

It must be remembered that the number of convicts is constantly increasing, and it is likely now to increase more rapidly than ever on account of the increase of population.

The number of persons in the Penitentiary on the 30th of June 1879 was thirty, in 1880 it was thirty-three, in 1881 it had increased to forty-three, in 1882 it was fifty-two and last year it was seventy-four. It will be seen that the increase has been constant, and the late year it has been alarmingly rapid. The necessity for enlarged accommodation, therefore, is very pressing and becomes more so every month.

It is proposed to add a wing to the east end of the present building so as to meet the wants of the Institution. But under the circumstances above mentioned it seems to us the time has arrived for the Federal Government to consider whether it would be wise to incur any further expense upon the premises which are so unsuitable for Penitentiary purposes.

The Glen lies on the west, and on the east the lands are held by private parties, and are very valuable. A small field partly in front of the present enclosure is held at ten thousand dollars and to secure land enough in that direction to satisfy the requirements of the Institution would necessitate the

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expenditure of hundreds of thousands of dollars. Besides there is every probability that the city will soon begin to expand in that direction, towards the railway, and it may not be many years before the Penitentiary will be almost surrounded by buildings. Such an Institution should always be isolated and apart from other buildings. It should never have been located on the present site at all. There is a reserve at Point Grey, at the entrance to English Bay, comprising of about five hundred acres. It was reserved originally, we believe, for military purposes, and was probably intended as a site of fortification to defend Burrard Inlet.

There would, we apprehend, be no difficulty in securing this site for a new Penitentiary, and for that purpose it is admirably situated. The Bay and Gulf would cut off all chance of escape on three sides, and the wall ran across the promontory would protect the fort. Here there would be ample room for quite an extensive farm, and the convicts would be employed for many years in constructing fortifications upon the point. Burrard Inlet, will, in a few years, become one of the most important shipping and trading points in Canada, and the erection of a fort at its entrance would be only a reasonable precaution.

The materials for such a structure could be obtained near at hand and the work would be done at very little expense.

The present Penitentiary grounds might be sold for a sum of money almost large enough to pay for the erection of a new and far more suitable building at Point Grey. Or they might

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be taken, buildings and all, by the Provincial Government to be used as a central prison. For this purpose they are well adapted, and the construction of the proposed prison in this city would then be quite unnecessary.

We hope the Honourable Secretary of State, who is now in the Province, will give this matter his earnest consideration before any further expenditure is made on the present Penitentiary site.

October 31st.1884

We understand that Mr.Charles Hayward,contractor for this city has received instructions from the Dominion Government to proceed immediately with the alteration to the Penitentiary at New Westminster. The stone used will be from Newcastle Island where it is said to be superior to any sandstone yet discovered on the coast.

November 5th, 1884

DELIBERATE MURDER

Yesterday morning the city was thrown into some excitement by the report that a guard had been deliberately shot at the Penitentiary. Upon inquiry it turned out that the report was only too terribly true.

Four guards named respectfully, Sterry, Roberts, Hicky, and Rogers, lodged in a house about a quarter of a mile from the Penitentiary, formerly occupied by Reverend Mr. Baskett. Sterry, Roberts and Hicky occupied one room and Rogers occupied the other.

Yesterday morning Sterry got up as usual and went to a small room off the kitchen to wash. While engaged in this act it seems that Rogers got up, went to the door of the room, and deliberately fired at him with his revolver. The other guards heard the firing, but as there was no other noise they never for a moment suspected the real truth. Sterry seems to have turned around, and Rogers fired two more shots, every one of which took effect, and after Sterry fell he fired at him again. Roberts who roomed with Sterry, heard an exclamation and ran to the room where he saw the prostrate form of Sterry, and Rogers standing near the door with the revolver in his hand. Rogers cocked the pistol again and said to Roberts, "if you open your mouth I'll shoot you." Roberts went off and gave the alarm.

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Rogers left the house, walked into the city, nearly a mile and a half, and delivered himself up to the gaol. As soon as the report of the matter reached the Penitentiary, Warden McBride dispatched a guard to secure Rogers, but before he had overtaken him the murderer had surrendered himself.

Coroner Trew was notified and held an inquest in the afternoon, the jury find that the deceased came to his death from a gunshot in the hand of Rogers. The Coroner did not commit the prisoner but decided to place the matter in the hands of the Magistrate, and it is probable the case will come up for a hearing to-day.

The slayer and his victim were both from England, and had been about five or six months at the Penitentiary. They were quiet and efficient guards, and it was not known that bad blood existed between them. It is reported that Sterry had accused Rogers of theft sometime ago, and that Rogers took his fearful revenge upon him. They were both young men, about thirty-five years of age. Rogers is now in gaol, and appears quite unconcerned about his position.

It is one of the most deliberate murders on record.

November 29th, 1884

At the Victoria Assizes, Rogers, the murderer of Sterry, was found guilty and sentenced to be hanged on the 28th of January.

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Before the Jury retired the prisoner was allowed to make the following statement: My Lord and Gentlemen of the Jury, I came into this Province last spring, stayed a short time at Victoria, then went to New Westminster. When I got there I went into the Drug Store of Mr. Herring, I worked about a week in his store, but as I found the work did not suit me I went to the Penitentiary to try to get employment there. I showed my papers which I had brought from England. I was promised a position as soon as one became vacant. I then told Mr. Herring that his place did not suit me. He did not seem to like my telling this, but I only stopped with him about a week, at the end of which he told me he did not want me any more, so I left him, and was out of employment about three weeks, then I was appointed a guard at the prison. Mr. Herring, after I had left him, started reports to my detriment, which caused my friends to give me the cold shoulder. At first I liked Sterry very well and we got on well together. We had stayed at the same hotel together, and had roomed together. Sterry, however, heard of this scandal and he lost all respect for me. He used to throw out jeers and hints about me. But not such as I could take up, sufficient, however, to cause ill-feeling between us.

We had several quarrels, and on one occasion nearly came to blows through what he said. I told him I did not think he was acting rightly. I told him we were the only two Englishmen in the prison, and we ought to pull together. After this he accused me of saying something about him which I denied.

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Things went on this way until this unfortunate morning. I got up as usual and dressed and was in my room sitting down when Sterry came in. He said "you so and so, why did you not throw this water away." I had just been looking at my mother's picture, and this last insult seemed to make all the other insults I had suffered rush to my mind. I took one step to the door and fired, and I know nothing more until I gave myself up.

January 31st, 1885

C.J. Rogers, the murderer of guard Sterry, was hanged at Victoria on Wednesday morning. He made no statement.

Sept. 24th. 1885

The Colonist

Referring to an interview with Mr. J. J. Moylan, Inspector of Penitentiaries for the Dominion which appeared in the Sunday morning issue, we would urge that the Dominion Authorities, the urgent and immediate necessity for increasing conditions at the New Westminster Penitentiary.

The population of the province has been greatly added to during the last several years, with it also has come an increase in the criminal class and there is more than the probability that the coming assizes will furnish inmates for the Penitentiary and will place it in an overcrowded condition.

We learn that in Victoria alone there are thirty commitments, not to mention the large number that are waiting trial, chiefly at Kamloops. In the advent of these additions being made we would suggest to the government that it would be in the interests of the institution and to the public to have the prison properly placed on the summit of the table land, a site well and naturally adapted for the purpose affording every facility for drainage. This would admit of the present building being used for the useful purpose of Chapels, Hospital, Schools etc. which are urgently required.

We understand that the two new wings in the St. Vincent DePaul Penitentiary in the Quebec province contains one hundred thirty two cells, the addition of two such wings would afford complete accommodation for years to come for the steadily growing number of convicts to this province, and if built from a central rotunda would afford every opportunity to officers having a full view of the cells and the prisoners.

Anyone visiting the Penitentiary at the present time may readily see the guarded state of the chapels and realize the necessity for better accommodation in this respect, the fact that the sick patients and the four convicts who are insane must be treated in and confined to their cells is the strongest proof we can induce for the necessity of a hospital, it would of course be preferable it should be detached, but a portion of the present building might be devoted to this object. We also urge upon the Minister of Public Works the desirability of instructing his agent in this province to have the old government building converted into a suitable residence for the Warden.

Sept. 24th. 1885 cont.

The ruinous condition of the building and the neglected state of the grounds have been previously adverted to, this fine public property would be restored to a proper state of repair by the labor of the convicts and its value therefor would be greatly enhanced.

We understand that the material of the old government house would be utilized in the building of the Wardens residence and the actual money outlay would be comparatively trifling.

It is due to the Warden and his Deputy to provide them with quarters, at any rate, nearly as good as furnished to the Wardens of other provinces.

Another matter that we would call the governments attention to is the fact of the considerable addition to the Penitentiary acreage already under cultivation can be secured by fencing in the land lying between the grounds of the Asylum and those of the Penitentiary and the large ravine which intervenes about thirty acres of the excellent land should be required.

The cost of fencing should be about \$3000.00 and the work required to fence and bring the land to a state of cultivation would give employment to convicts for years to come.

The Deputy Warden, Mr. Fitzsimmons who has had special charge of the previous improvements and under whose active and able superindence the present grounds have assumed their fine condition, to guarantee that the land referred to was added to the Penitentiary farm it would soon be rendered fertile and profitable.

The main point that should be pressed upon the Federal Authorities is the pressing need of increased prison accomodation and it is hoped that the required steps will at once be taken to furnish the required means.

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September 30th, 1885

PENITENTIARY ENLARGEMENT

In its issue of Thursday the Victoria Colonist advocates the enlargement of the Provincial Penitentiary, and suggests that the grounds should be extended so as to include the ravine known as the Glen.

With the proposal to enlarge we are fully in accord with the views of our Victoria contemporary, which are doubtless inspired. It is a fact well known to our readers that there is very great lack of accommodation in the Institution, and everyone knows that we may look for a steady increase in the number of convicts. The population of this Province is increasing, and will doubtless continue to increase still more rapidly on the completion of this C.D.R. And as this is a mining country it may be expected that a considerable proportion of the population will belong to the classes from which to a great extent criminals are drawn. Provision must be made for the safe-keeping of these people, and no time should elapse until steps are taken in this direction. We do not, however, coincide with our Victoria contemporaries suggestion respecting the Glen.

Everyone whom has explored this ravine must be struck with its suitability for public pleasure grounds, and its unsuitableness for Penitentiary purposes. It is really the only place within reach of the city assessing the conditions necessary for pleasure grounds. We have parks near at hand, but they have no water,

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and have really no natural attractions whatever beyond the splendid view which one finds almost everywhere within the city limits. With the expenditure of a few thousand dollars the Glen can be transformed from its present aspect of desolation into a paradise of beauty. Between its high and precipitous banks there is level ground enough to bear shrubbery and shade through which winding paths might be constructed along the margin of the stream whose crystal waters flow perpetually over a pebbly bed. The banks could be terraced and laid out with promenades running diagonally across their faces. At a point about half a mile up the Glen an abundant supply of pure water could be obtained for fountains and whatever other water works were deemed desirable, and the source of this supply is high enough to give force sufficient for all purposes. This Glen is scarcely a mile from the heart of the city, easy on access, and has always been regarded as a spot which must be obtained at the earliest possible moment for a public park. As a part of the Penitentiary grounds, we need hardly say, it would be a very doubtful utility. This could never amount to much for agricultural purposes on account of its conformation, and the cost of enclosing it would be very large. We hope this Glen will be abandoned altogether as part of the Penitentiary grounds, and that the enlargement of the grounds will be in the rear and not across the front, and we hope that a strong effort will be made to secure this place for city purposes.

ANNUAL REPORT FOR THE FISCAL YEAR ENDING 30, June 1886

On the 30 June 1885 there remained here 96 convicts; received since 33. Total 129. Discharged during the year by expiration of sentence - 21. By Pardon - 2. By having sentence reduced from 5 to 3 years - 1. Which left remaining at midnight on 30 June 1886 - 105 convicts.

The insane convicts mentioned in my last years report, I am happy to say, are about to be removed to Kinstong Penitentiary where they can be properly cared for. I am please to report to you that the water supply to the Penitentiary will soon be brought in, the work of laying pipes and making other preparations for the purpose is not going on. Also, I am happy to say that houses for married guards are being built. Only three going up but more are needed. The building for single mens quarters is greatly required as well as a house for the Accountant. The fencing that you obtained for the rough lands is now being erected and will enclose about thirty acres, furnishing work for many of the convicts for the next three to four years. I must call to your attention the wretched apology for farm buildings that we have been patching and mending in everyway possible in order to make them hold together, since we have had the necessity for such accommodations. You inspected them when you were here and will remember that the stables, cart house and other buildings are composed of the remains of old houses left on the grounds by the Royal Engineers more than twenty years ago. They cannot serve the purpose much longer

therefore I hope you will strongly represent the necessity of having new farm buildings granted.

The workshops are proving very beneficial. All the clothing for Officers and convicts are being made in the Tailor Shop, and all boots and shoes required in the Shoe Shop. The Blacksmith and Carpenter are fitted up. The former will be of good service and will save a great deal of expense and inconvenience with the Blacksmith Instructor is appointed. Several discharged convicts from here who have been employed in the Tailor and Shoe Shops gained a knowledge in the different trades sufficient to enable them to obtain an honest living if so inclined. I fully expect another wing to this Penitentiary would have been commenced before now. The necessity for more room is becoming more serious every year. For the last four or five years, at least, I have drawn your attention to the fact that we have no Hospital accomodation. During the year now past, some critical cases have come under the surgeons care, one especially, where a leg had to be amputated. You can imagine how difficult it must be to treat a case of this kind without the proper surroundings. Also the surgery is too small. There is another matter to which I again must call to your attention; the location and size of the laundry. The room is decidedly too small for the purpose and not in the proper place. The washing of bedding and wearing apparel of such a large number of people should not be done in the building. I hope this will soon be remedied. The wing is still being heated with stoves which are not safe, neither are they satisfactory with regard to comfort and cleanliness. A Bakery should be built. All the bread used by convicts is

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supplied by contract; I certainly think that the bread should be made in the Institution at less expense.

I cannot refrain from mentioning the D/W Mr. Fitzsimmons. His faithful attention to day and the land and buildings belonging to the Penitentiary is a great value to the government. I hope his service will be more substantially recognized before long. On the other hand the 14 October last the Institution was honoured by a visit from his Excellency the Governor General while on a visit to British Columbia.

Your most obedient servant

Arthur H. McBride

Warden.

Report of the Inspector of Penitentiaries, J.C. Moylan, on the British Columbia Penitentiary. 20th. December 1886.

In my report last year as a result of my inspection of the penitentiary I described improvements made since its opening in 1878, and I made such recommendations respecting the premises of places I considered necessary, some of these have been carried into effect but many are still waiting action by the public works department.

The Warden reports that the water supply is undergoing improvement, this is highly important, having been so limited it would have been of little avail in case of fire, the water is of excellent quality.

Quarters have been provided for the unmarried officers and a few houses for the men having families, but not the number asked by this department. Application has been made to the department of public works to supply the deficiency.

The work shops are found to be of great benefit, all the clothing, both for the officers and convicts including boots and shoes is now made by the prisoners.

Farm buildings such as barns, stables, wagon sheds, cow houses, tool house etc, are indispensably necessary, the outbuildings occupied by the Sappers many years ago which were falling in ruin were brought together, patched up, and used in lieu of a more suitable structure in connection with the farm, they will not last much longer.

The building of the hospital has been delayed on account of the plan prepared by public works having been objected to by the warden and surgeon. The additional wing asked for four years ago and strongly pressed for in the report of 1884-85 is yet among the possibilities, to say that it is very much required would only be to repeat what has often been presented.

I beg once more to recommend that a residence be provided for the warden on the site of the old government house.

The Laundry and Bakery have been applied for to the department of public works, but the warden's report shows that nothing has been done to supply these wants.

The warden mentions with approbation, the services of the Deputy Warden Fitzsimmons in regards to the improvement of the land etc., apart from his prescribed duties, I had pleasure in bearing testimony to this in my last report.

I agree with the warden that the heating be done by artificial means, steam or hot water would be perhaps the best appliance.

It would be very desirable also that gas be used instead of coal oil for these purposes, coal for this purpose I believe is cheap.

The protestant chaplain reports that his labors have been well bestowed and with good results. The chaplain calls attention to the insufficient room in the catholic chapel, the chapels are the same size as those in the Manitoba Penitentiary where new ones are drawing towards completion. The prison population at New Westminster is larger than at Stony Mountain and consequently there is even more necessity for new chapels than for the former prison.

The surgeon reports that although the penitentiary has been largely overcrowded there has been no disease of epidemic nature.

The teacher states that progress in the school has been favourable.

January 30th.1887

The Colonist

It was the privilege of the writer a short time ago to visit the British Columbia Penitentiary situated in New Westminster and to be shown through the institution by the prudent and efficient Warden, Mr. A.H. McBride. The visitor, though conscious of a sense of regret that the present state of society makes these stone walls and iron bars a necessity finds much information there that is interesting and instructive it was learned that ninety four prisoners, Whites, Indians and Chinese are confined there at present, four of these are under life sentence, namely Connely, Maxwell, DeRose and a Chinaman who made a murderous assault on a lady near Hope over a year ago.

Maxwell who will be remembered was convicted of complicity in the murder of Dillman at Lytton and whose sentence of death was commuted to imprisonment for life was quite contented and in a very hopeful frame of mind, he frequently expressed the belief that he will regain his liberty within a few years at least. DeRose, his accomplice is looked upon as a very strange character by the Penitentiary Guards, is closely watched and kept in irons much of the time a belief is growing that he is at least partially insane. There are already three hopeless lunatics in the institution who make night and day heinous with their shouting and ceaseless jabbering, an unsuccessful attempt was made last year to secure a pardon for these unfortunates with a view of having them transferred to the Provincial Asylum, why such a proposition should not have been met with and approved is difficult to understand and it is in the interest of humanity that these poor unfortunate people should be moved to a place where they could be treated and cared for in such manner as their case demands.

On the day on which the writer happened to visit the institution some twenty or twenty five of the worst criminals were kept locked up while the others were at work, a fence was being placed around some new ground which was being added to the Penitentiary property and it is thought not prudent to place these prisoners serving long sentences or those who had previously made a bad record for themselves at this work, this however is a very trifling illustration, every precaution is taken to prevent escape and any such an attempt by a prisoner is made fairly certain to end in death.

January 30th.1887 Cont.

A visit was made to the Carpenter,Blacksmith,Tailor and Boot and Shoe making shops where several of the prisoners were found at work,the promotion to these departments is the highest position within reach of the occupants of the Penitentiary,from the character of the work done there it is evident that worse things might befall many of these men than to be compelled to serve an apprenticeship in them. The grounds are now one hundred acres in extent,the clearing and cultivation of which affords employment of a large number of prisoners, when the clearing is done the problem of how to engage them will force itself upon the directors of the institution as it has already done elsewhere.The extent of the grounds affords ample facilities for the growth of all the roots required during the year, A large number of pork is also produced there,nothing requires to be brought to the institution but bread and groceries,home made pea coffee is a feature in the Penitentiary cuisine,the writer was informed that church was held twice a week by the Protestant and Catholic clergymen,Mr.Keary,the accountant for the Penitentiary keeps school every day between twelve and one and has some very apt pupils ,Kum Yow who will be remembered by many in the city was seen in a suit of yellow and grey,he is found very usefull by the officials as interpeter and his imprisonment hangs much lighter over him than it otherwise would,he hopes to regain his liberty this year.

Note

James McDonald was Minister of Justice for 1880

REPORT OF THE WARDEN FOR THE YEAR ENDING 30th June 1887

Warden Arthur H. McBride to J. C. Moylan, Inspector of Penitentiaries:

On the 30th June 1887 there remained here 89 convicts. Received since: 24.
Total: 113. Discharged during the year by expiration of sentence: 30.
By pardon: 6 By Death: 3 Insane convicts sent to Kingston Penitentiary:
4. On bail: 1 Sentenced reduced: 1 Left remaining on the 30th June
1888: 68 convicts.

With sincere regret I mention the death of C.N. Trew, surgeon of this Penitentiary which occurred on the 28th October last after a lingering illness. He attended his duties in the prison until he could no longer leave his house. He was connected with the Institution since it was first established. He will be sadly missed by the Officers and convicts. He has always been kind and attentive.

The Canadian Pacific Railway having obtained possession of the whole water frontage of the Penitentiary reserve with the exception of the wharf where our coal is landed. I trust you will recommend that the government purchase the land to the north of the prison owned by Mr. Coldhards and the Honourable P.O. O'Riley's property. A portion of this ground, fully four acres, is covered with thick bush and heavy timber. This will be a source of danger to the Penitentiary and offering a means of escape to the convicts until it is cleared.

I am glad to inform you that the Department of P/W have commenced to build a house for the single guards. I hope they will soon follow with at least three more houses for the married guards. A house for the Accountant should be provided, at present he occupies one of the houses built for the married

guards, Nothing has been done yet towards building a house for the Warden.

A stable, cow and cart house, which is very much needed has not yet been commenced. The workshops require general repair in order to make them habitable for the convicts who must work there during the winter months.

The roof of the main building which I have so often complained about has received no attention from the P/W Department. The basement floor is in a rotten state and unwholesome enough to cause sickness. It should be taken up and replaced with a concrete floor. The whole of the outside building requires painting and the wharf is in a dilapidated condition. A more plentiful supply of water must be brought to the guards houses. Proper water closets built with drains leading to the river, the dry earth system in use there now is not suitable in this climate. Each of these several wants I have repeatedly called attention to, I assure you, are not trivial.

A number of solitary cells should be constructed immediately. This could be easily done by altering some of the cells in the basement. There is no Hospital accommodation here. I believe this is the only Penitentiary in the Dominion without a space set apart for the sick. No matter what pain or suffering a man is afflicted with there is no place for him but the common cell.

I beg to call to your attention the fact that a company is now formed here for the purpose of supplying New Westminster with water from the Coquitlam Lake. It will be necessary to lay pipe for this through or very near the Penitentiary Reserve. I hope you will recommend that the Penitentiary and the cottages will be supplied. I am informed that the water can be forced over any of our buildings. This is a matter of importance.

The Bakery Instructor is not yet appointed although the Bakery is long since completed. A Carpenter Trade Instructor should be put on the staff and if appointed will have a great saving to the government.

The D/W works as hard in the interests of the Institution as though all his labour were given for his own personal benefit. Every detail of the in general comes under his care. It is a year or two since one Keeper was appointed. This Officer performed the duties carefully and with great satisfaction, still he is only receiving the pay of a guard, though his duties are far more responsible. Therefore, I am sorry you will not recommend an increase in his salary.

Doctor DeWolf-Smith, Acting Surgeon, during the last nine months has been attending to all duties coming under his care.

The Chaplins have attended regularly.

On the 19th of August last, we had the pleasure of a visit from the Honourable Minister of Justice. He went over the buildings and grounds and kindly interviewed all the convicts who requested to see him.

Your most obedient servant

Arthur H. McBride

Warden

In the same report Robert Jameson was the Protestant Chaplin

Edward M. I. Horris, Roman Catholic Chaplin

W.H. Keary, School Master

June 30th.1887

Annual report for the year ending 30th.June 1887 by Warden A.H.McBride.
Sir;

I have the honour to submit my report on the management of this Penitentiary with the usual returns for the year ending 30th June 1887. On the 30th.June 1886 there remained 105 convicts,received since 20, total 125,discharged during the year by expiration of sentence 32,by pardon 1,by death 3 which left remaining at midnight 30th.June 1887, eighty convicts.

The insane convicts mentioned in my former report are about being removed to Kingston Penitentiary.The conduct of the convicts on the whole has been good,of course there are exceptions.

The want of solitary cells where the unruly should be confined is very much needed here.A visit from you sir is greatly desired,it is now nearly two years since your last visit,the wants of this Penitentiary are so many and varied that it is only by your personel inspection that you can understand the difficùlty to be overcome.The Canadian Pacific Railway is now running regularly to New Westminster and I trust that I am not asking too much to have you visit the Penitentiary at least once a year as you visit other similiar institutions.

The water supply has been brought to the rear of the Penitentiery and a good substantial damn has been built,at present there is an abundance of water but I am sorry to say that there is not force enough to throw it from the hydrant to the roof,therefore in case of fire it is very little use,I have still to depend on the use of buckets and the Babcock fire extinguisher,some other means must be found for supplying the place with a good supply of pure water that would have sufficient force to put out any fire that might occur and be fit for drinking and cooking purposes.

The ravine where the present supply comes from will undoubtedly in the near future be dried up as settlers are building and improving land in the immediate vicinity and the brush is being cleared away,I must say also the water is not properly filtered,a great deal of vegetable matter remains in it,this should be remedied before it is turned on in the building for the common use.

The Chapels are being improved as far as painting and other little necessities can be expected but nothing has been done to enlarge them. The ravine is now protected with a twelve foot fence and will afford employment for some years to come. The Laundry and Bake house are being built, both very much needed and will prove very beneficial to the Penitentiary.

The outhouses such as stable, cow houses and cart house are in wretched condition and I am afraid they will not last another year, new ones should be built immediately, the barn is not large enough to hold all our increase in crops, it should be lengthened and should the government see fit to give me a competent mechanic who thoroughly understands building and allow me to charge material to the Department of Justice a greater part of these works could be done by convict labor, the present system of having to apply to the Public Works Department for every foot of lumber and every pound of nails that is to be required is very unsatisfactory.

A Blacksmith Instructor has been appointed and has already done good service, in fact all the workshops are busily employed and are a considerable saving employing the use of convict labor, useful trades which will enable them to make an honest living after their release from here if so desired. Nothing has yet been done towards heating the wings, I have to use stoves in the winter, this is not satisfactory, neither are the cells heated alike, the whole building requires painting, the outside pointing. The basement floor requires to be laid in concrete and the woodwork is quite rotten. The roofs of all the buildings are covered with shingles and a portion of the roof on the main building is of pitch and pebbled, during the hot days the pitch falls off in great patches, this should be altered, when we are subject to forest fires it is not safe. The houses for the married guards have been completed, but no barracks for the single guards are yet built, a building for this purpose is most urgently required. The wharf where the coal is loaded requires repairing and I have asked for \$200.00 to be placed in the Public Works Department for that purpose.

The Government should at once begin a new wing as the population of British Columbia is increasing very fast and so will the criminal class that are sure to follow.

A house for the Warden should be built and the quarters now occupied by the Deputy Warden should be converted into a hospital accomodation for sick convicts.

The school is taught regularly by Mr.Keary who takes great interest in the work and I trust the government will more amply reward him for his services,he is not only schoolmaster and accountant but also store-keeper and fills each office creditably.The Deputy Warden Mr.Fitzsimmons I must again mention,his service and organization in the Penitentiary are of high value,I am sorry to say the government has not seen fit to place him on the equality with the Deputy Wardens of the other Penitentiaries,a more deserving officer cannot be found in the employ of the government.I am pleased to say that without exception the conduct of the officers has been good as a body or individually,I find them always ready to assist me in maintaining the discipline of the prison. On the 17th.July last this Penitentiary was visited by the Honorable the Minister of the Interior and on the 21st.August by the Honourable Minister of Customs and by the Honorable Minster of Fisheries.

You mentioned in your last report that it would be desirable to have gas instead of coal oil for use in lighting the Penitentiary,nothing has been done in having your wishes carried out in this matter,I hope you will call the attention of the department of the necessity of supplying gas.Again I beg to thank you for the kind and considerate assistance given me since your visit to this Penitentiary,I look forward to the pleasure of your coming again.No one not employed by the prison can form an opinion as to the benefit to be derived from the visits of the Inspector,with the facilities for travelling now within our reach I think no reasonable excuse can be made for depriving this Penitentiary of a visit from you at least once a year.

I have the honor to be Sir your most obedient servant.

Arthur H.McBride

Warden

31st. December 1888, Inspector J.G. Moylan reports on the B.C. Penitentiary

The financial administration of this penitentiary has been carried on with great success and satisfaction up to the close of the fiscal year. The conduct of the convicts on the whole has been good, a few bad characters mentioned in last years report remain and gave some trouble, they are irreclaimable, it is to be hoped that when their sentences shall have expired they will leave the country and return to their several localities in the United States from whence they came.

Four insane convicts were removed last summer to Kingston Penitentiary, the transfer was conducted by the Deputy Warden over Canadian Pacific and the Kingston and Pembroke railways without any trouble or unpleasantness. Two of these lunatics were very noisy and violent and created a great disturbance, particularly at night, it was therefor very desirable that they can be taken to a place where they can have proper accomodation and care.

I have to note with regret the death of Dr. Trew, the surgeon of the penitentiary from typhoid fever, he was appointed when the penitentiary opened in 1878 and was punctual in attendance and in the discharge of his duties. The Protestant Chaplin notes that the conduct of the convicts during devine service has been satisfactory, he regrets that owing to the proximity of the chapels and to the services both being held at the same hour, so an important a part of devine worship, the singing of the praise to God must necessarily be omitted. In my last annual report I refered to the fact that the chapels were too small, overcrowded, and to the necessity of building suitable places of worship, I beg leave to recommend that the two chapels should be built next season at the same place as those recently erected for the Manitoba Penitentiary.

On building the chapels it will be necessary it will be necessary to make provisions for a school room as has been done at Stony Mountain.

Both Chaplins bear testimony to the successful working of the school under the assiduous management of the accountant Mr. Keary, the Warden also makes special mention of this officers zeal and efforts in connection with the school and expresses the hope that his services will be more liberally remunerated, in this recommendation I concur, owing to the number Of Indians and Chinese under instruction the school day is exceptionelly labourous and difficult and as the result of the great pains and patience

a large proportion of those who learn to read, write and cypher very well, the school is kept on one side of the cell wing in the passage for want of better accomodation.

The A/Surgeon, a Dr. A. DeWolf-Smith reports that the average health of the convicts during the year has been exceedingly good, he refers to the great want that exists for hospital, this will be supplied, I hope, in the course of the next year by converting a portion of the Deputy Wardens quarters into an infirmary as soon as the Wardens residence shall have been completed. The surgeon describes the condition of the married quarters as extremely bad, he says that it is imperative that something be done at once to remedy the existing state of affairs, a suitable drain should be constructed from the house to the river and a water closet substituted for the dry earthen boxes which are now in use.

In my last annual report I represented a very unsatisfactory manner in which the pressing requirements of this penitentiary were met by the agent of the Department of Public Works in Victoria, he seems to have studied very carefully how not to do it, or if done, how to botch the system of his two predecessors as regards the penitentiary.

During your visit last autumn to this institution some of the many defects were brought to your notice, remedies have been asked, for the past ten years the Department of Public Works, under your instructions I made application to the department again in 1887 to supply a number of wants, among these were a residence for the Warden, proper drainage for the officers quarters, suitable water closets instead of earth pits, a roof for the penitentiary building, repairs to the work shops and a better water supply.

On visiting here last July I found nothing whatever had been done regarding these much needed works, owing as I have been informed to the report of the agent for the department of public works, that what had been asked for under your authority, the Wardens house excepted, as above mentioned were not required.

The report of the surgeon respecting the drainage and earth privies, correspondence corroborates my own and the Wardens reports in these matters. The Deputy Minister of Public Works, Mr. Baillairge, saw the conditions of the roof, the basement floor, the water and the water supply, the drainage of the workshops etc. during his visit last summer and he can say whether or not the agent of his department was justified in seeking to discredit

the Minister of Public Works, the official statements of the inspector and Warden, transmitted with your sanction to the secretary of the department of public works.

Elsewhere the agents of the Public Works Department consult the Penitentiary authorities in reference to works to be done or in progress in view of giving better satisfaction in a meeting with views of the department, in this penitentiary the contrary has been the rule, the suggestions of eminently practical men which eventually proved to be correct had to be adopted, have met with a cool contempt and neglect.

The water supply to the penitentiary was very defective, for some days total failure was apprehended, the slops to the dam being badly constructed and in a leaky condition, the work was done under the public works direction a few years ago, the reservoir was left unfinished and in a most unsightly condition, a gang of convicts under ordinary supervision would have turned out a better job. Captain Pearly of the Public Works Department knows something of this work. Ten lamp posts were asked for by you for the grounds on certain points outside the penitentiary or elsewhere, at first the agent reported against these posts being allowed at all, when ordered to procure them he caused pine posts to be supplied instead of iron. Although pine rots in the soil within two years, and although a balance of several hundred dollars from the appropriation for Gas supply was available to pay for the iron posts, this is only another instance of the disposition that exists to run counter to the requisitions issued from this department however needed or reasonable.

The barracks required for the single officers have been put up, I shall say nothing for the architectural design or merits further than to remark that one of the oatmeal mills to be seen on the prairie near Portage LaPrairie or Brandon must have been taken as a model. There was ample ground whereon to build a nice two story house, well laid out instead of the nondescript structure which forms a front script to the penitentiary, the upper rooms are utterly spoiled by the sight of the ceilings, the provision made for heating could hardly have been worse, the bedrooms, **eight** out of ten I think being left out in the cold, by a strange oversight, hall stoves or a place for them in the upper or lower passage did not enter into the conception of the architect.

Dining and sitting rooms, instead of having grates which is usual in this climate, are to be heated by stoves which for the greater part of the year will be found an intolerable nuisance. The drains under construction when I saw it was unsuitable and defective, I instructed the Warden not to take over the barracks from the agent of the public works department until a good drain and a means of heating is provided.

The Warden mentions the fact that a mangle, not asked for or required, had been set up in the laundry and that a boiler and an engine had been placed in position there for no other visible purpose than to drive the mangle as the machinery connected with it proves, the mangle as the Warden states is useless, so are the engine and boiler as they now stand, the machinest, a practical man, who placed the boiler and engine in position has reported that the workshops and prison could be heated by steam were another boiler added. The agent of the public works department asserts that this could not be done, it may be asked were the engine and boiler supplied simply to turn the mangle.

The boiler is not required to heat the laundry, other means having been provided for that purpose. In order to utilize the boiler now in the laundry I would recommend that an additional one be supplied to heat the workshops and the prison, having first established the fact that this is practical. I cannot suggest any use for the engine.

When in New Westminster, acting upon your sanction, I instructed the Warden to have the following work set on foot, the roofing of the prison building, the erection of stables and other offices, resuscitating the workshops, draining of the officers quarters, laying of water pipe from the Penitentiary main to these quarters, concreting of the entire basement of the Penitentiary. The Warden has reported the completion of these works in a most satisfactory manner at a comparatively small expenditure.

Owing to the difficulty which has heretofore been experienced in having the needs of the Penitentiary satisfactorily met by the public works department some change would appear to be very desirable in view of bringing this about, but not in a fault finding spirit that I have considered it necessary, no matter how reluctantly, to state for your information how unsatisfactory is the character of the works which have been done under the direction of the public works agent and how unpleasant

are the relations that exist between that gentleman and those charged with the administration of the Penitentiary.

It will be decidedly in the public interest and that of the institution of this department, to resume control of building improvements and repairs, at least in this Penitentiary.

As there is every reason to fear that the present water supply will give out in a few years or in fact at any time, it is advisable, I think, to enter into some arrangement with the company which proposes to supply water to New Westminster from Lake Coquitlam, if as was originally intended the pipes be laid through a portion of the Penitentiary reserve, it might be reasonably expected that the water supply for the institution and its belongings could be secured on favourable terms as an equivalent for this privilege.

I have the honor to be Sir: your obedient servant

J.G.Moylan, Inspector of Penitentiaries

31st. December 1888

January 20th.1888

from the Colonist

A report on the British Columbia Penitentiary by J.G.Moylan Esq.
Inspector of Penitentiaries.

The total expenditure for the year was \$34,722.57 of which \$17,777.32 was paid in salaries, the total sum expended on rations was \$4,558.40 the smallness of this amount being due to the excellent management of Warden McBride and his Deputy.

Of the land surrounding the Penitentiary, these are made to furnish the greater portion of the food. The direct revenue of the institution was \$2,455.84, \$2,226.85 of which was received from work done in the shoe department.

The number in the Penitentiary on 30th. June was 89, a decrease of 16 from that of 1886.

The total value of labor preformed during the year by the convicts was \$10,539.50.

During the year ending 30th. June, 20 convicts were received in the Penitentiary, 11 whites, 3 Indians and 6 Chinese.

Tabulated statements show that the following work was done in the shops of this Penitentiary,

Shoe shop \$2,278.13 Tailor Shop \$2,351.30 Blacksmith Shop \$574.85.

The farm produce was valued at \$5,458.55.

The surgeon reports a decrease in the number of hospital patients, three deaths during the year and approval of the removal of insane convicts to Kingston.

W.H.Keary reports an average daily attendance of thirty nine at the school, of which eight are White, seventeen are Chinese, thirteen Indians and one Half-Breed

End of Report

Annual report of the B.C. Penitentiary for the year ending 30th. June 1889.
Arthur H. McBride -Warden.

Sir:

I have the honour to submit to you the annual returns on the management of this Penitentiary for the year ending 30th. June 1889.

On the 30th. June 1888 there remained here sixty eight convicts, on bail, one, received since forty four, total one hundred thirteen, Discharged by expiration of sentence, eighteen, by pardon-two, by escape-two, which left remaining 30th. June 1889-ninety one convicts.

Rev. Father Harris, O.M.I., has resigned his position as R.C. Chaplin on account of ill health, he was the first appointed to that office here and will be sadly missed especially by those who were under his spiritual care.

The chaples are becoming greatly crowded, we are abliged to sit six in a pew and sometimes seven, where none are comfortable or large enough for more than four.

Work on the Wardens house has commenced, contractors are nearly finished with the cellar and general foundations, the house for the accountant is being built by convict labor, superintendent by the Carpenter Instructor. The stable, cow house and cart house which was so much required has been finished by Penitentiary labor in a thoroughly substantial manner.

You will be pleased to know the wooden floor throughout the whole basement has been torn up and replaced by concrete, you saw how badly alteration was needed, the new roof on which work was commenced while you were here last year is now perfectly finished, having received the last coat.

Drainage from the guards cottages to the Fraser River was most successfully completed last summer, also substantial water closets were built.

Workshops have been put in good order and are now very comfortable although very small for the purpose.

The roofs of all the buildings are painted with fire proof paint, also the mansard roof of the prison building.

I am glad to know the money is granted for pointing the outside of this building as it must be done as soon as possible, also the amount required for the repairs to the wall.

I must call your attention to having a reliable water supply during dry weather, the present source is not to be depended upon.

Plans are made for supplying the city from the Coquitlam Lake, I hope you request the government to have the Penitentiary supplied from the same source, also I must remind you of adding to the present cell accommodation, there are now about seven cells vacant and the number of convicts are steadily increasing.

The school is doing good work under the able management of Mr. Keary. The Baker Instructor is appointed also the Carpenter Instructor, both are of great value to the institution.

The conduct of the convicts has been good, especially during the later part of the year as some who were troublesome were discharged, their time having expired.

I am happy to be able to report that good feeling exists among the staff and also their strict attention to their several duties.

The Deputy Minister of Justice paid us a visit on July last and inspected all the buildings, in August the Honorable Minister of Customs who kindly went over the institutional grounds and also the Deputy Minister of the public works department who remained long enough to carefully inspect all the buildings.

Thanking you for useful information kindly given me on all occasions.
Your obedient servant, Arthur H. McBride.

Report of the Protestant Chaplin;

Sir: I have the honor to submit the annual report for the year ending 30th. June 1889.

On occasional visits made to the school I have pleasure in reporting that the conduct of the convicts has been very satisfactory with as few exceptions as might be expected. Mr. Keary, the school master still continues his patient and successful work among those entrusted to his care.

I feel grateful to the department for the valuable addition to the library, it is a source of great enjoyment and a profit to the convicts. I trust that such changes will soon be made in the chapel as will enable us to engage in the exercise of praise as well as in other parts of divine worship.

I have every reason to be encouraged with the results of my labors.

I must record my increasing conviction that the resident chaplin can do

full justice to the work required and give to those here the same privilege and the same opportunity for improvement as are enjoyed by the majority of the convicts dominion, and this is more especially the case with such a large proportion of Chinese and Indians. The increased costs will be a mere trifle compared with the results.

The number of convicts under my care June 30th. 1888 was thirty nine, on bail-one, received during the year-twenty four, exchange from R.C. Chapel-one, total-sixty five.

Number discharged during the year, by expiration of sentence-eleven, by pardon-two, escaped-one, total fourteen.

Number of volumes received, three hundred ninety, added during the year-sixty five, number of convicts using the books-twenty five, change of books during the year was thirteen hundred twenty five.

Robert Jameson, Protestant Chaplin

Report of the R.C. Chaplin for the year ending 30th. June 1889.

In this my first report I have much pleasure in stating that I have found this Penitentiary managed in a most orderly manner, the whole institution kept clean and neat, the convicts under my care seem to appreciate the kindness of the government in placing a spiritual director over them, they are very intentive at devine worship. Rev. Father Martin O.M.I. who has been acting chaplin for some time back has informed me of the courteous and obliging manner of the officers from the Warden down, I have much pleasure in bearing testimony to the same.

The convicts are all very thankful for the advantages they have derived from schooling under the efficient management of Mr. W. Keary

I beg to enclose a memorandum of convicts under my care for the year ending 30th. June 1889.

Convicts under my care 30th. June 1888-twenty nine, received during the year-ten, females-one, total fourty nine.

Number discharged-seven, escaped-one, change to Protestant Chapel-one, making a total of nine, remaining 30th. June 1889-fourty.

Fredrick Goachan, R.C. Chaplin.

REPORT OF THE MINISTER OF JUSTICE FOR THE YEAR ENDING 30th June 1889

John S. D. Thompson, Minister

British Columbia Penitentiary. The conduct and industry of prisoners have given satisfaction to superior Officers particularly since very bad characters referred to in former reports have served out their sentences.

Protestant and Catholic Chaplains report favourably on the conduct of the convicts for this year.

The surgeon reports the health of the convicts have been good, notwithstanding the large increase in prison population. He refers to the improvement of the sanitary condition of the Officers quarters through the removal of plague breeding earth closets and defective drains. Also, for the substitution of cement for a decayed wooden floor in the basement of the prison building which will tend to make the basement drier and more healthy for those who have to work in that building.

I concur with the Warden that the prison water supply is precarious and will not remain sufficient for our needs.

The resignation of Rev. Father Horris, Roman Catholic Chaplain because of ill health.

The workshops have been suitably repaired and altered. They are now what Mr. Trutch, the former Regent of the Department of Public Works should have made them from the beginning.

The stairs leading to the Shoe and Tailor Shops have been placed outside. This change ensures greater safety because the guard on the fence nearby cannot fail to see whether anything goes wrong in the Shops and be able to give the alarm.

From the time the shops were built until needed repairs were made by this department, frequent complaints of these defects were made to the agents of the Public Works Department without receiving any attention. A new building in the farm yard containing good stables, a cow and sheep house, harness room, carriage and wagon wheel shed and the extensive lofts for forrage has also been put up under the direction of this department.

The Warden's house is in course of erection and will be ready for occupation in a few months. The work of clearing the ravine lying between the Penitentiary and the Lunatic Asylum is progressing steadily. In a few years the land will furnish good pasture for sheep, while the soil is rich it would be almost impractical to cultivate it, in consequence of the banks being so steep.

A fly sheet printed in Washington territory containing the vilest slanders and most barefaced falsehoods against the administration of this Penitentiary and some of its most deserving Officers was put in circulation in Victoria about twelve months ago. The production was the work of two of the most depraved and hardened criminals that ever cursed, with their presence, any penitentiary in the Dominion. It was one of them who coming across from Seattle, distributed in a few hours, the untruthful and libelous publication and made his escape to American territory before his arrest could be effected. There are certain individuals who either are very credulous or very unfriendly disposed towards the administration of the Penitentiary and made grave charges alleging that serious abuses and irregularities existed. These charges were of the vaguest nature, nothing definite being mentioned and they were advanced in a manner in which everyone who appreciates fair play and manliness must stigmatize as dastardly. He is a veritable coward who makes accusations against men who by reason of their position are helpless to defend themselves.

There was not the moral courage or the proper sense of justice to formulate his charge in view of affording an opportunity to the victims of this malevolence to have the truth or falsity of the allegations duly tested. This is a general proposition without any particular application.

The following is an account of the inquiry into the charges mentioned above:
Arthur H. McBride, Warden: having been duly sworn was examined.

Q. 1 As Warden of this Penitentiary do you know of any wrongdoing or injustice or misconduct in connection with the administration that the Minister of Justice should be informed of?

A. 1 I do not, not since the Penitentiary has been opened.

Q. 2 Do the Officers individually preform their duties satisfactorily as well?

A. 2 Everyone who is here at present does so.

Q. 3 Are the convicts treated justly and humanely?

A. 3 Yes, from the opening of the Penitentiary, far more so than I have known prisoners to be treated in the gaols of Victoria and New Westminster.

Q. 4 Has corporal punishment been inflicted frequently for light offences?

A. 4 It has not and never for a light offence. Those so punished, comparatively few, richly deserve it. As my reports to Ottawa of the evidence taken on oath will show.

Q. 5 Have the sick been cared for properly as regards medical aid and suitable diet.

A. 5 They have always received whatever the Doctor ordered them. The surgeon has been very regular in his attendance. There is no hospital, the cells are not fit places for the sick and the dying. To have them there is not doing justice to the patients or to other prisoners who are often disturbed by the moans and other noises. I think a Hospital

Overseer is very necessary to look after the wants of the sick and take advantage of the convalescent. This duty has been up to this time, done by myself, the Deputy Warden and Steward. Sometimes by the Accountant.

Q. 6 Have you read this statement made in the Senate last session by Dr. Mr Ginnis of this place and the abuse that exists here?

A. 6 I have and it is untrue.

Q. 7 Could any abuse exist without your knowledge?

A. 7 Certainly not because I have lived here since the Penitentiary opened. If any existed I would have seen or heard of them.

Q. 8 Can you assign any reason for Dr. McGinnis making such a statement?

A. 8 I have reason to believe I offended him at the beginning of my administration because I did not appoint persons on the staff on his application who were unfit for the position.

Q. 9 Had he an opportunity to see how the affairs of this Institution are conducted?

A. 9 He was employed as a substitute surgeon several times, he attended my on family, also on his nephew, the Steward. I was present at the investigation held here by Mr. Trutch then the government agent. I frequently asked him to visit the Penitentiary, he promised to come in his capacity as Senator. He has not done so.

Q. 10 Have any other parties made or instituted charges against the administration of the Penitentiary that you know of?

A. 10 The only other parties who have done so are the Kennedy Brothers, publishers of the British Columbian Newspaper.

Q. 11 What did they say?

A. 11 They endorsed Senator McGinnis' remarks and said that if half the stories told by discharged convicts were true an investigation was very much required.

Q. 12 Have you had any conversation with these men on the subject?

A. 12 No, but I have asked for one of the Kennedys and a reporter to visit the prison and see for themselves how it was doing. They have promised to come but they have not done so.

Q. 13 What led to the Trutch inquiry?

A. 13 It was caused by a statement in which the late Judge Grey allowed an escaped convict named Verlin to make in court charging the whole staff will all manner of evil doings. Judge Grey after the investigation publicly stated in the Assize Court to the Grand Jury and the audience that the Officers were honourably exonerated from all blame after a full inquiry had been made and that everything had been carried on well in the Penitentiary and that the statement made by Verlin was unfounded.

Arthur H. McBride
Warden
10 December 1889

STATEMENT OF JAMES FITZSIMMONS, DEPUTY WARDEN - SWORN

Q. 1 Have you good opportunities of seeing and knowing all that occurs in the Penitentiary?

A. 1 I have.

Q. 2 Do you live within its precincts?

A. 2 I do. My quarters are in the building.

Q. 3 Are you much absent from the Penitentiary?

A. 3 No, unless on business for the Institution.

Q. 4 What are your hours of duty?

A. 4 5:00 A.M. until 5:00, 6:00 and 7:00 P.M. sometimes until 10:00 or 11:00 P.M. and not seldom until midnight.

- Q. 5 Have you in performing your duties to go through all parts of the Penitentiary, in the course of the day?
- A. 5 That cannot be done everyday as my time maybe occupied in attending to some special duty. For instance the Superintendence of some particular works, but as a general rule I know all that goes on everyday.
- Q. 6 How long are you in the Penitentiary service?
- A. 6 Since thiry-two years, the first of this month.
- Q. 7 If any abuses or irregularities exist would you know them?
- A. 7 I am certain I would.
- Q. 8 Do you know of anything wrong?
- A. 8 I do not.
- Q. 9 Do you consider the Warden preforms his duties faithfully and in the public interest?
- A. 9 I do. I may state here that coming up here in 1878 my instructions from the Deputy Minister of Justice and from yourself were to see and to carry out the administration here on the plan of Kingston Penitentiary. To consult with the Warden for this end, I have always done this and the Warden and myself have been in accord to this end.
- Q. 10 Have you known of any instances or cruelty or injustices by the Warden or any other Officer towards convicts?
- A. 10 I have not since the day I came here.
- Q. 11 Have you read or heard any charges of this nature?
- A. 11 I have, in a kind of broad sheet said to be published by a discharged convict. I have also heard that convicts say distinctly that such statements are not true.
- Q. 12 Have you known of favouritism exercised towards convicts?
- A. 12 No. If a man behaves himself well, he deserves to have confidence reposed in him. I place him where I would not put a man who does not observe the rules and who proves himself unworthy of trust, that is all

the favoritism that I have shown.

Q. 13 As Deputy Warden does not the carrying out the details of the administration devolve upon you?

A. 13 Pretty much as regards discipline.

Q. 14 Does this necessarily bring you in close and frequent contact with convicts?

A. 14 Yes.

Q. 15 Does it happen that you have sometimes unpleasant duties to perform as regards the punishment of convicts for misconduct?

A. 15 Yes

Q. 16 What is the effectiveness among the prisoners who are well behaved?

A. 16 The effect against the Warden and myself and the Officers who make complaints on account of bad conduct is that we are in their ill will, their lies and slander. When these men are released after being punished and often losing a part or the whole of their remission time they tell all sorts of stories about cruel treatment and the like.

Q. 17 Do the Officers or any of them report upon trivial or no grounds?

A. 17 The convicts in their charge, No, I do not think so.

Q. 18 Do you know of any Officer having dealt with them unjustly or too rigorously?

A. 18 I do not. They are kindly and fairly treated.

Q. 19 Has it come to your knowledge that any wrong has been done to government in connection with the purchase of supplies, the awarding of contracts for the insane or in the expenditure of funds for the Penitentiary?

A. 19 I know of nothing wrong in any of these matters as far as the Officers of the Penitentiary are concerned. I think it proper to state in this connection that after paying for a quantity of cement ordered a year ago for making a floor in the prison building, it was found that

several barrels were of inferior quality. That portion of the cement was supplied by the Public Works Department. The whole of it however, was used and answered the purpose very well for which it had been procured.

Q.20 Have any contracts been awarded to your knowledge through favoritism and not on the merit of the tenders?

A.20 Not one. They were awarded on their merits.

Q.21 Have you been charged with favoring Catholic prisoners and Officers?

A.21 I have heard of such charges being made by both convicts and Officers.

Q.22 What have you say about this?

A.22 I say on my work and oath that such a thing never entered my mind. I deal with Officers and prisoners on their merits without regard to their creed. (The Warden corroborates this statement.)

Q.23 Have you seen a statement made by Dr. McGinnis last session of Parliament about abuses that exist in the Penitentiary?

A.23 I read it.

Q.24 What do you think of it?

A.24 I think his statement is false.

Q.25 Is this not a rather strong word to use?

A.25 I don't think so, but I think the charge was uncalled for on his part.

Q.26 Do you think he made the statement in good faith and in the public interest?

A.26 I do not.

Q.27 Why do you say this?

A.27 I base my opinion upon the fact that Dr. McGinnis was annoyed because after the opening of the Penitentiary he could not have his own way in certain matters. I refer to certain appointments which he wanted to make on the staff and to improvement on the grounds.

Sworn to by J. Fitzsimmons, Deputy Warden, on the 10th day of December 1889.

Other members of the Staff gave evidence, there was Robert Jameson, Protestant Chaplin; Thomas A. McGinnis, Steward; Fitzgerald, Keeper; George McKenzie, Tailor Instructor; A Coutts, Blacksmith Instructor; Guard Quilty and a number of other members of the staff.

The Penitentiary
New Westminster, B.C.

14 September 1889

I wish to thank you for the pains you have taken to set forth in your views upon the mould upon in which alleged abuses and irregularities in the Penitentiary can be investigated before the tribunal you have been please to indicate. It is not the first time that allegations of a similar nature of those insinuated by you have been made against the administration of this Penitentiary. Seven years ago upon the statement of a convict of notoriously bad character, which one of the Judges permitted to be made in open court, the conviction became strong in the minds of certain goodly citizens of New Westminster that this Institution was a sink of iniquity and corruption. On the recommendation of the late Mr. Justice Grey an inquiry was ordered by Sir Alexander Campbell, then Minister of Justice. It was conducted by J. W. Trutch and was as exhaustive as he could make it. This report clearly showed that the charges against the administration and the Officer was unfounded and utterly ridiculous. James J. Moylan, Inspector of Penitentiaries, for the Dominion of Canada states 20 December 1889:

" I am more than pleased in the manner in which this Penitentiary is conducted. The Officers are active and efficient and well conducted. They give a good example to the prisoners and they carry out rules strictly and fairly. The convicts are well treated and they are well disposed to comply with rules of this prison. They cheerfully and diligently preform the work allotted to them, though invited to so they made no complaint. In a word everything goes on smoothly and satisfactorily. If there are any of the abuses and irregularities alleged, the Officers must get the credit of not only concealing and protecting but also in being in perfect accord in so doing. They are unanimous in

in challenging the appointment of special commissions or any other mode of inquiry that you may at any time consider it your duty to appoint.

End of Report

December 31st.1889

Daily World,Vancouver

The Penitentiary of British Columbia is one of the very pleasantest situated buildings it has ever been our lot to visit. Away out at Sapperton it is situated and encompassed by smiling fields and gardens of its own, a lordly domain, not much like a prison, until one gets within the building. The Penitentiary is a huge stone building. Entering a long hallway the Warden's room is on the left hand side, a spacious room combining the comfort of a library with the rigour of an office. On the same floor, right and left, leading from the main hallway, are the surgery presided over by Dr. De. Wolf Smith, and fitted with all the modern appliances known to the physician. The store, various offices and the guard room piled with arms and fitted with electric bells to warn the warders in case of trouble. A door at the passage end leads to the prisoners quarters. Four tiers of cells run one above the other to the top of the building, and around the block is a wide, **light and airy passage**, in which school is held. Each little cell is fitted with gas, and the furniture comprises a canvas bed, blankets, etc. and a pair of slippers. Descending to the basement, the punishment cells are discovered, together with the womens quarters-happily seldom if ever needed, the Wardens dining hall, the kitchens and the offices. Upon the second floor are found the churches of the Catholic and Protestant religions, together with libraries attached to each and under the control of the Chaplains.

The following dietary scale proves beyond question that the prisoners are well cared for;

Breakfast-Cold meat, 4 oz.; without bone: bread (white) 13 oz.; brown bread 1 oz.; coffee (peas), 1½ pints; sugar ½ oz.

Dinner-Meat, 7 oz. without bone; white bread, 8 oz.; brown bread 1 oz. potatoes, 16 oz.; soup, 1½ pints.

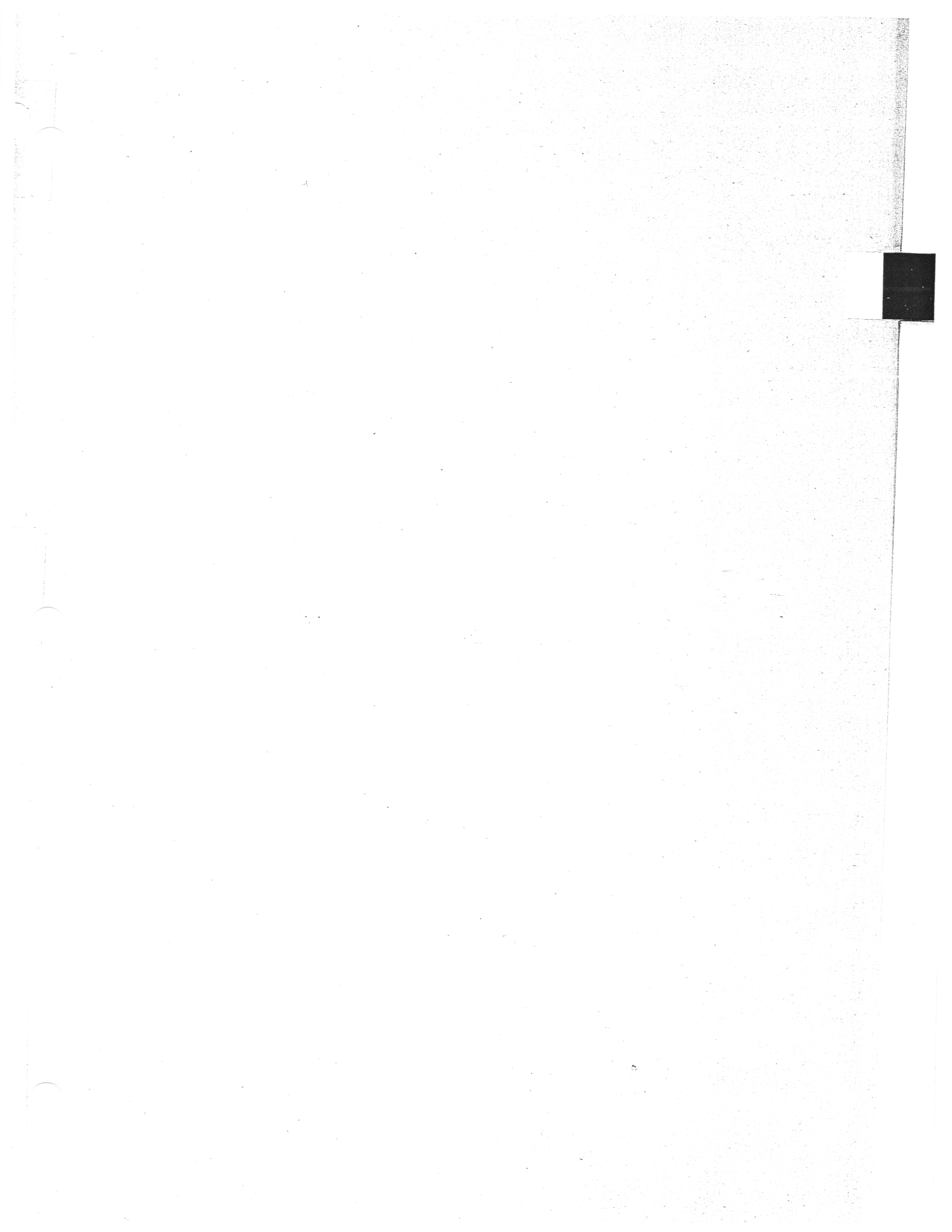
Supper-Bread 12 oz.; tea 1 pint; sugar ½ oz.

The dietary for the sick is equal to that of any hospital, and comprises every delicacy usually supplied to invalids.

The building apart from the prison proper are to be found the blacksmith, Tailoring and shoemaking shops, where the prisoners are taught the trades under competent instructors.

The bakehouse has a separate building. A fine farm may, with truth, be said to be within the penitentiary grounds. Many fine cattle, horses and fowl, as well as pigs, and a number of handsome pheasants, have their quarters there. A fine granery and root house (once the abode of the sappers and miners), coach houses and stables, help to give the place much the appearance of a well managed homestead, and it is hard to realize, when going through the grounds, that one is within prison walls. A further addition is, we understand, to be made to the building which is already a fine handsome structure.

The penitentiary enclosure includes 75 acres, 40 acres of which are under cultivation; besides which there are 24 more acres the property of the institution.



Annual report of the Warden ,the B.C.Penitentiary,year ending 30th.June 1890.

Sir: I have the honor to submit to you the annual returns from the management of this Penitentiary for the year ending 30th.June 1890.

On the 30th.June 1889 there remained ninety one convicts,since received eighteen,total 109,discharged by expiration of sentence,twenty five, by pardon,eight,which left remaining on 30th.June 1890.seventy six convicts I am pleased to say there is a decrease in the number of convicts ,this I attribute to the better class of immigrants coming into the province.

The house for the Warden has been finished by the contractors and handed over by the department of public works,it is now occupied.

The quarters vacated by the Warden in the Penitentiary building are now occupeid by the Deputy Warden,the house built for the accountant by convict labour is about finished,the hospital wards will be ready for use in a short time to supply a long felt want.

The contract for bringing water from Lake Coquitlam has been let,I trust some arrangement will be made by city council for supplying the Penitentiary from the same source.

The lighting of the Penitentiary by gas I find to be a great improvement on the old plan of useing coal oil.

The conduct of the convicts during the year has been good.The change of clothing I consider an improvement and certainly not so degrading as the old uniform.

The Officers on the whole have conducted themselves well.Good work is being done in the school.

On November the 9th.last,his Excellency,the Govenor General honoured the Penitentiary with a visit,he went over the prison building,workshops and farm yard,he expressed much pleasure with everything that came under his notice.In closing this report I beg to offer the most sincere thanks for your assistance on many occasions during the year.

The Protestant Chaplin,Robert Jameson reports;

The number of convicts under my care this date,thirty eight,as against fifty one last year,the reduction is partly accounted for by the withdrawel of the Church of England convicts from my care in September last by the Minister of Justice,a service for them has been provided in the Wardens Office by ministers of the Church of England at the same hour as the regular service on Sundays and Wedensdays.

The Roman Catholic Chaplin reports;

The convicts under my care continue to give satisfaction, they are really edifying during the mass and instruction and by the good deportment and attention one can see that they wish to learn and practice their duties to God.

Alas, the knowledge of these duties had been neglected before by too many of them, this is in my opinion the reason why so many Catholics are found within the prison walls.

The good treatment I received from the officers is certainly a great help to the Chaplin in the accomplishment of his task and I take the opportunity to thank them with my most cordial thanks, the courtesy of the Warden and other head officers are second to none.

I beg to report in this report my deep sorrow at the premature death of our late and long regretted Mrs. Fitzsimmons, the worthy consort of our Deputy Warden, she was the consolation of many among the convicts and the admiration of all by her exemplary life.

I must also include my sincere thanks to the people for their prompt action in forwarding the organ, chalice and other articles I had asked for the Chapel.

The one thing required at present is a larger and more commodious chapel, I hope one will be built soon.

The Surgeon, W. A. DeWolf-Smith reports;

The average health of the convicts during the past year has been good, the number of prescriptions given to convicts treated as outpatients was three hundred seventy two, we still suffer from the absence of a properly equipped hospital although I believe there is some prospect of temporary hospital accomodation being provided.

The heating of the prison is still unsatisfactory and I would again recommend the introduction of hot water heating.

During the past year the health of the officers and their families has been good, by a recent order the families of the officers are given medical attendance free of charge.

I have great pleasure in noticing the exceedenly satisfactory manner in which Mr. McGiness preforms the duties of acting hospital steward.

I have again to acknowledge my indebtedness to the Warden and other officers for much assistance and advice.

The School Master, Mr. W. H. Keary, reports

The daily average attendance of thirty two, branches taught are, reading, writing, spelling, arithmetic.

The school has been visited by the Warden and Rev. Mr. Jameson.

I sincerely trust that in the near future some provision will be made for better school accomodation.

I have the honor to be Sir; your obedient servant

W. H. Keary

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August 28th, 1890.

To the Editor of the British Columbian:

Sir:

Can you kindly inform me how it is that the prisoners and teams from the B.C. Penitentiary are employed on constructing a drain, and other work, from the new orphans' home at Sapperton to the Brunette Creek? Having seen no notice of any tenders being called for this work, I am rather at loss to understand if it is on a contract, day or job work lines that these good people are carrying out this undertaking.

Can it be within the bounds of probability that a little private scheme for mutual aggrandizement is being manipulated by the Warden and his Deputy to eke out a fairly lucrative position they hold as government officials.

Let us hope, on the other hand, that the greatest of all virtues, charity, has even penetrated the breast of government servants to such a degree that they feel constrained to go outside of their recognized avocation and perform this labour of love simply and purely from a desire of advancing the welfare of the poor orphans.

Be the cause, however, what it may, the effect nonetheless is that the work in question is taken out of the hands of those who are engaged in this kind of work as a means of livelihood and who would gladly avail themselves of such opportunities to earn their daily bread.

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If our respected Penitentiary Officials are underpaid for their services they perform, and cannot subsist without taking work that others still more needy should have, then, by all means, and at once, such representation should be made that would cause our Dominion Government to raise the salaries of its employees in this department, so that they might be enabled to rest from their labours, and be at peace, or at least confine their field of action within the sacred precincts of the Penitentiary walls.

Signed: An Anxious Enquirer.

ANNUAL REPORT OF THE WARDEN, 1891, B. C. PENITENTIARY

Sir:

I have the honour to submit to you the Annual Returns of the Penitentiary for the year ending 30th June, 1891.

On the 30th June, 1890 there remained	76 convicts.
Received since:	33
TOTAL	<u>109</u>
Discharged by Expiration of Sentence:	33
by Pardon:	2
by Death :	1

Which left remaining on 30th June, 1891: 73 convicts.

I am pleased to report a decrease in the number of convicts. The sick have been removed to the Hospital Ward, which has been fitted up for them in a very comfortable manner. The conduct of the convicts during the year has been good. A great many of them appreciate the knowledge gained while attending school.

The Officers have conducted themselves well but much dissatisfaction exists in regard to salaries. The necessities of life are still more expensive in B.C. than in the eastern provinces. A guard when first appointed receives only \$500.00 per annum. Out of this sum he is obliged to pay house rent. There are not enough houses built to accommodate all the married Officers.

The photograph gallery built by convict labour is about completed. I beg to call your attention to the fact that nothing has yet been done about heating the wing with hot water or steam. The stoves are not suitable for that purpose.

The new uniform for the Officers, although much neater than the old is not so suitable for Officers of the Penitentiary, as many of them are obliged to carry keys, etc and there is no pocket in the tunic fit for that purpose. I hope you will see the necessity of having the uniform altered and made more serviceable.

On the 11th of September 1890 we had the pleasure of a visit from the Honourable Sir Hector L. Langevine, Minister of Public Works. He inspected the building. It is now nearly two years since we have had the advantage of a visit from you. This is much too long a time to pass without a inspection. I hope your visits will become more frequent and now before closing this short report I would like to thank you most sincerely for the many favours received during the year.

Your obedient servant

Arthur H. McBride

Warden

ANNUAL REPORT OF PROTESTANT CHAPLIN, ROBERT JAMESON, 1 July, 1891

I have to report favourably on the conduct of the convicts at the School under Mr. Keary. Now the efficient work in the school you may judge from the fact that since the year 884 no fewer than 76 Chinamen and 36 Indians have been taught to read and write English fairly well. Besides the teachings of these various nationalities who came here unable to read or write, the school and the library have been a great blessing to the prisoners. There has been a total of 64 in the Protestant Chapel during the year. 33 Whites, 27 Chinamen and 4 Indians. There are also a few others who attend Sunday Services conducted by Bishop Sillitoe, referred to in the last report.

A report by M. J. Morgan as proof of interest that convicts are taking in their studies as proof of the excellence of the system adopted by Mr. Keary in the manner of education as well as a sure indication that his pupils are fully appreciative of his painstaking and kindness in their regards. We have in prison 28 Catholic convicts as against 32 last year. 16 have been discharged on expiration of sentence and 1 pardoned, while 13 have been received.

Surgeon W. A. DeWolf-Smith on the 1st July, 1891 reported that the health of the convicts during the past year has been fairly good. The number treated as hospital patients have been exceptionally small, some of them particularly two of them suffering from pulmonary trouble have spent a long time in the hospital which keeps the expense of this department high. More prisoners are treated as out-patients this year than last, the number of prescriptions given to such patients - 444. I regret having to mention the fact that on the 19th July 1891 one of the convicts died suddenly. An inquest was held and a verdict of death from heart disease was returned.

The heating of the prison is still unsatisfactory, and I again recommend the substitution of a hot water system for the plan now in use.

End of Report

REPORT OF THE PROTESTANT CHAPLIN, ROBERT JAMESON.

Robert Jameson making his 13th Annual Report for the year ending 30 th June 1891.

The organ has very much helped to brighten our services and make them more impressive and I trust are more profitable. There are two things we very much require: a larger chapel - if it were not so crowded and had better ventilation it would be better for our health and our devotions. Second: we require a more satisfactory method of getting additions to our library from year to year, many of the books we ask for we never get and many of them are so cheaply and badly bound that they are almost useless. Why could not the Chaplins get the money allowed and be at liberty to purchase the books to the best advantage. It is very little that is granted to us for the purpose. I have long been under the impression that we do not get all or even that little.

Acting Catholic reports 28 catholic convicts as against 32 last year. 16 having been discharged on expiration of sentence.

My sincere thanks are due to the Warden and other Officials for their unvarying courtesy.

The School Master reports an average of 25 convicts for the fiscal year.

28th. January, 1892

Vancouver Daily World

Life behind prison bars;

It would perhaps be some what unfair to charge the time honoured city of New Westminster with being the home of crime, and yet it comes very near being such, which is the home of nearly all the criminals in the province whom the authorities can lay their hands on.

The Dominion British Colonies act and the Provincial Prison act are both included among the criminals of that city.

To the average newspaper reader, criminals and their habits are always interesting, and nowhere in Canada can the study of both be better afforded than at the British Columbia Penitentiary.

Curiosity prompted the World representative to pay the institution a visit on Tuesday and came through the courtesy of Warden McBride, nothing of interest was allowed to pass unnoticed, the institution commands a grand view, from the rooftop a beautiful panorama of scenic grandeur is presented. The lordly Fraser can be seen given back to one dazzling, simmering brightness of the noon hour sun. Afar its banks, forest of pines and cottages are mirrored in the waters.

All told there are at present seventy four convicts confined in the Penitentiary and they represent all colors, creeds, races and are drawn from every degree and station in society.

The deliberate schemer, the victim of circumstances, all there and different though they have much the same measure of justice meted out to them. China of course contributes the lions share of the population, but less than nineteen of the total number of convicts claiming as their native country the land of the rice and tea planter. The noble red man of the forest have a very special knowledge as regards numbers, there being seven of them. There is a large register of convicts kept in the guard room on the ground floor and this gives the connecting link between their arbitrary prison numbers and the convicts names and lives, there are four life men in the penitentiary, they are known to the associates simply as convicts 273, 256, 222 and 354. The first of these is Michael Kennedy whose liberty was cut short for the foul murder done, the two following numbers represent Chinamen, LeChang and AhChang, the authorities have never had time to think or determine which.

AhChang was sentenced to death but sentence was commuted to life imprisonment by the government. The government has fed, clothed and has contracted to do so while he remains in this vale of sorrows, LeChang, his fellow countryman did not commit murder but in company of several others he made a first class attempt at killing a defenseless old woman who kept a small store, in consequence the government has been providing for his every want since that he may not repeat the attempt. The last of the quartet who had their course marked out for them to the grave is Lawrence Wheelan, whose part in the shooting of David Fee of Victoria has not yet been forgotten, though every hope in this world has died out of their breast these men go around much the same as the others, they have become wonderfully mechanical and they care not whether the sun shines or whether it hides behind a cloud, they go about as mere machines, because in prison at least, it is by far the easiest but quite indifferant to their surroundings.

Among the other convicts are Martin Van Buren who is credited with holding up the Caribou stage express a short time ago and relieving that conveyance of surplus money and valuables which were aboard, despite the decided Dutch name which he honours, the stage robber is an American and those who are supposed to know say that when he has served the term he will come into the enjoyment of the spoils which amount to much more than he could have honestly doubled during the period of his incarceration.

Then there is the famous Dr. G. H. Griffen whose alleged fun is for writing greek letters, profitic of other peoples demises and ornamented with ominous black hands, cost him his liberty. The Doctor has had perhaps as adventurous a life as any convict in the penitentiary, he has fluctulated from wealth and affluence with the attendant coach and four to the poverty stricken wretch and convict, and there are those detectives in Uncle Sams domains who are so sure that the Doctor is an accomplished embezzler that they have had pictures of him printed on cards and distributed freely among the police officials of the american continent, in it the Doctor is shown during the times when he was flush, when his moustache was waxed out, when he wore a button hole boquet and under such circumstances he is certainly more presentable than in the convict garb, and better able to hide the mixed blood which courses through his veins.

The Dr. is married, having several years ago taken one of London Ontario's daughters as his wife, his honeymoon was as brilliant as a sky rocket, but since then the bride has had occasion to believe that the current of true love does not run smoothly, as her spouse has more or less been under restraint by reason of lack of appreciation for his talents by several different communities.

The chief cause of crime has been the problem that more than one has struggled with in vein to solve. Warden McBride dispenses with it in a somewhat original and reasonable method, he charges insanity with being the chief cause of crime and when one considers the length of the word to which insanity must be stretched, the reasonableness of the theory becomes more apparent, but that is not what the world wants to reason about. There are in all about ninety four acres connected with the penitentiary and since the inception of the institution almost half of that has been cleared and put under cultivation by convict labor, and the convicts are now at work clearing the ravine which will also be put under cultivation. There is no room for idlers in the British Columbia Penitentiary, all are kept employed, and so diversified are the callings of convict labor, is altogether restricted to the maintenance of the institution.

All the vegetables used are grown upon the premises and this renders the keeping of hogs an easy matter, a few cows and a number of sheep are also kept and the care of these also occupys no small portion of the out of door labor, when coupled with the land clearing.

There is also much inside work to be attended to, there is a bakery, carpenter shop, shoe and boot shop and a tailoring establishment, a better class of prisoners are entrusted with these branches of the work as it would be unsafe to trust the desperate characters with the tools of the trade. The convicts are assigned to certain departments of work by the requirements of the time demanded, in the case however of a young man entering the penitentiary who shows himself deserving of consideration an effort is made to permit him to work in a particular line which he desires.

From six to eight guards upon elevated lookouts keep their attention on the the penitentiary and its workhouses during the day and they are so arranged that they can cover any part of the grounds with their Winchester repeating rifles.

Warden McBride looks well after the diet of convicts and it is doubtful if any prison has so varied a bill of fare as the B.C. Penitentiary, indeed through the institution it is a marvel of good government which evidences better than anything else could that a steady level head and a firm hand is the directory of its affairs.

The raising of hogs enables the warden to have the convicts change off from beef once in a while to pork and on Sunday morning they generally have mutton stew, each morning pea coffee is served and the tea custom is observed by serving of salmon to every convict in the prison and on such an occasion they receive an extra allowance of tea.

The institution is far more comfortable than many suppose and it is a question indeed that taking in discipline and the like, save the disgrace, many honest laborers would be willing to change places with those inside the prison, everything is planned that the best in their nature is appealed to. The cells are rather smaller than most prison cells and in each of these every article of clothing and furniture has a number stamped upon it. No correspondence with the character stamped upon the bosom of the occupant other than clothing.

There are four tiers of cells and they will accommodate all told nearly one hundred convicts, in front of each cell is a gas jet and these according to the prison rules are kept burning each evening until nine o'clock when all are supposed to turn in, it would surprise our readers if they could have a glance into these cells and see the books which are piled upon the convicts little shelves.

There is hardly a prominent devine whose sermons are not in one of the cells or another, this may be the fruit of the regular religious services which are held twice a week.

There are three religious denominations in the life of the penitentiary, the Church of England holds forth in the wardens office, there are not many of its members, the Roman Catholics have a neat little chapel arranged for them just off the wing in which the cells are and across the hall from this, the remaining chapel, this is the presbyterian stripe, and as those who are not either Catholic or Evangelical, churchmen are sent in by the presbyterian route. The services in the chapel are more numerously attended than any of the others.

By good conduct a convict may greatly shorten his time, this arrangement has the effect of securing good discipline among the men and saveing a few scraps among themselves there has been no disorders of a serious nature.

Recently a photograph gallery has been erected and photo's of the convicts are now taken as they arrive, there is one thing which reflects much to the credit of the province and that is the absence of female offenders, there is not a female prisoner in the penitentiary and since its inception there has been but one, Helen Hardy, with a dozen different aliases, she is now doing a second term in the provincial prison for larceny.

The Warden has a wonderfully attractive home a short distance from the penitentiary, his grounds also command a grand view of the river immediately below, the electric alarm calls which connect the different parts of the institution are also connected with the wardens residence so that in the event of any uprising, any man attached to the penitentiary can be communicated with instantly.

The staff of the penitentiary is composed of; Arthur H. McBride-Warden, Rev. R. Jameson, Presbyterian Chaplin. Rev. Father Guertin O.M.I., R.C. Chaplin. James Fitzsimmons, Deputy Warden. W.A. DeWolf-Smith, Surgeon. W.B. Keary accountant and store expert. Thomas A. McGinnis, steward. W.J. Carroll, hospital overseer. George McKenzie, A. Coutts, Charles M. Dera, James Miller, Kenneth McRay, trade instructors. Thomas Quilty, Keeper. R. Smith, Teamster, Hal McKay, Finley Stewart, James Doyle, R.J. Robertson, D.C. McGillvary, Adam Jackson, Benjman Burr, John McNiven, Pat Finnigan, Thomas Sampson. Dan McMaster and E.J. Muldoon guards.

In addition to his other duties the accountant has to teach school each day after dinner, as soon as dinner is over those of the convicts who cannot read or write are brought out of their cells as well as the foreigners and during their lesson the most confusing bablum of talk fills the air. The lessons are heard in front of the cells.

ANNUAL REPORT OF THE WARDEN FOR THE YEAR 1892
 TO THE
 INSPECTOR OF PENITENTIARIES: J. G. MOYLAN, ESQUIRE

On the 30th June, 1891 there remained here:		73 convicts
Convicts received since:	Males	19
	Females	1
	TOTAL	<u>20</u> Received
Discharged by Expiration of Sentence:		15
Discharged by Pardon:		1
by Escape:		<u>2</u>
Left remaining 30 June 1892:		75 convicts

I am pleased to note the decrease in the number of convicts during the past year, that is when compared with the number admitted during the former years. The conduct of the prisoners has been good and you will regret if I do not demote that the general health has been very favourable, although there has been a great deal of sickness in the surrounding neighbourhood we have suffered very little inconvenience from illness. At the present writing there are no cases in the hospital.

I must draw your attention to the fact that our water supply is far from fresh and at times is not fit for drinking or cooking. The work of clearing and building is going on above the dam. Old roads are being reopened and after a rain the condition of the water is most objectionable. The city waterworks are nearly completed and one of their mains run along the northern boundary of the Penitentiary grounds. Therefore, I hope you will see fit to have the prison and other buildings supplied from that source.

The School continues to be satisfactorily conducted under Mr. Keary.

A new wharf on which improvement was very much needed has been built during the year. In order to make it more serviceable for our wants it will be required to be partly covered.

I am glad to see than an appropriation has been made for heating the prison building with hot water which should have been done in the beginning. It is impossible to keep the place neat and clean with the number of clumsy stoves required.

You will be pleased to hear that the conduct of the Officers has been good. I am happy to say that I have seldom had to report anything to the contrary, and now in closing this short report, I beg you will accept my sincere thanks for the kindly assistance received from you on many occasions; not only for the year just ended but also during the many years that I have had the honour of managing this Institution under your able guidance.

I remain your obedient servant,

Arthur H. McBride
Warden

REPORT OF THE SCHOOLMASTER, 30 June 1892

Sir:

I beg leave to submit my report on the school at this Penitentiary for the fiscal year ending 30 June 1892.

The average attendance was 27. Subjects taught: reading, writing, spelling, dictation and arithmetic. With pleasure I state that the majority of those attending desire to improve by embracing every opportunity both on the school and in the cell practice.

Many thanks are due to our Warden for the great interest he has taken in this department. Also to the Chaplains for aiding in the good work in education. It is regreted that a more suitable room for school cannot be provided, as it is now we use one side of the wing for teaching which is not at all convenient.

Your obedient servant

W. H. Keary
Schoolmaster

Some salaries paid in 1892:

Messenger \$560.00 per year to the Warden at \$2,150.00 per year
Per Capita cost for convicts for the year 1891 - 1892 is \$480.46
Net per capita cost per diem: \$1.30

The Protestant Chaplin Reports: there have been 51 convicts under my care during the year. 43 remaining at this date, 30 June 1892.

White: 17 Chinese: 20 Indians: 3 Coloured: 2 Halfbreed: 1

The Roman Catholic Chaplin, W. M. J. Morgan Reports: for the year ending 30 June 1892, the number of convicts under my charge has been reduced from 28 to 23.

Report of the Surgeon, 1st July 1892: the health of the convicts in this Penitentiary has been good. During the past year we have reason to be thankful that the small pox which is now more or less epidemic throughout this province has found no entrance to the Penitentiary. I again beg to call to your attention the question of heating the prison.

Schoolmaster for the B.C. Penitentiary 30 June 1892 Reports: the average attendance is 27. Subjects taught: reading, writing, spelling and arithmetic.

End of Report.

Inspector of Penitentiary's report for 1892

B.C. Penitentiary

The conduct of the prisoners as reported by the Warden to have been good and to have given satisfaction, one convict excepted, this man is thoroughly depraved and wicked and hails from the States, it is wrong that such a hardened and unscrupulous villain as he is should be let loose upon society at the expiration of a comparatively short sentence. For these characters the prison of isolation coupled with the indetermined sentence system would be just the remedy.

The Warden calls attention to the defective character of the water supply, pursuant to my report you have seen fit to authorize the negotiation of a contract with the waterworks commissioners of New Westminster to furnish the Penitentiary. The terms are favourable and include fire service, water for the farm yard, garden and Officers quarters, tenders for the pipe and plumbing have been called for and the award of the contract has been made.

The water is pronounced to be of superior quality from the Coquitlam Lake and would be abundant and unfailling as long as required, the corporation of the city of New Westminster made application for fifteen feet of ground in front of the Wardens residence for the purpose of widening the public road running from the city to Sapperton and Port Moody, this has been allowed on condition that the grade of the road be raised and a retaining wall built from the wooden bridge over the creek running out of the ravine to the entrance gate to the Wardens Grounds.

A similiar wall is to be built by the corporation at the foot of the embankment from which the officers quarters stand.

If the work be properly and substantially done the government property will be greatly improved.

A new wharf for the use of the prison has been constructed, it is strongly and solidly built, a shed upon it will be necessary for coal and lumber etc. and can be put up by convict labour. The small wharf and shed directly opposite the entrance to the Penitentiary has not been removed, it is objectionable to have these structures so near to places where the convicts work and to have small boats moored to them, by the aid of confederates in these boats, escapes could easily be effected. The Warden has been instructed to carry out the provisions of the act by clearing away the trespassers from the Penitentiary reserve.

It is proposed to heat the prison with hot water and an appropriation of \$5,875.00 was made for that purpose last session, tenders have been invited and the work will be done at considerably less cost than was estimated.

The guards quarters are in good repair but baths are much needed, these can be put in at a comparatively small expense, I recommend that they be allowed.

The crops have been very good, the land is skillfully handled as regards manureing, draining, rotation of crops and thorough cultivation. This is shown by the fact that there is no expenditure for potatoes or other vegetables or forage incurred here. The trades carried on are tailoring, blacksmithing, carpentry, shoemaking and baking which gives employment to about thirty convicts, the other prisoners are engaged in the necessary domestic work of the prison and at outside labour such as farming, clearing the land, gardening and general improvements on the reserve. Several Indians and Chinamen work in the tailor shop and become very good tradesmen, the work done in the shoe shop is of superior quality, the instructor taking great pains with his men. The output is greater than is required for the prison. I recommend that authority be given to dispose of the surplus to outside customers at trade prices, this is so comparatively limited that it cannot effect the regular dealers, even at the risk of doing this I consider it necessary to urge the advisability of placing on the market the proceeds of convict labour as well to create revenue as to afford the prisoners the means of learning trades.

A number of officers are obliged to pay rent for the houses they occupy, ten only having been built by the government for married men, I recommend that those who cannot be accomodated with lodging be granted an allowance for rent in order that they may be placed on the same footing with the men who have free houses.

In an interm report from the Protestant Chaplin, he makes objection to convicts attending the Church of England services provided gratuitously by Bishop Sillitoe, there is no just grounds for this complaint, the same arrangements will be carried out under similiar circumstances in each of the other Penitentiaries, that is to say, where clergymen of different denominations volunteer their services and were accomodation available at the appointed hour for religious exercises.

The principle of permitting convicts to attend the worship of the church to which they belong has always been recognized by the Minister of Justice, the obstacles in the way heretofore have been lack of clergymen to offer their services in conformity with the prison hours and rules. The protest of the Chaplin therefor in view of the usage established by the former board of directors and which has been confirmed by successive Ministers of Justice in inopportune and not in order.

The Chaplin reports forty three convicts remaining in his care at the end of the year, twenty were Chinese, three Indians, two negroes and one halfbreed with seventeen white men. The conduct of the prisoners while attending divine service he says, has been very good.

The Catholic Chaplin has had twenty three convicts under his charge, their general conduct he states, leaves little to be desired. He regrets the accommodation for those attending school is not better, as at Dorchester: the school is held in the flag passage of the cell wing, at present nothing better can be provided, but when the new chapels are built this want can be met. The choir is making satisfactory progress, Father Morgan also suggests that the organists **remuneration** is hardly commensurate with the labour involved and the time taken up.

The surgeon reports the health of the convicts to have been very good, it is fortunate the Penitentiary escaped the smallpox which made its appearance in several places throughout the province, he says the hospital overseer, Mr. Carroll continues to discharge his duties in a most satisfactory manner. The school, under Mr. Keary, accountant, is conducted with the same careful attention to competency as in former years. The school masters task is a difficult one, requiring great patience and labour owing to the mixed races among the pupils, with all, his success in bringing them on is remarkable, Chinese, Indians and Italians in a wonderfully short time, of those attending the school, the Catholic Chaplin says their patience and assiduous attention to study certainly deserves praise. It is probable that a change in Wardenship will be necessary on account of the ill health of the present incumbent. Mr. McBride entered the colonial service as governor of the Victoria Gaol in 1864, this Gaol answered also the purpose of a Penitentiary and a number of convicts having long sentences on a life man were transferred from it in 1878 to the Penitentiary at New Westminster to which Mr. McBride was appointed

Warden in June of that year.

Inmates remaining on the 30th. June 1891, 73 males, no females, total 73.

Received since June 30th. 1891, 19 males, 1 female. 20 total.

Discharged since 30th. June 1891, 17 males. 1 female. total 18.

Remaining in the institution 30th. June 1892, 75 males, no females,
total 75.

During the year the population increased by two, there were two escapes,
the daily average in the institution 73, no deaths.

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March 13th, 1893

The Columbian

THE PENITENTIARY INVESTIGATION

Mr. George Lawrence Foster, Accountant for the Penitentiaries Branch, Department of Justice, arrived in the City on Saturday evening to investigate certain matters at the B.C. Penitentiary, his investigations, it is understood, will occupy at least a week.

Mr. Foster is accompanied by his wife, and they are staying at the Colonial Hotel.

Vancouver

March 14th

G. Lawrence Foster, Special Accountant of the Department of Justice for the Penitentiary Section, arrived from Ottawa a few days ago and went over to New Westminster to investigate the accounts of the Penitentiary, the charges of boodling in connection with this Institution are of the gravest character, Mr. Foster comes at the instigation of G.E. Courbould, Member of Parliament from this district.

Money has been misappropriated, and it is alleged has been lost in gambling at a well known Westminster club.

The Penitentiary Officials stand well socially, and the result of the investigation is anxiously awaited.

March 21st, 1893

British Columbian

SAWED THE BARS

Particulars have leaked out of the clever attempt on the part of John McCabe to escape from the Penitentiary. McCabe, it will be remembered was sentenced on December 19th last by Mr. Justice Bole to a term of seven years in the Penitentiary for his connection with the extensive robbery of liquors from a bonded warehouse. Since his admittance to the Penitentiary, McCabe has been on the sick list, and it was while in the hospital ward that he attempted to gain his liberty. Being left much to himself, he managed to obtain a knife and file, and with these cut the bars to the window almost through, each evening filling the cut up with soap and blackening their surface to give them their usual appearance. With several spare blankets he fashioned a rope and had everything ready to escape on Thursday evening, when his actions raised the suspicions of the officials and they watched him. The result was the discovery of his whole plan, and his clever game was up. McCabe is a desperate character from south of the line, and, while waiting trial before Judge Bole, made an attempt, with four other prisoners, to escape by cutting through the brick wall of the Provincial Gaol. This feat they had nearly accomplished when discovered.

ANNUAL REPORT OF THE WARDEN FOR THE YEAR ENDING 30 June 1893B. C. PENITENTIARY

I have the honour to submit to you the Annual Returns on the Management of this Penitentiary for the year ending 30 June 1893.

On the 30 June 1893 there remained:	73 convicts
Received since:	38 males
	1 female
	<hr/>
TOTAL RECEIVED:	39 convicts
Discharged by Expiration of Sentence:	21 males
by Pardon:	1
by Death :	1
Transferred to Kingston Penitentiary:	1 female
	<hr/>
TOTAL REMAINING 30 June 1893:	90 convicts

Although the number of convicts has increased during the past year, I am pleased to say the general health has been good. No doubt owing to the perfect drainage of the Institution. We are now using water from the city reservoir which is very pure, it comes from Lake Coquitlam, about fourteen miles from the city. The pressure for fire purposes is about 117 pounds, with a never failing supply. The hot water heating apparatus has also been put in the dormitory and halls which will have a great improvement on the stoves formerly used. The heating apparatus in the workshops was so unsatisfactory, especially during our last severe winter, that also has been thoroughly renovated under the supervision of Mr. J. Devlin, Engineer from Kingston Penitentiary. Mr. Devlin will have other plumbing done, very necessary for sanitary purposes.

A stone wall has been built in front of the Wardens quarters by the city authorities, assisted by convict labour. A deep cutting has been made on

Columbia Street by the City authorities in front of the married men's quarters. A stone wall must be built there at once, as the bank is crumbling away.

The school, as has always been the case, continues to make good progress under the supervision of Mr. Keary who takes great interest in it.

The conduct of the Officers is good. Provision should be made for married guards where the government has not provided houses for them. Allow them at least an equivalent to the amount they pay for house rent.

Provisions must be made to increase the accomodation for convicts. At present there are very few cells unoccupied. Before closing this report I must remind you of the benefit derived from the Inspector's visit. It matters not how clearly the Warden's Report may go into details, it fails to impress upon the Department the wants that exist which the Inspector can only see and in nearly every case can remedy them. Certainly no one can fill his place here and his visits should be made frequent.

Your obedient servant

Arthur H. McBride
Warden

The Roman Catholic Chaplin Reports:

There are at present under my charge 24 convicts. 23 being men and one women, as against 23 last year.

The Report of the Surgeon 1 July 1983 :

It is with satisfaction that I again report the fact that no serious disease has invaded the prison. The number of men treated in the hospital has been small. I am glad at last to be able to report that the last portion of the prison has been heated with water.

The Schoolmaster Report, 30 June 1893:

The average attendance 32. Subjects of instruction: reading, writing, spelling, composition, grammer and arithmetic. Nationality of those attending: Whites: 8 Negroes: 3 Indians: 11 Chinamen: 10. It is regretted that the time allowed for teaching is so short - 20 minutes. Besides which the choir practice as now arranged seriously interferes with the attendance at school on Fridays and Saturdays.

End of Report.

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August 31st, 1893

The Columbian

Letter to the Editor;

Sir:

My attention has been called to what seems, to put it mildly, very strange conduct in the management of the B.C. Penitentiary. I have been informed that a certain friend of Deputy Warden Fitzsimmons died on the 28th inst. last Monday, that on the following morning Mr. Fitzsimmons took a guard from the Penitentiary to the Brunette Mills and procured some lumber, which was taken to the Penitentiary shop and there converted into a coffin for the deceased friend; that, on the same evening, the Deputy Warden took two guards, in charge of two convicts, to a certain church cemetery some distance from the Penitentiary in the woods, the party remaining out until between eight and nine o'clock, engaged in digging a grave and completing funeral arrangements; and that, during the forenoon of the next day, all the convicts in the shops, were locked up while Deputy Warden, and all the available guards, about eight in number, and two convicts were attending the funeral of Mr. Fitzsimmon's lamented friend. Now, what a number of innocents, myself included, want to know is, has the B.C. Penitentiary, as a concern, gone into the undertaking business, or has the Deputy Warden started in this line on his own account, with full authority to use the staff and resources of the Institution at pleasure.

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Another thing we should like to know is, what was the Warden thinking about to allow such irregularities as above noted.

I understand that further particulars with regard to the subject matter of this communication may be obtained from guards P. Finnegan, J. Doyle and teamster P. Smyth, who are in a position to furnish the same.

Yours truly,

A Taxpayer.

December 16th.1893

The Colonist

Attempted Jail Delivery;

A gang of convicts led by a life man made a desperate attempt to escape from the Penitentiary in New Westminster on December 15th.1893, shortly before five O'Clock last evening by a number of convicts working on an outside gang,the attempt was unsuccessful,a member of the Colonist visited the Penitentiary to obtain full particulars of the incident,Mr.McBride said that all the information he would give was that three convicts tried to escape and that one had been shot in the leg.

The little revolt was witnessed by one outsider,however,who gave the following particulars.

A gang of fifty one convicts had been working all afternoon in the ravine within the walls to the west of the Wardens residence not far from the Columbia St.limits of the grounds.

A few minutes after four thirty P.M.an order was given by one of the guards in charge to form up and return to the Penitentiary,as the convicts bunched together a number of them by pre-concerted arrangement made a sudden break from the ranks and charged one officer,Coutts,who stood between them and the wall,throwing stones and roots at him as they advanced,the officer stood his ground at first and ordered the men back,they replied with a yell and a fresh shower of stones and continued their rush for liberty.Coutts,armed with a repeating rifle fired several shots over the heads of the mutineers,this frightened the more timid of the gang who came to a halt but a number still kept on across the ravine and by this time the guards on the wall had taken in the situation and opened fire on the revolters,the whistling of the bullets about their ears brought all but three to their senses, this trio consisted of a man named Kennedy,a Half-breed and another individual whose name could not be learned,regardless of the shower of lead falling about them they continued rapidly across the ravine and their chance of escape were brightening each instant,when a bullet struck Kennedy in the calf of the leg he fell,unable to proceed further,when Kennedy fell the other two came to a stand still and allowed themselves to be retaken.

The gang was immediately marched to quarters and the wounded convict removed to the prison hospital.

Kennedy who was seriously wounded is serving a life term for murder five years ago at Golden British Columbia.

It is believed he was at the head of a plot to bring about a wholesale goal delivery which was frustrated by the vigilance and prompt action of the guards and officers.

May 16th, 1894

The Columbian

PENITENTIARY INQUIRY

A mass of papers in connection with the British Columbia Penitentiary matters were presented to Parliament today. They make interesting reading:

Inspector Moylam, in November last, asked the Warden for explanations of the following points brought out by Accountant Foster's examination. That certain accounts had not been paid, that the laundry and bathroon were in a dirty condition, but **porter** had been supplied for the Warden's use, but proper requisitions for supplies had not been made, that grain had been improperly appropriated by the Officers of the Penitentiary for poultry feed, that bread had been taken to the R.C. Orphanage, necessitating the purchasing of bread the next day for the Penitentiary Building. Materials were also taken for this orphanage and not paid for. The snow shovelling had also been done by convicts for this Institution, while fuel and gas had been wasted.

The Minister desired the Inspector to express his regret at discourtesy and obstruction had been shown to Mr. Foster, the accountant, when he was visiting New Westminster to inspect the Penitentiary.

Spies were put upon Mr. Foster, and Sir John Thompson regarded this as an act of gross insubordination and an insult to himself.

For acting as a spy G. Finnegan had since been dismissed, and

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since that time had been endeavouring to implicate other officials. He says that Keary, the Penitentiary Accountant, made disparaging remarks against Foster, but Keary emphatically denied this.

ROYAL COMMISSION 22nd. June 1894 The Columbian

The first sittings of the Royal Commission appointed by the Dominion Government to inquire into the affairs of the British Columbia Penitentiary, was held in the Court House this morning. The public attendance was very small.

Mr. Justice Drake took his seat on the bench sharp at 11 o'clock and Mr. H. Maurice Hills, his secretary, read the Commission appointing His Lordship to preside over the investigation.

Mr. Jenns appeared for Warden McBride, Mr. McPhillips, Q.C. for Deputy Warden Fitzsimmons, Mr. Gaynor for ex-guard Finnegan and Mr. McColl, Q.C. for several of the staff. Mr. McPhillips, Q.C., counsel for Deputy Warden Fitzsimmons, addressed the Court and said he was informed charges were to be preferred against his client, and asked that he be informed of these charges, in order that he might be able to prepare the defense.

Mr. Justice Drake replied that his instructions were to investigate the past management of the Penitentiary as well as the charges against the officers. Every opportunity would be given the counsel for the defense to forward the interest of the clients. The Judge then asked if there were any persons present who had evidence to give. Mr. Jenns, for Mr. McBride, said his client was anxious for a thorough investigation of the Penitentiary affairs. If anything irregular or dishonest had been done, it was without his knowledge and without the chance

41 A

of ordinary detection by the head of a department. Mr. Justice McCreight gave evidence regarding the periods he had kept his horse at the Penitentiary. He had usually paid at the rate of ten dollars per month for the keep of a horse in the Cariboo, Lillooet, and other parts of the Province, and had paid the same at the Penitentiary. Continuing, Judge McCreight testified that he first took his horse to the Penitentiary on September 4th 1886, and kept it there for various periods, some extending over several months, until last year. He always paid at the rate of ten dollars per month, and produced his diary and several cheques to prove payment. All the monies were paid to Mr. Fitzsimmons, he had never paid money to anyone else. The first payment by cheque was made in 1890, usually the amounts due were small and he paid in cash. A cheque for thirty dollars was given Fitzsimmons on September 29th 1890 and another for fifty dollars on April 18th 1891, a third for one hundred and thirty-five dollars in 1892, and a fourth for fifty dollars and twenty-five cents on March 25th 1893, the last payment was made on May 3rd 1893, when he gave Fitzsimmons thirty dollars in cash. The horse was not kept there afterwards. When the cheque for one hundred and thirty-five dollars was given, the horse had been at the Penitentiary about five months, and after deducting payment at the usual rate, the balance was given to the Sisters of the R.C. Orphanage. Mr. McPhillips asked, had no conversation with Mr. McBride while keeping the horse there when it was first taken to the Penitentiary, the object

41 B

in sending it there was to put it on grass. Was not told there would be no charge for the horse running on the grass, and always paid for the time it was there. The payments were always made voluntarily, and was never told there was no necessity to pay. Understood some of the money was to go to the convict that looked after the horse, the amount paid was abundant for both, but there was no definite arrangement. Witness intention was to take nothing from the Dominion Government without paying for it. Once offered payment to McBride, who said he couldn't take it or it would have to be posted in the books. He had always thought the amounts were credited, and Mr. Bridge's statement caused witness to make inquiries through Father Guertin, the Roman Catholic Chaplain, who told him Fitzsimmons said the amounts had all gone through the books. Had no recollection of Fitzsimmons saying there would be no charge for the horse running around the fields. Had no recollections of giving Fitzsimmons money for his charitable purposes that they once mentioned. The cheque for fifty dollars on April 18th, 1891, was for the keep of the horse.

By Mr. Jenns-

Mr. McBride wrote witness in June 1891, saying that he had no authority to permit the horse to remain there permanently. This concluded Mr. Justice McCreight's evidence. No other evidence offering. Mr. Justice Drake adjourned the investigation until 10 o'clock to-morrow at the Penitentiary.

41 C

The second sitting of the Royal Commission to examine into the management of the B.C. Penitentiary was held on June 23rd, 1894, when Warden, Deputy Warden, and Accountant were represented by Council, as was also ex-guard Finnegan. At the request of Mr. Justice Drake, the list of officers at the Institution since its establishment, and the convicts roll were handed over to the Commission.

Reverend Father Morgan, Roman Catholic Chaplain of the Penitentiary was sworn. Mr. Justice Drake on handing a letter to witness addressed the Honourable Justice McCreight "look at that letter and see if it is your hand-writing." Father Morgan; "yes, that is mine." His Lordship; "Who is the person you are alluding to there as an innocent man?" Father Morgan; "Well Mr. Fitzsimmons." His Lordship; "that is all I wanted to find out. Allow me to impress upon you the great impropriety of that letter and a restatement contained in it. By reason of your position, you ought to know the law has to be obeyed, and you have been guilty of a criminal offence in writing that letter. A person of your education ought to make himself acquainted with the laws of the country under which he lives. Fortunately for you, the person to whom that letter is addressed is not likely to be influenced by the terms of it. It might have had a far different effect on an ignorant or prejudiced mind, and, if it had been so, I would have had no hesitation in doing my duty and putting the law in force to prevent scandal such as that. I take this opportunity to warn you and everyone else

41 D

connected with this Inquiry, that, if I find there is the smallest attempt to influence any witness in any way, I shall take summary measures to make that person suffer for his imprudence." The Reverend Father Morgan; "it was done in perfect ignorance. I did not think." His Lordship; "Then sir, the sooner you get rid of your ignorance the better. I can understand a letter like that from an illiterate man, but not from a man of your education."

The letter could not be obtained for publication.

W.H. Keary, Accountant, was next called and a detailed list of the books in use in his office. The books to be used under the new system had not been supplied the Penitentiary yet. They were sent for last year through the Warden.

Mr. Keary then turned up the cash book, showing that the only entries of cash received from Mr. Justice McCreight for the care of horse was last year, when two sums aggregating eighty dollars were paid. The money was handed in by the Warden.

Mr. Keary next identified a slip of paper on which was certain writing. It was the writing of a convict, and was given him by Mr. Fitzsimmons. Mr. Keary next explained how monies received from the shops were handled, and also the form to be observed in the case of goods bought from the Penitentiary. The Warden had permission to sell to officers any surplus stock, he had full charge. Witness should have had an account of all sales.

41 E

He had no entry into a number of empty flour sacks removed from the Penitentiary. He had no knowledge of any chickens or ducks taken from the Penitentiary, none belonged to the establishment. As storekeeper, he missed quantities of rice and meal, which had been taken for chicken feed. The Steward informed him. No record was kept of the increase of swine from year to year, or the disposal of these animals. He was never allowed to know anything about them, he asked for weights, and was refused by the Deputy Warden. The same applied to the mutton raised on the farm, no account was kept of the fruit and vegetables. He was not allowed to keep accounts of these products. Deputy Warden Fitzsimmons kept them, the Deputy had no clerk. The only information witness could get of the amount of hay, fruit, vegetables, grain, etc., raised on the farm was from the blue book, in the report handed by the Deputy Warden to Inspector Moylam. His books show no record of grain having been sold in 1888. The provisions brought to the Penitentiary, except meat, bread, and fish, which were delivered direct to the Steward or Baker, were accounted for in his books. Lumber and cement, etc., were purchased without the proper requisition, and he knew nothing about them until the accounts came in at the end of the month. To his knowledge no particular account was kept of the manner in which the lumber, etc., was disposed of. The Warden never ordered anything, except in an emergency, without a requisition. The Deputy Warden ordered goods without requisitions. When coal arrived at the wharf, it should have

41 F

been weighed. Witness wished to carry out his duty and see it weighed, but he had been sometimes prevented by the Deputy Warden and teamster. The coal sometimes lay on the wharf for six weeks after arrival. The coal was always weighed, with one or two exceptions. This concluded Mr. Keary's evidence for the time being.

Two other witnesses Thomas Quilty, Keeper, and Samuel McPherson, Instructor, were examined before the Commission adjourned for lunch.

Thomas William Quilty, Keeper, sworn, said, a few years ago Mr. Fitzsimmons had a black cow raised on the farm, and she was taken away, potatoes, the property of the Penitentiary, were removed on December 24th, 1891, and about half a ton of mixed vegetables, were removed to the orphanage, by order of the Deputy Warden, by myself. In July or August 1890, a quantity of lumber was loaded and taken to the orphanage, in two loads, by a verbal order of the Deputy Warden, parts of animals killed on the farm were taken away, pigs were killed, and the hams and bacons smoked and handed over to the Deputy Warden, the Warden also got some, didn't know if the Penitentiary purchased these pigs. Convicts worked outside the grounds, myself and another guard took five to the orphanage in the fall of 1890, where they worked digging drains, by direction of the Deputy Warden. Spirituous liquors had been brought into the Penitentiary frequently since 1882, had brought it in for my own use, no convicts were given liquor in the prison, but when

41 G

working late they were given a drink of beer sometimes - about a glass and a half each. Some beer was brought from the Warden's house to the convicts when they were working in the garden, until Mr. Foster came. Goods coming into the grounds were not inspected. On occasions had been sent out with from thirty-six to fifty-two convicts with only one assistant, considered that dangerous and reported it to the Warden. The Warden replied it was Mr. Fitzsimmon's doings. Have purchased goods from the shops, making requisitions therefore, the Deputy Warden gave me the makings of a suit of clothes, which he said was the Sunday uniform he was entitled to, paid Mr. Fitzsimmons twenty-five dollars for the cloth. Have known rule 262 violated, in 1891 first, Mr. McBride told me he had put guard Doyle to watch instructor Miller of the bake shop. On another occasion saw guard Doyle, and was informed that he carried information of me to the Deputy Warden. Was in charge of the convicts at the last attempted escape, April 23rd, a gun was unearthed by the convicts about one hundred and twenty yards from the wall inside the grounds. Kennedy unearthed it, there were thirty-six convicts in the gang and only one officer was with me.

Samuel McPherson, Instructor, sworn, said I have reported a certain convict at different times to the Deputy Warden, and no action was taken. Once the Deputy Warden, when a complaint was made, entered the shop, and asked the convict what the trouble was, and censured me, heard the Deputy Warden also censure the Steward very roughly in the presence of convicts,

41 H

was loudly censured by the Deputy Warden on another occasion, have seen Mr. McBride several times when I thought he had too much liquor in him, the rules were not observed in any department to my knowledge, never signed a report against one convict, on May 25th, 1893, "the punishment book was turned up, and it was found that, out of five complaints against this convict, only two were dealt with," continuing witness said, I have a complaint to make. I have been obstructed in every way in that performance of my duty by the Warden and Deputy Warden, and never received a word of encouragement from them.

Thomas A. McInnes, Steward, sworn in said, deficiencies have occurred, the Cook and Deputy Warden have access to the stores, and December last received six hundred and ninety-five pounds of beef and there was only four hundred and seventy-five and a half to issue, poultry and mutton disappeared at times, between December 1890 and 1892, three hundred and eleven pounds of pork disappeared, a portion of it was taken by order of the Deputy Warden, reported some of the charges to the Warden and up to the 30th of last May, the Penitentiary never had the use of any **hams from swine killed**, I've seen as many as seven or eight **hams** in the Deputy Warden's kitchen after being cured, other goods taken away were bread, coal and fruit of various kinds. Coal was taken to the orphanage by the Deputy Warden, bread was taken on several occasions by Mr. Fitzsimmons - five or six loaves at a time. The rules of the Penitentiary for the gardens

41 I

of the different officers were not well observed for the safety of the Institution until Mr. Foster took charge, the doors, windows, bars and bolts had gone for a year at a time without inspection, rule 263 in reference to spying had been broken, saw a convict namely Donald intoxicated October 1890, he had been to the orphanage he said, and no officer was with him, he had the Deputy Warden's key to the front door, he did not report this matter, he had returned between six and seven p.m. The irons and accoutrements were not kept in proper condition and in some cases were unfit for use, it was the Deputy Warden's duty to look after these, the Deputy Warden was not always present when the Warden was absent, do not know how the chief officers apportioned their duty, on one occasion I was the only officer in the building, the Deputy Warden's absence at meal times has been very frequent.

His Lordship, "to sum up, the regulations have been generally ignored." Mr. McInnes, "yes, My Lord."

Witnesses continuing said favouritism is shown some convicts particularly those who changed from the Protestant to the Roman Catholic Faith, there were cases where Roman Catholic convicts became Protestants, but they were not so well treated as those who went the other way.

Daniel McMasters, guard, was the next witness, he was on duty in the building on December last, when Michael Kennedy tried to escape, went out and saw him running away, armed with an axe Kennedy ran towards a stand where a ladder was chained, fired several shots to frighten him, but he paid no attention. On

41 J

coming close to him he struck at me with the axe, I jumped, and he cut the ladder loose and put it against the wall, when he had mounted the third rung I grabbed him by the leg, at the same moment a shot was fired, and guard Smyth ran up, the ladder fell to the ground on top of Kennedy, I still holding his leg.

Guard McMasters recalled, said, when Michael Kennedy tried to escape, in December last, I had hold of him by the leg, Smyth shot him in the leg, there was no necessity for shooting him, Smyth was five feet distance when he fired, when the ladder fell, Smyth pulled him away some distance, using very bad language, and put his foot on Kennedy's throat, this treatment of the convict was unnecessarily severe. Kennedy called I am shot. An investigation into the attempted escape was held by Warden McBride.

Guard John Wiggans, sworn, said, I was one of the first guards in the Penitentiary, remaining two years, and was then discharged, was appointed again and remained three years, when I was again discharged, a letter produced was read to me, do not know what the complaint was against me, heard it reported I had made previous complaints against the management of the Penitentiary to Senator McInnes, Mr. Fitzsimmons ran the Institution to suit himself, Mr. McBride was not the real ruler of the Penitentiary, everything went to show that the Warden was merely a figurehead and the Deputy Warden the ruling power.

41 K

There was a lot of stock, cattle, etc., raised by the Deputy Warden and disposed of, they were sold alive, hams and bacon were smoked on the premises. His Lordship; Would you like to have an inquiry made into the cause of your discharge? Mr. Wiggins; I would My Lord, I asked for it. His Lordship; Very good I will do.

Alex Coutts, Blacksmith Instructor, was the next witness. You remembered a lot of hams being smoked six years ago, the swine were raised on the grounds, have given away hams to the Sisters of the hospital or convent so the Deputy Warden told me to give them, have sent men to removed feed from the stores to the old barn near the root house. Teamster Smyth had charge of the barn. By the Deputy Warden's order, I went down town several times and bought iron without a requisition, there were six convicts under my charge, at times the convicts in the carpenter shop are not properly guarded, the convicts under my charge have been left alone in the shops, the Deputy Warden would order me to some other duty and I had to obey him. I would open the shop in the morning and let the convicts in and then proceed to the field by order of the Deputy Warden, the convicts would be alone all day with all sorts of tools and metal lying around loose, the Warden knew the convicts were unguarded, all sorts of vegetables were sent to the orphanage and also cement, this witness continued to repeat some of the charges made by a previous witness.

41 I

Charles Darrah, Carpenter Instructor, said, was present with Mr. Coutts in the office when a conversation was held regarding the rules, Mr. Moylam remarked that these rules were made for Kingston, he did not say they were not applicable to this institution, the rule about prisoners in the shops should not be left by themselves was generally observed but not always. Was employed outside the prison grounds two years ago with convicts, erecting a bell tower at the orphanage, worked off and on four or five days, did this by order of the Deputy Warden, and continued more or less to repeat charges of previous witnesses.

Warden A.H. McBride, was sworn in, said, I am acquainted with the rules governing the penitentiary, read them regularly, and made a practice of seeing every prisoner every day, when not hindered by sickness or absence, kept a journal of all events, generally left the penitentiary every evening after all was locked up, have kept the prisoners effects booked, no contracts for provisions or groceries have been awarded here for three years, before that tenders were opened here, now they are sent to Ottawa unopened, changed the method of feeding the prisoners, making them eat in the cells as the convicts were bringing in stones in their handkerchiefs with the intention of overcoming the the Steward and effecting a wholesale escape, my action was approved at Ottawa, my relations have always been friendly with every officer in the

41 M

place, of course, have had to reprimand officers at times, got instructions from Mr. Moylam to do nothing about consulting the Deputy Warden, I was only the nominal head.

Mr. Wilson asked; You were held responsible, but were really under the Deputy Warden, Mr. McBride answered; I was.

Continuing Mr. McBride said Mr. Moylam did not give these instructions in writing and they were not repeated, this is when the prison was opened the Deputy Warden asked my consent to give two small pigs to the orphanage, I understood they were very small, that was the only occasion when anything was taken away with my authority or with my knowledge, convicts were frequently left alone in the Blacksmith Shop, they were absolutely trustworthy, have nothing to do with the farm, have had female prisoners in prison, Keeper Fitzgerald was discharged for a scandal arising over a woman prisoner, either myself or the Deputy Warden carried the keys of their cell, have given guards orders and received replies that they would do as instructed if the Deputy Warden told them to, my orders were constantly ignored, I did not complain to the Minister of Justice because I knew it would be no use. His Lordship; then you believe, had you attempted to carry out the rules, your position would have been prejudiced. Mr. McBride answered; I do upon my oath. Continuing the Warden said, told the Deputy Warden he was going beyond his duty in assisting the orphanage so much, and would hold him responsible to the Government, saw a buggy being repaired by order of the Deputy

41 N

Warden for the orphanage, have had no pigs for two years, had permission from the Minister to keep a cow and chickens, the Deputy Warden keeps a cow, but duly entered sales of produce when made to the orphanage, I know of no other farm produce so sold or given away, had two sheep to start with and have had as many as twenty, sometimes when a pig was killed each of the officers got a piece to take home, have seen convicts working at the orphanage, Fitzsimmons said it was the work of necessity, I received a payment of eighty dollars for keep of Judge McCreight's horse and that was all I ever received. When Mr. McCreight first brought the horse he said something of giving money for convict McHale who took care of it, but I refused it, saying anything in this way I received would have to go through the books, it was not my duty to see the keys locked up at night, do not know if any convict being trusted with a key, the case of convict McDonald having a key was reported, was ordered to hold an inquiry and did so, do not think it was right that a convict should be entrusted with a key of the prison, have frequently had complaints that the gangs were not sufficiently guarded. I do not think that the guards were strong enough, there should never have been less than one guard to ten men, I have a hundred and twelve convicts in the prison guarded by seventeen officers by day, instructors were detailed to field work with my knowledge, but not with my consent, I never ordered an officer from his post except in emergencies, and I am aware that the bolts, bars and locks

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were not examined by the Deputy Warden and that he did not look after the armouries properly. In the early days a farm report was presented yearly by the Deputy Warden but for several years none was handed in until last year. Mr. Wilson; have you anything further to say or information to give concerning this investigation? Mr. McBride; I would ask you to examine the guards and keepers on the management of the penitentiary during the six months leave-of-absence by the Deputy Warden two years ago. There was no friction then. His Lordship; to what do you attribute the friction since. Mr. McBride; the bad temper on part of several of the officers including the Deputy Warden. His Lordship; have you ever heard the Deputy Warden rebuke an officer in the presence of convicts?

Mr. McBride; I have not, but I received complaints that he did so. I warned him against good breach of rules. Warden McBride made further statements of the inefficiency of the Deputy Warden and was asked reasons Mr. Wiggans was discharged. He submitted five letters relating to the case which his Lordship said he would study and recall witness if necessary.

James Brown, guard, was sworn in and gave very much the same evidence as previous witnesses.

41 P

June 28th, 1894

The Columbian

ROYAL COMMISSION CONTINUES

James Miller, Baker Instructor, sworn in said, I have charge of the flour after delivered, I get no account of the flour used, keep a bread book, but no account is kept of the consumption of flour, the empty flour sacks, to the number of four thousand were taken away by the Deputy Warden, they were sent from the prison in a cart, I do not know where they went to, the sacks sent away were small sacks, since then the flour has been received in larger sacks, the dough is weighed before the bread is made, a barrel of flour is supposed to turn out two hundred and seventy pounds of bread, I do not know what becomes of the surplus bread if any, have no complaint concerning any of the officers, I have never been rebuked in the presence of convicts and do not know if the regulations have been properly observed. I do not know that Mr. Fitzsimmons had anything to do with the disposal of the sacks, except that they were removed by his orders. I do not know that the small bags were taken to the field for sacking potatoes. The large ones have been used for that purpose.

James Fitzsimmons, Deputy Warden, sworn in said; I am familiar with the rules of the prison, I am not always present at the closing of the prison every night, I might have been absent half a day or a few hours without the Warden's permission, do

41 Q

not usually ask the Warden's leave for absence, every night I have been present at the locking up of the prison, as a general rule I've seen the keys placed in a safety box, guard Carroll, in charge of the keys of the safety box for the past two years, the guard on duty at night was supposed to keep the key at night, some nights the keys are locked up earlier than others, in dark weather did not call a **muster roll of the officers every** morning as I did not think it was necessary, I examined the arms and the cucurments from time to time - at least once a month, but saw the arms every day, I had a second key to the armoury and sometimes examined the arms in the evenings, have not had instructions from the Warden as to the duties the officers were to perform daily, always assigned the officers to duty, my book does not show how these duties were performed, the officers were practiced in the use of their arms a couple of times a year, never kept a book showing the practice of the officers and it is recalled from recollection. I did not always visit the shops every day being burdened by other duties, kept no book showing the duties performed by myself, the Warden knew what I was doing and that I did not comply with the rules, have reported not often - not once a year of the condition of the firearms, I did not consider it necessary. I have sometimes examined the bars, bolts and locks - perhaps once or twice a month, not all of them at one time. I have had the Blacksmith with me but cannot give dates, kept no entries showing dates of these examinations.

41 R

The officers' duty book was produced by witness the Deputy Warden who continuing said no record was kept of the outside convict guard duty by officers, it was impossible for me, with my other duties, to keep these records, I have been out with fifty-two convicts and three officers, with the stands man, my presence was required in the field to lay-out and superintend work, and sometimes being with the gang all day for months, even to direct the clearing of land my presence was necessary. His Lordship; were the officers not competent to superintend such work? Mr. Fitzsimmons; they were not. I consider the most of the officers incompetent and think so yet. There are exceptions of course and Mr. Fitzgerald was one of those who could be trusted. Always attended to the cleanliness of the prison, the Steward has not properly carried out my instructions during the past year, complained to the Warden in writing on four occasions of his refusal to obey orders, during the first seven years of the Steward's service I had few complaints to make against him, the trouble has been chiefly within the past year, whenever coal was delivered on the wharf send gang to load it and put it in the cellar. Mr. Keary or the Steward weighed it, have seen that economy was used in the use of coal, I looked after the stables and outhouses, though there is usually an officer in charge, the chimneys have been swept eight times since the penitentiary opened, the duty of keeper of the cells and dormitories were allotted to the Steward by the Warden and myself. His Lordship; you and the Warden -

41 S

why did you interfere with the Warden's duties?

Mr. Fitzsimmons; I was obliged to interfere sometimes, I was sent from Kingston to open the Penitentiary and the Warden received instructions from Mr. Moylam to do nothing **without** consulting me. I turned over to the Steward also the duty of inspecting the clothes and furniture, the convicts were bathed regularly twice a month, I did not make a daily examination of the beds. There were then some questions regarding the convicts and their work.

The first money Mr. McCreight gave was forced upon me. I told him there was no necessity to pay and that I would take no money for the horse's keep. He said he wanted to keep the horse on the grounds and wanted to pay or get tobacco for the man that took care of it. I replied that he had all the tobacco he required. The Judge forced five dollars on me once and later a thirty dollar cheque, I told the convict caring for the horse I had money for him and gave him ten dollars on his leaving the prison. The Judge always said you can do what you like with the money. I said I would give it to the convict going out. Before leaving for a trip to the Old Country, Judge McCreight came to my quarters and said he was going to give me some money. I replied that I couldn't take it, as there was still some of his money left. He said, give it to charity and he gave me fifty dollars. In the fall when I returned, I gave fifty dollars to the Mother Superior of the Good Shepherds Orphanage. Afterwards I met Mr. McCreight on

41 T

the street one day and he said he had money for the orphanage and would send it to me. He sent one cheque or two or money to the amount of one hundred thirty dollars. Went and saw Mr. McCreight and asked if this money were all for the Sisters. He replied that some of it was for tobacco for the convicts. I said I couldn't take any money for tobacco as they had plenty. He then said do as you like with it. I gave a hundred and twenty-five dollars to the orphans and five dollars to a convict going out. Next the Judge sent me a letter from Cuba with a cheque for fifty dollars and twenty-five dollars. The Warden in the meantime had informed me that the horse was being charged for at eight dollars per month. I paid the Warden eighty dollars for ten months keep. This was in April 1893. I saw the Judge again in May and gave him a receipt for the horse's keep. The rest of Deputy Warden Fitzsimmon's testimony was spent in rebuking the statements of previous witnesses and defending his own actions.

On the 30th of June 1894 the Royal Commission continued with this investigation:

Adam Jackson, guard, said he had been working in the service since May, 1888 and had no complaints to make of the management of the institution and no complaints had been made against me that I know of, did night duty until 1891 when a guard retired from the service. All of the officers are competent and efficient in their duties as far as my judgement goes.

41 U

Mr. Wilson, guard, in his testimony said, the Warden always gave his orders politely. The Deputy Warden sometimes would shout "hi" and point with his arm to the place he wanted me to go without saying a word, at other times he was civil enough.

And Steward McInnes recalled; only on one occasion did I see the Deputy Warden present on a Sunday when the prisoners were being locked up after church. That was the occasion when I was charged with having refused to lock a convict up. The Deputy Warden, for the last few years, has always addressed me in a **tyrannical**, brutal manner and in such manner addressed me on that occasion. The Warden gave orders for a room to be changed for the books for the Protestant Service, and the Deputy Warden countermanded it. The rest of that day was taken up in the summation of evidence.

The Royal Commission was reconvened on the 6th of July 1894 when Henry Godfrey, an Indian was sworn in as a witness. He was in the Penitentiary in 1891 and had charge of the cows. They were fed on hay and roots, and bran and shorts often and chopped feed. I was under Mr. Doyle. Mr. Keary had a horse there. The hay for it came from here but he got his oats from town. There was a special box for his feed. The potatoes were sent to the orphanage, Guard Smyth took them and Mr. Fitzsimmons was with him.

John Morrison, an exconvict, said he was in the Penitentiary in 1892 and was in charge of the horses. He also stated that

41 V

lumber and various other things had been taken from the Penitentiary to the orphanage. He said two pigs were taken from the Penitentiary and were moved in a wagon, they were nearly three months old and it took two of us to lift them. Mr. Gaynor; you must have been in a very weak condition when one man couldn't lift a little pig. Eitness; I can tell you a little antidote about that. I was working in the root house most of the time. In the spring of the year I was sent to pick over the potatoes and set aside the bad ones for the hogs. When meal time came a few days afterwards, some of the bad potatoes were served for the convicts dinner. We couldn't eat them and later some of us helped ourself to potatoes out of the pigs' trough. For this I got seven days in the cells. But they got the good potatoes.

William A. Patchell, guard, sworn in said in November 1890 I was doing night duty, and during that month Deputy Fitzsimmons took out two sacks and a parcel with two convicts. Three quarters of an hour later at eight p.m. convict McDonald returned and rang the bell and I let him in. He said he had been at the orphanage. The Steward informed me bread was missing at the time. An about a week later the same convict McDonald came into the wing after hours under the influence of liquor. Helped him to his cell, he could hardly walk, he asked me to say nothing about it as he had just come from the Deputy Warden's quarters.

41 W

The Royal Commission sat again on July 7th 1894.

Benjamin Burr, guard sworn and corroborated the previous evidence as to McDonald's being out without a guard. He had frequently seen officers rebuked in the presence of convicts. He was not one or two but all. On one occasion five or six officers were present when Fitzsimmons thought some order had not been obeyed, and he said there was not an officer there fit to do anything, and told some of the convicts to do what was required.

Mr. McCall remembered Smyth saying he could put the Deputy Warden behind the bars if he Smyth were to tell all he knew. Witness was once in the stand and the Deputy Warden ordered him to another place so as to prevent him from seeing anything go through the gate. Once when a convict was to be punished, Fitzsimmons took an officer very sharply to task. Considered every officer, without exception, was very efficient. Some might have been more efficient than others.

Patrick Finnegan a former guard was then sworn in; he had been a guard for three and a half years. Came in March 1889 met Mr. Keary one night in town, who took him home to tea with him. Keary presented a revolver at him and threatened to shoot him. He then putting it into his own mouth said he would shoot himself. Afterwards fired at the ceiling. Since then have been treated very unkindly by the other officers. Saw Keary in the

41 X

street afterwards and asked him the cause of his changed attitude toward the witness. Keary said he could not tell him, but something would soon be heard from Ottawa. Both Keary and witness were officers at the time. Witness continued, I was walking down the street with Keary on another occasion when he said, if you don't keep away from Fitzsimmons I will have you out pretty soon. The pistol incident occurred shortly before Mr. Foster's visit. Keary promised to get me a position on the police by writing to Premier Davie and I since said, I never was a spy. He said Foster was a pimp, a liar, and an informer and that he could destroy him. Told me he would have Smyth out of the Penitentiary. I have seen Smyth come home drunk, but did not report it. Saw McInnes drunk in the kitchen. The cook refused to cook my food. I saw guard Robertson lying drunk on the guard house table while on duty on the night convict Pearson escaped. The Warden was present and took no notice. So I did not report it. Afterwards lifted Robertson up and got him to go to duty. Told Inspector what Keary had said about Foster. I live in the city and work at the R.C.P. mills. Mr. Gaynor said the convict Ah Ching was a chinaman and semi crazy. He had tried to commit suicide in consequence of punishment, as many chinamen did. It is very difficult to decide on the mental condition of chinamen, as the ordinary test cannot be applied to them.

Deputy Warden Fitzsimmons recalled and entered into a lengthy explanation about changing the guards in the manner in which the

41 Y

requisitions were made out. Coutts had made some mistakes in keeping record of the work done, and he removed him and gave the position to Doyle. He then explained his reason for cross-questioning McMasters. The latter's evidence did not agree with the evidence by the other guards and the examination was simply to elicit the truth, and for no other purpose. With respect to a filter given to the orphanage there was an old one taken from a water tank which was pulled down. He had never had a dollars worth of stuff from the tailor shop without paying for it. There was not a word of truth in the statement of his sending out four thousand sacks. He never interfered in money that matters. Doyle had made a mistake in his evidence about the potatoes. Witness purchased them by the ton and sold them to the officers. Mr. Keary had not asked him for a farm account since 1888.

This closed the investigation and the Commission adjourned.

June 27th, 1894

The Columbian

DISCIPLINE AT THE PENITENTIARY

Visitors to the Penitentiary during the past two weeks have noticed a great change in the management of the Institution. The gate is always kept bolted, and the sentry armed with a rifle inspects every vehicle entering or leaving the grounds. The sentry in neat uniform is constantly on guard at the front door of the prison, and every officer on the staff, from the Acting Warden down while on duty, appears in full uniform. Inside it is easy to see that strict discipline is maintained, and the place has the air of a military institution rather than a prison. Every officer salutes his superior on delivering a message or receiving an order and orders are carried out with a promptness and exactness which bespeak

The convicts are paraded for work in the fields in smaller gangs than formerly, and the proper number of guards are allotted to each gang. A guard is mounted on every stand on the walls of the fields in which the convicts are employed, and except by treachery from within, the escape of a prisoner under the present arrangements would seem impossible.

The same state of high order was observable in the work shops. During working hours every convict was kept busy and no time could pick up a trade which will be useful to them in after life. The instructors are thoroughly capable and go to considerable pain to instruct the convicts. In carrying out the numerous reforms that have been introduced, Mr. Foster the Acting Warden, has not only added to the security of the

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prison, but improved the temper of the convicts. Every officer performs his duty cheerfully, and favour is shown to none.

REPORT OF THE B. C. PENITENTIARY, NEW WESTMINSTER, 6 September 1894

Sir:

I have the honour to transmit to you herewith, reports, financial and statistical of this Penitentiary for the year ending 30 June 1894. I have the honour to be Sir, your obedient servant,

George L. Foster, A/Warden to J. G. Moylan, Inspector of Penitentiaries

Per capita cost of net expenditures:	\$435.20
Deduct for revenue:	\$ 5.91
Net per Capita cost per annum:	\$429.29
Net per Capita cost per diem:	\$ 1.17 3/5 cents

W. H. Keary
Accountant

Report of the Protestant Chaplin, 18 September 1894

My appointment as Protestant Chaplin in succession to the late lamented Reverend Robert Jameson only dates from the 23 May so I can hardly yet claim any knowledge of the work which has fallen under my charge. I have the convicts attending the Protestant Chapel for the most part reverend and devout in their demeanor and apparently glad to avail themselves of the opportunity of religious instruction. While some have had good religious opportunity previous to their conviction it is easy to see that this has not been the case for the majority. Unfortunately the chapel is too small for the number of convicts. There being only 56 seats for 76 men and some have therefore to be accommodated in the corridors, but I trust before long either the number of convicts may decrease or a new building may be provided. The Chinese have a separate service on Wednesday in their own language and appear to appreciate it.

Your obedient servant

Herbert H. Gowan, Protestant Chaplin

Report of the Roman Chaplin, J. M. Fayard:

I have the honour to submit the Annual Report for the year ending 30, June 1894. At this date there are 32 convicts under the charge of the Roman Catholic Chaplin against 24 last year. The conduct of the convicts during the religious service has been good. As there is no accomodation for female convicts in this Penitentiary, I stongly recommend that female prisoners be transferred to Kingston Penitentiary. I also strongly advise that something be done to separate young offenders from hardened criminals and especially that Indians and Halfbreeds be allowed to associate as little as possible with the white prisoners.

Your obedient servant

J. M. Fayard, Roman Catholic A/Chaplin

Report of the Surgeon for B.C. Penitentiary 1 July, 1894:

I have the honour to present my Annual Report for the year edning 30 June, 1894.

With the increase in our prison population, the number of patients in the hospital has increased as will be seen by the accompanying table. Several patients have suffered from complaints which made their stay in the hospital protracted; notably two insane men. One suffering from Brights Disease and one with a fracture of a leg caused by a pistol bullet. The number of prescriptions given to convicts not sufficiently ill to go to hospital has also increased, amounting during the year just closed: 1,842. Three convicts became insane during the year, one a Chinaman, attempted suicide. Another, a French-Canadian became violently maiacal and abusive while a third a Swede developed melancholia. I am glad to be able to say that these three together with two others, carried over from last year, have at last been transferred to

the Provincial Lunatic Asylum. During the year there were two attempts to escape. In both, one convict making the attempt was shot, the first occurred on the 14, December 1893 and resulted in a fractured leg. The second happened on the 23 April 1894 and resulted in the unfortunate loss of his life. This was the only death which occurred during the year.

I am glad to be able to state that since my last report was written, the time allowed the guards for dinner has been extended. The change was made about the beginning of October 1893 and gives the men half an hour for dinner instead of twelve minutes as formerly. I beg again to call your attention to the facts contained in my report of the 17 November 1893, as follows: all food for sick convicts has to be carried from the Kitchen in the basement to the third floor. The consequences are the vittles are about cold when they reach the patients. When a poultice is required for a sick convict the material from which it is made has to be carried from the third floor to the basement, the poultice then taken from the basement to the third floor, again in this way getting well cooled before being used.

I trust therefore in view of these facts the necessity for such an adjunct to the hospital.

W. H. Keary, Schoolmaster Report, 1 July 1894:

The average daily attendance: 34. Nationalities of those attending: Whites, 7, Chinese 15, Indians 7, Negros 3, Kanaka 1, Japanese 1.
The deportment of the mean while at school is excellent.

10th. April, 1895

The Colonist

We trust that the Dominion Government will appoint a good man to the office of warden of the British Columbia Penitentiary.

Experience has shown that the man who is to perform the duties of that position efficiently should be of the strictest integrity and must be possessed of more than ordinary strength of character, the warden must not only be honest himself but he must take measures and carry them out to make those who are under him honest. He must be able to enforce discipline, he must be master of the institution and must have force enough to keep the subordinates in their places, he must not be anyones tool and he must be such a man that will be impossible to stand by and see things going wrong without exerting himself vigorously to set them right.

There is a man in New Westminster declared by all who know him to be the right man for the place. A man who has been tried and not found wanting, a man of iron will and invincible integrity. When we mention the name of Mr. William Moresby, governor of the jail in New Westminster, everyone who is acquainted with him, either on the Island or on the Mainland will agree with us when we say that it will be hard to find in the whole Dominion, a man better qualified than he to fill the position of warden of the penitentiary, he enjoys the confidence and the respect of the whole community and he is a man of creditability and much more than average intelligence, he has besides had considerable experience in prison administration and in the management of the criminal element.

We believe that the appointment of Mr. Moresby will be popular with all the men of all the creeds and all officers of politics.

If he is placed at the head of the penitentiary they know that it will be well and judiciously managed, and while the prisoners will be treated with the greatest humanity, the most stringent discipline will be maintained and every officer in the institution will be made to know his place and keep it. There will be, we are confident, no complaints of irregularities in the penitentiary if Mr. Moresby is made the warden, we trust that the government will give their most favourable consideration to the communications that may be forwarded to them recommending Governor Moresby for the office.

April 2, 1895

The Columbian

SCANDALOUS APPOINTMENT

James Fitzsimmons has been reinstated Deputy Warden of the New Westminster Penitentiary, says an Ottawa dispatch in the morning papers.

The people of New Westminster who have still fresh in their recollections the disgraceful disclosure of malfeasance and nearly every form of irregularity in office which the Royal Commission at the Provincial Penitentiary, last summer, brought to light with regard to the same James Fitzsimmons, during a long and much too long incumbency of the Deputy Wardenship, will hardly be able to credit the intelligence above quoted.

That a man openly shown by a Royal Commission, under the government's own seal, to be thoroughly unfit, un-trustworthy, for the office he had held, should be merely suspended for a few months, and then unblushingly reinstate in the same office, which the investigation showed, he had systematically abused and disgraced, is a scandal to the government and an insult to the public sense of propriety and decency that it would be difficult to surpass.

We have no hesitation in declaring, on the strength of the disclosure of that Royal Commission (a nearly full report of which appeared in this paper) that the reinstatement of James Fitzsimmons as Deputy Warden to the Penitentiary is a scandal to

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to the Government, an insult to the public, and a wrong and an outrage to even the convicts themselves.

The Victoria Times Ottawa dispatch gives some further information which we reproduce for what it is worth bearing upon this disgraceful appointment.

One of the results of Chief Justice Davie's visit to Ottawa, says the dispatch, has been the reappointment of James Fitzsimmons as Deputy Warden of the New Westminister Penitentiary.

He was dismissed by Sir John Thompson owing to the disclosure made by the Commission. The appointment will not tend to put much confidence in Tupper as Minister of Justice.

The last sentence of the dispatch is a very pertinent comment on the situation.

The late Sir John Thompson would never have been guilty of so lowering the Department of Justice and the Administration generally in the eyes of the whole Dominion as has been done by this appointment.

The action of the Government in this matter is the more scandalous and outrages, in that appointment was made contrary to the known views and recommendations of the member for this district, and before the report of the Royal Commission, which exposed the malfeasance of Deputy Warden Fitzsimmons, had been laid before parliament thus giving the peoples' representatives

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a gratuitous insult as well.

In this city and district, particularly where the circumstances are so well known where gross penitentiary abuses, in which Mr. Fitzsimmons' name always prominently figured, or common talk long before the Government could be prevailed upon to grant a Commission.

The Government's action in reinstating Mr. Fitzsimmons as Deputy Warden, will be resented irrespective of former party sympathys, with the deepest indignation.

We are greatly mistaken if this indignation does not take the practical form of an all but universal demand that the scandal and insult of Mr. Fitzsimmons' reappointment shall be forthwith retracted.

On April 5, 1895 the following letter appeared addressed to the Editor of the Columbian.

Sir:

I must ask you to publish this letter, as I deem it my duty to say a word in defence of my friend Mr. James Fitzsimmons, whom you have thought proper to attack in your leading article headed "A Scandalous Appointment", in your issue of Tuesday last.

It may be that you have simply used Mr. Fitzsimmons as a stacking horse over whose back you discharge your shots at the present Government of the Dominion.

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However that may be, it makes no difference to me, as I, a public servant, can in no way mix myself up with politics, but I look upon the matter in which you brought the name of Mr. Fitzsimmons before the public as outrageous.

Mr. Fitzsimmons is highly respected by a very large number of the people of New Westminster, and as an officer there can be no question about his efficiency.

His experience and valuable service in the Kingston Penitentiary rendered his choice as Deputy Warden in our institution a natural consequence. There can be no doubt that he performed his duties here in a most creditable manner.

Mr. Fitzsimmons has a generous and a kindly heart, and none but such persons as the two witnesses upon whose evidence he was condemned (one of whom has found it convenient to leave the country) would credit it.

Under such circumstances, I look upon your remarks as perfectly uncalled for, particularly in the absence of the man to whom they refer. What Mr. Fitzsimmons will say or do when he arrives here, I do not pretend to know, but it is quite possible he may adopt some mode of vindicating himself in order to neutralize the effect of your attack.

Yours

P. Smyth

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Again on April 5, 1895 in the Columbian an editorial entitled Defending Mr. Fitzsimmons.

We, publish today, a communication from Mr. P. Smyth in which he says by way of introduction, I deem it my duty to say a word in defence of my friend, Mr. James Fitzsimmons, whom you have thought proper to attack in your leading article headed "A Scandalous Appointment."

In the first place we must correct the erroneous statement that we have attacked Mr. Fitzsimmons. With Mr. Fitzsimmons' personally, or with his private character, we have nothing whatever to do. We have strongly censured and shall continue to censure the Dominion Government for making a scandalous appointment, or re-appointment to the Deputy Wardenship of the Provincial Penitentiary, in the re-instatement of a man (who happens to be Mr. James Fitzsimmons) in that position, who was, rightly, summarily dismissed from the same office last year under Sir John Thompson's administration, after having been proved guilty before a Dominion Royal Commission, of the grossest irregularity and malfeasance.

Mr. Smyth, in defence of his friend, chooses to say that it may be that you have simply used Mr. Fitzsimmons as a stacking horse over whose back you discharge your shots at the present Government.

For the information of Mr. Smyth and all concerned we shall take the trouble to remove that erroneous impression, also.

As there was nothing personal in the reference to the scandalous appointment, so there is nothing political.

Were the Columbian thrice a supporter of the Dominion Government, instead of a perfectly independent journal, we could not but condemn in just as unmistakable terms as we have, such a gross breach of public propriety and decency as the Government have committed on this re-appointment.

The article then goes on to review some of the points made in the Royal Commission.

Another editorial in the Columbian dated 13th April 1895.

The scandalous re-instatement in the Vancouver World which, like its enterprising contemporary the Colonist (though apparently for a different reason) withheld from its readers the important announcement, and any comment thereof of Fitzsimmons' re-instatement by the Dominion Government as Deputy Warden of the Penitentiary, it just made an incidental reference to that scandalous transaction, in a way of a sneaking attempt to justify the appointment, and (although the World is a rabid Grit) the Conservative administrative which has disgraced itself in making it.

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The following extract, touching on the subject is from an item appearing in the World on Thursday evening last "His Lordship, Chief Justice Davie returned by the Pacific Express today from a four week trip to Ottawa, Montreal and Toronto, looking remarkably well. He had nothing new to report beyond what has been published. Regarding the re-instatement of Deputy Warden Fitzsimmons of the New Westminster Penitentiary, the Chief Justice stated that such a course had been decided on by the late Premier and Minister of Justice, Sir John Thompson, and that Sir Charles Hibbert Tupper was but carrying out the intentions of his predecessor. It has not yet been decided whether Mr. Fitzsimmons will be permanently re-located at New Westminster or at some of the other institutions of the Dominion.

His Lordship, Chief Justice Davie according to the organ of the late Premier Davie, displays an altogether too intimate and exhaustive acquaintance with this subject. Nevertheless when the World makes his Lordship pose as the confident and mind reader of the late Minister of Justice, Sir John Thompson, it runs a risk of very severely straining credulity. Nine people out of ten will be disposed to say, and rightly, that his Lordship Chief Justice Davie knows less than nothing about what the mind of the late Sir John Thompson with regard to Fitzsimmons' case, and that is a gross libel on the memory of an upright statesman and Minister of Justice to propose to say that he proposed stultifying and disgracing himself by re-instating a

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man whom he had summarily dismissed for the most outrageous irregularities and malfeasance as disclosed by the Dominion Royal Commission.

The article goes on to repeat some of the earlier statements.

On May 8, 1895, a letter to the editor of the Columbian.

Dear Sirs:

I have been instructed by Mr. James Fitzsimmons, Deputy Warden of the British Columbian Penitentiary, to demand from you an ample apology for and a full unequivocal retraction of certain statements made contained in the Editorial column of the Daily Columbian newspaper, published by you on the 2nd, 5th, 13th and 17th days of the month of April last, in which you charge Mr. Fitzsimmons with malfeasance in office and other crimes and irregularities during the period he has held office, in which you further state that those charges are true and were substantiated before the Commission recently held to investigate the affairs of the said institution.

The articles particularly complained of are those that appeared in the issue of your paper on the dates above referred to, and are under the captions, "A Scandalous Appointment", "Defending Fitzsimmons", "That Scandalous re-instatement", and the "Fitzsimmons Matter" respectively.

In event of your refusal to make an unqualified retraction of

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the statements complained of, I have instructions to take such steps may be deemed necessary to obtain complete reparation for the injury done Mr. Fitzsimmons by the libellous publications referred to.

Yours truly

Aulay Morrison

The Editorial goes on to defend its statements made in the previous editorials.

The last paragraph states, in case Mr. Fitzsimmons or his Solicitor should have any doubts about our address, we are still doing business in the same old stand.

A further Editorial on the same date in the same paper asks, Was Fitzsimmons dismissed? No one, until very recently, has ever questioned that James Fitzsimmons was, last fall, after the report of the Royal Commission on the Provincial Penitentiary had been sent to Ottawa, definitely dismissed from the Penitentiary Service. Everyone knew that he was suspended when the investigation began, toward the end of June last, and his dismissal thereafter as a result of the investigation, was freely reported from Ottawa, and never contradicted, and was confirmed here by the fact of common observation that Mr. Fitzsimmons' suspension did not eventuate in the return to the service, after the Commission was over and the report had been sent in, but that he continued to be separated from his former

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office and the Penitentiary service from June last until April of this year, a period of nearly a year, which would be unconscionably long time for a suspension of any sort.

According to Hansard the following questions were asked in the House of Commons.

1. If James Fitzsimmons was dismissed from the Deputy Wardenship of the British Columbia Penitentiary, if so what was the date of his dismissal?
2. Has James Fitzsimmons been re-appointed Deputy Warden of the British Columbia Penitentiary, if so, what was the date of his re-appointment.

After some preliminary remarks concerning the propriety of asking and discussing and asking questions at certain stages, and the practice in that regard in the British House of Commons, House of Lords, Premier Bowell said "In answer to my honourable friend, I am furnished with the following reply.

1. An investigation into the affairs of the British Columbia Penitentiary was authorized by a minute of His Excellency in Council on the 22nd May 1894, and Mr. Justice Drake was thereupon authorized by commission to conduct such an investigation. Mr. Fitzsimmons being concerned in some of the charges which led to the investigation, was, by direction of the late Minister of Justice, relieved of the duties pending the investigation. Afterwards upon consideration of the evidence and the report of Mr. Justice Drake,

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Mr. Fitzsimmons was, by a minute of His Excellency in Council on the 24th of October last, was retired from office without prejudice to consideration for re-employment in the Penitentiary Service.

2. Upon a further consideration of the evidence and the report and the supplementary statements and explanation of Mr. Fitzsimmons, he was re-instated in his former office by order in council on the 25th of March 1895."

Another Editorial in the Columbian dated 9th May 1895 headed The Penitentiary Scandal, says, We published yesterday, from the official report of the Senate debate, Premier Bowell's answer to the questions of Senator McInnes with regard to the dismissal and re-appointment of James Fitzsimmons as Deputy Warden of the B.C. Penitentiary.

The important admission was made in that answer that afterwards (that is after Mr. Fitzsimmons had been relieved of the duties pending the investigation) upon consideration of the evidence and the report of Mr. Justice Drake, Mr. Fitzsimmons was retired from office, in plain everyday English, Mr. Fitzsimmons was suspended at the beginning of the investigation, waiting its result, and when the evidence and the report of the commission were in, the government, instead of finding justification for restoring their pet to his trice fouled nest, felt to add to their suspension decree an edict of dismissal.

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Afterwards, again, when they thought the unsavory had somewhat blown over, they had the sublime inconsistency, the impudence and indecency, actually to re-appoint this man to the position which he had so flagrantly disgraced and abused.

On May 11th, 1895 the following editorial appeared in the Columbian headed The Libel Suit.

It has occurred to us that, perhaps we had not done Mr. James Fitzsimmons, Deputy Warden of the Provincial Penitentiary, justice in giving such considerable space towards the man or a complete apology and a full unequivocal retraction, and to our reply thereto (which we endeavour to make as unequivocal as possible) while we only noticed casually, in that three of four line item, that might be overlooked by anyone, Mr. Fitzsimmons' prompt and courageous of his rejected demand for an apology, by the issue of a summons, through his solicitor, Mr. Aulay Morrison, in the Supreme Court of British Columbia to the Publishers of the Columbian, to appear and answer an action for libel. It is due to Mr. Fitzsimmons to say that the summons was issued the very next day (the 9th inst.) after our reply to his demand for an apology was published showing that Mr. Fitzsimmons is, apparently, more anxious to recover his reputation as a government official (and to loose no time about it) than he was, according to the evidence produced at the commission, careful to keep it when he had it. The article goes on to give the wording of the summons.

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A further Editorial in the Columbian dated May 15th, 1895, refers to an article in the Victoria Times.

The Victoria Times has ever been a staunch and courageous upholder of the liberty of the press, as the great bulward and guarantee of the liberty's of the people, and has had to sustain more than one well fought libel suit in defence of its principles, expressed the opinion, the other day, in the letter from Fitzsimmons' solicitor demanding an apology, had been published in these columns, but, to use a fitting, if inelegant expression, Fitzsimmons has a great deal of Gall, the Times' comment, now that the writ for a libel has been issued is as follows.

Deputy Warden Fitzsimmons, whose disgraceful management of the Penitentiary was exposed by the investigation held by Mr. Justice Drake, has actually had the temerity to sue the Columbian for libel. We have not learned the amount of damages asked for, nor have we read the alleged libelous article. But apart from the particular office of the Columbian, the broad general fact of Fitzsimmons' acts lead to his suspension aught to be sufficient grounds for a journal, published in the interest of the public to denounce the untrustworthy public servant without running the risks of an exasperating law suit.

The outside public will watch the progress of this action with great interest, more especially as the time honoured and much vaunted liberty of the press, as granted in British Columbia,

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will be upon its trial.

It is clear that, if Fitzsimmons is not a much abused man, his audacity is unparalleled, except, perhaps, Sir Tupper's.

On May 18th, 1895, the following editorial in the Columbian.

An insult to the house;

The Fitzsimmons' scandal is growing worse and worse, and promises soon, by the course by which the Federal Authorities are persisting, to stink in the nostrils of the people of the whole Dominion.

The action of the Government, as described in an Ottawa dispatch elsewhere, in laying before parliament yesterday, in lieu of the papers asked for in the Fitzsimmons' case (including the evidence in the Judge's report in the commission, and relevant correspondence relating to the re-instatement, the impudent and practically irrelevant lucubrations of Fitzsimmons, was a studied insult to the House, and particularly to the members from this Province, as the grossest and most aggravated sort.

The article goes on to rebuke the government for its stand on Fitzsimmons.

Another editorial in the Columbian on May 22nd, 1895.

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Fitzsimmons Again:

Mr. Fitzsimmons, former Deputy Warden of the Provincial Penitentiary, will have reason, before he is through with himself, by all signs, to exclaim "save me from my influential friends." The special pleading for him in the Senate, and the Commons, from the bench, through the press, etc. together with the nature of the pleas, has got to be not the least of the scandal connected with the whole scandalous affair.

The latest celebrity who rushed into the breach championing the Deputy Warden, is the x-inspector of Penitentiaries Moylan who, it appears by an Ottawa dispatch of this morning, has written a sort of voluntary, unofficial, superogatory "report on the matter," signing himself late Inspector, in which, according to the dispatch, he writes in the same lines as Fitzsimmons and abuses everybody else in the case, and holds up Fitzsimmons as a paragon of perfection.

This is just what Mr. Moylan might be expected to do. As Inspector of Penitentiaries it is a matter of noteriety that Mr. Moylan held mock investigations, some years ago, into the long standing abuses in the Penitentiary at this City, the main object which was as is his present report to shield and hold up Fitzsimmons as a paragon of perfection and makes everyone else concerned in the wrong. No wonder that late Inspector Moylan seeks to discredit the Royal Commission and uphold Fitzsimmons.

No doubt, he keenly appreciates that it is a case of "hanging together or hanging separately," as the saying is.

Another Editorial in the Columbian dated 23rd May 1895.

The Commissioner's Report,

By summary of this interesting and valuable report which we have before us, which, in fact, is more a judgement than a report, it will be seen that the judgement or report of the Royal Commission is just what might be expected from a fearless and straightforward man, occupying the exalted position of a Judge of the Supreme Court, on the strength of the evidence that was taken before him at the investigation, upon a published summary of which the public arrived, broadly speaking, at the same verdict as that embodied in the report of the Commissioner. The report of Mr. Commissioner Drake shows that the British Columbia Penitentiary was in a deplorable condition. Then follows an unqualified finding of guilty against Fitzsimmons of six or eight counts of a most damaging inditement, all of which is outlined in the dispatch. And what more remains to be said.

The Editorial goes on to belabor the Government for the re-appointment of Deputy Warden Fitzsimmons.

On the 25th May, 1895, an editorial in the Columbian says in part. Solicitor General Curran presented to parliament tonight (May 17th) an incomplete return of the papers and correspondence

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asked for by Mr. Corbould in regard to the re-instatement of Deputy Warden Fitzsimmons in the New Westminster Penitentiary.

The report of Justice Drake on the instructions to him, along with his commission, are not among the papers. The evidence is also missing, although all these documents were asked for, the only things brought down so far are a few letters from Fitzsimmons in which he accuses everybody at being at fault but himself.

On May 28th, 1895; in the Columbian, an Editorial commenting on the News Advertiser story in the Fitzsimmons case repeats much of what has gone on before.

On the 29th of May 1895 a Columbian Editorial commenting on Inspector Moylan's report to the Minister of Justice for the year ending June 30th, 1894, the report states that the British Columbia Penitentiary was the best run Penitentiary in the Dominion of Canada.

On May 31st, 1895, the Columbian published Judge Drake's report, The Royal Commissioner's findings on the British Columbia Penitentiary inquiry, irregularities without end, rules broken, convicts worked outside institution. Provisions, Produce, Coal removed, 5,000 sacks missing, and Judge McCreight's horse.

Judge Drake's report is given in part as taken from the Columbian and he says: As a result of my investigation, I found

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considerable friction existing among the higher officials and the Deputy Warden, in consequence of which errors of judgement have been magnified and many complaints made, with the exercise of a little tact would have avoided but making very little allowance for the state of things, it is to patent that the rules and regulations have in many cases entirely ignored and in others only partly observed.

The responsibility for this rests on all the Chief Officers, except the Surgeon, the Chaplain, the Schoolmaster and the Hospital Keeper. I find that the Warden's authority has been little more than nominal. On the first establishment of the Penitentiary he states that he was informed by the Inspector that he was to consult the Deputy in all matters, as he was a person of experience of new duties which the Warden had to perform. In time this led to the usurpation by the Deputy of the Warden's authority, and the Warden expressed himself as being the Warden only in name. His orders to convicts and officers have in some cases been disobeyed by the express direction of the Deputy. The effect has been detrimental to discipline.

The following points are made by Mr. Justice Drake.

1. No muster roll of convicts has ever been called.
2. The duty of examining the Bolts, Locks and Bars twice a month, has never been done during the three years the Blacksmith has been there.

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3. Arms have been found by Mr. Foster in an neglected condition and the Guards stated that the weapons have never been inspected.
4. The Deputy repeatedly rebuked the Guards and Officers in the presence of convicts.
5. The Deputy employed Guards and Convicts on the Orphanage and supplied woodwork, iron and cement from the workshops, and the orphanage vehicle was repaired by the convicts. No entries of these works or supplies appear in the books. On one occasion only was a requisition made for work to be done in the carpenter shop, which was for the orphanage, and the cost charged to the Deputy.
6. One convict, MacDonald, was frequently out at locking up time, and on one occasion was outside without an officer at 8 p.m.
7. The Blacksmith and Carpenter Instructors were frequently absent whole days from their duty, by order of the Deputy and without the Warden's knowledge, to work on the farm leaving the convicts to work in the workshops. The Warden stated they were all trusty men, but the Deputy admits that keys to corridors and back door were made in the blacksmith shop, which he fortunately discovered and got possession of. This fact shows the necessity of the rule being strictly enforced.

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The report goes on at great length about the points mentioned at the top of the report.

On the same date there is an editorial in the Columbian commenting on the Commissioner's report.

An editorial in the Columbian on the 7th of June 1895 concerns a debate in the House of Commons in which Senator McInnes takes part and defends the Royal Commission's report.

11th June 1895, Columbian Editorial, regarding a debate in the Senate in which Senator McInnes asks the Government the following questions. Is it the intention of the Government to re-appoint Arthur McBride, late Warden, and William H. Keary, late accountant, to the Wardenship and Accountantship, respectively of the New Westminster Penitentiary, and if not why not. The reason why I ask the last question if not why not continued the Senator, is this, it was proven during the investigation the Warden and the Accountant were merely carrying out the instructions given them by the Deputy Warden and the Inspector of Penitentiaries, and that the Warden was a mere figurehead placed in that unfortunate position by the Inspector, and had to carry out the instructions given him by the Deputy.

Of the three men, the guilty person was re-appointed, while the comparatively innocent men were not re-appointed.

Premier Bowell replied as follows, it is not the intention of the Government to re-appoint Arthur McBride, late Warden, and

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William H. Keary, late Accountant, to the Wardenship and Accountantship of the New Westminster Penitentiary. The reason, on account of their unsatisfactory records while holding such positions.

If the statement made by the honourable gentleman, that the Warden was a mere figurehead and only carried out the orders of a subordinate, if it is true, it is the very best reason why he should not be re-appointed. Senator McInnes then asked, was it on the recommendation of a member of the Dominion Parliament from British Columbia, that James Fitzsimmons was re-appointed Deputy Warden of the New Westminster Penitentiary, if so, what is the name of the member, to which Premier Bowell replied, Deputy Wardens in Canadian Penitentiaries are appointed on the responsibility and the recommendation of a member of Parliament. This of course was followed in the case of James Fitzsimmons.

It is not the intention of the Government to re-appoint Arthur McBride late Warden, and William H. Keary, late Accountant, to the Wardenship and Accountantship of the New Westminster Penitentiary. An editorial in the Columbian dated the 4th of July 1895, headed Penitentiary Matters:

According to telegraphic advice from Ottawa yesterday, the Government has at last taken definite action in B.C. Penitentiary matters and action which satisfactorily demonstrates that no matter how reluctantly the Dominion Ministers have been

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compelled to bow to public opinion, even in British Columbia, when persistently and unmistakably voiced by the peoples' representatives and the press.

Assuming the telegraphic account to be authoritative and correct, the Government have wisely thought better of Deputy Warden Fitzsimmons' re-instatement, a few months ago, and with hardly less wisdom and prudence combined, have decided to ignore the Deputy Warden's demands for the Wardenship. Instead of being made Warden or even re-instated or even retained as Deputy Warden.

Mr. Fitzsimmons, it is announced, will be removed from the British Columbia Penitentiary. Upon the Government will rest the responsibility for any future disposal of Deputy Warden Fitzsimmons' services elsewhere, which it may be intended to make.

The appointment of Governor Moresby, of the Provincial Gaol, to the important position of Warden of the Penitentiary which, we understand, has been authoritatively confirmed is one which will give general satisfaction, in fact it is the one appointment for that position which it was the general desire should be made, and the Government are to be congratulated on having taken good advice on this occasion, and Mr. Moresby, for his long and faithful service and unusual abilities as a public officer, under the Provincial authorities, has thus been

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recognized by his appointment to this important Federal Office. The people of British Columbia, who know him best, will have every confidence that Mr. Moresby will be Warden of the Provincial Penitentiary, in fact as well as in name, and that neither favoritism or irregularities will be permitted to take root in that institution, under his surveillance.

With regard to Deputy Wardenship, a local appointment would certainly have been more popular and surely a competent man might have been found, without even going outside the service, than the proposal of the government to import an eastern penitentiary official for that post. It is to be hoped that this proposed importation might turn out better for the same position. The policy however, is one that cannot be approved of, and to which the Government has shown itself to be prone in other instances that might be mentioned.

The many friends of Mr. J.W. Harvey will be pleased at his appointment as accountant, which position was sought by not a few other qualified applicants. The superannuation of x-warden McBride whose treatment by the Government has been in marked contrast to the unwarranted favor shown to Deputy Warden Fitzsimmons will be generally approved.

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July 6, 1895

The Columbian

APPLICATION BY FITZSIMMONS TO REMOVE PROCEEDINGS TO VICTORIA
GRANTED BY CHIEF JUSTICE DAVIE.

An Application was made this morning before Chief Justice Davie, in the Supreme Court, by Mr. Morrison, council for Fitzsimmons, to change all the proceedings in the libel suit of Fitzsimmons vs Kennedy Bros. from the Westminster registry to the Victoria registry on the plaintiff could not get his interlocutory applications heard, as Mr. Justice McCreight refused to hear the same, he being concerned in the matters at issue.

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On July 18th, 1895 an editorial in the Columbian reads:

PENITENTIARY MATTERS

In the Senate, Senator McInnes brought up the New Westminster Penitentiary matters again, and, after inquiries as to the appointment which have been reported the Government has made to this Institution spoke at considerable length, reviewing particularly Commissioner Drake's report, which he read and reciting the history of the B.C. Penitentiary irregularities generally. Answering Senator McInnes' questions Premier Bowell said I will add to these answers something which might be asked later on, that Deputy Burke has been transferred from the Stony Mountain Penitentiary to take the place of Mr. Fitzsimmons. Fitzsimmons is now on a leave-of-absence, but it is possible on further investigation that he may be sent to the Manitoba Penitentiary, as to that, I am not positive. Premier Bowell went on to say I have no doubt in this suite which he "Fitzsimmons" has against the press of New Westminster, if it is then proved that he is a man of the character represented, the Government will deal with him.

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July 18, 1895

The Columbian

PENITENTIARY APPOINTMENTS

Mr. William Moresby, the newly appointed Warden of the British Columbia Penitentiary, has resigned his position as Warden of the Provincial gaol in this city and his resignation has been accepted, to take effect on July 31st. On August 1st, Mr. Moresby will assume the duties of Warden at the Penitentiary.

Mr. J.W. Harvey who has been appointed to the Accountantship of the Penitentiary, will begin duties on Monday next.

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July 19th, 1895

The Columbian

In answer to Mr. Martin of Manitoba, Sir Charles H. Tupper made the extraordinary statement that Fitzsimmons was not dismissed, but had been allowed two months leave-of absence to prosecute, with celerity, his libel suit against the Columbian. Mr. Bourke of Stony Mountain Penitentiary, Manitoba, was to take his place there and possibly, Fitzsimmons might yet go to Stony Mountain. Tupper would wait developments before doing anything.

July 25th, 1895

The Columbian

THE LIBEL SUIT

In Chambers today, before Honourable Justice Walkem, E.D. Bodwell, Solicitor for Fitzsimmons, applied for Change of Venue to Victoria from New Westminster off the trial of the libel suite against the Columbian. A.J. McColl, Q.C. for defendants, opposed and moved that the Venue be changed to Vancouver instead. The Judge ordered the change to Vancouver. Day for the trial will be fixed on Saturday.

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July 26th, 1895

The Columbian

Mr. E.B. Bodwell, on behalf of Plaintiff's Council, to have the case tried at Victoria instead of New Westminster on the grounds, as stated in the Plaintiff's Affidavit, where a fair trial at New Westminster was not probable, in view of the fact that the Defendant's newspaper had spoken of Plaintiff in unmeasured terms, and from the further fact that the Grand Jury had, of their own motion, made a Presentment to that Judge lately presiding at the Assizes at Westminster denouncing in effect the re-appointment of the Plaintiff to the Penitentiary. Plaintiff's Council also opposed the removal of the trial to Vancouver on account of its proximity to New Westminster. Mr. Bodwell contended that there was too much feeling in Vancouver for a fair trial.

The Court decided that the trial be held at Vancouver, in the first place, as it was highly improbable that there could be any more prejudice there than there was in Victoria. Moreover, the Council retained happened to reside at Vancouver and Westminster, and if, as has been suggested, the Penitentiary guards were to be witnesses in the case, it would be difficult to obtain their attendance in Victoria, though their attendance might be ensured at Vancouver which had tramway connection with Westminster.

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August 1st, 1895

The Columbian

Mr. William Moresby, the newly appointed Warden of the B.C. Penitentiary, entered upon his new duties today, but will not assume the active command of the Institution until the arrival of Inspector Stewart, next week, whose presence is required whenever a transfer of this kind is taking place. In the meantime, Mr. Foster is in charge. Deputy Warden Burke is expected from Stony Mountain, Manitoba, early next week, to succeed Deputy Warden Fitzsimmons.

October 22nd, 1895

The Columbian

In view of the Hearing of the Libel Suit of Fitzsimmons versus the Columbian having been fixed for the 28th instant at Vancouver, before a Judge and special Jury, preparations have been made of late for the striking of the Jury, which was done today. Owing however, to the Assizes, both in the city and Vancouver, coming on early next month, and to the fact of Mr. Justice McCreight, who will preside over the Assizes in this city, being a witness in the libel suit, the trial of this suit, by consent of council on both sides, has been adjourned until after the 15th of next month.

WARDENS ANNUAL REPORT: 25 September 1895

Sir:

I have the honour to submit herewith the Annual Report of this Institution with the usual returns, financial and statistical for the year ending the 30 June 1895.

On June 30, 1894 there remained:	108 convicts
Received since:	37
Pardoned:	5
By transferred to Manitoba:	12
REMAINING 30 June 1895:	<u>98</u>

The average number of convicts during the year was 102 an increase of 2.45 over last year. The net expenditure for the year 1894-1895 including \$1,963.26 (value of farm produce used) was \$43,336.68. For an increase of only \$164.88 over 1893-1894. In connection with expenditures 1894-1895, I would call your attention to tables given the number of barrels of flour used during 1893-94, 1894-1895 in the latter year 100 barrels less were used notwithstanding the fact that 2.45 convicts were fed daily. In showing, a saving of 27,720 pounds of bread as compared with the issue from the Bakers' Department during 1893-94.

During the year we have built 375 feet of upper and 300 feet of lower wall, 5 feet high and 2 feet thick in front of the guards cottages. These walls are backed with cobble stone filling, average inch and a half thick, to allow water to find its way to the drain pipes which were placed 10 feet apart in the upper and 25 feet apart in the lower wall. In addition to this, 17,352 feet of the bank was graded and sodded and 33,326 cubic feet removed in the rear of the cottages and the ground properly graded. 400 feet of box drain was laid to carry the water to the main sewer, this will prevent the water from running down between the cottages and cutting away the bank in front as was the case up

until 1894. The earth taken from this place was used in grading the ground in front of the Accountants residence, which was raised to an average height of 2 feet, 6 inches. 336 feet of new 2 inch water pipe was laid in the rear of the Officer's cottages we also built 227 feet of dry wall in front of the Accountant's residence. Average height $8\frac{1}{2}$ feet and 3 feet thickness. This has enabled the civic authorities to widen Columbia Street at this point and to lay an eight foot sidewalk across the Glen.

These improvements have added to the appearance as well as enhanced the value of government property. The stone in building the several walls was taken from the Penitentiary ravine and the work all done by convicts under the direction of prison staff, except for the two walls in front of the guards cottages, where the city employed two schooled mechanics to superintend the work. 6,455 cubic feet of paving was laid on the west side of the Penitentiary and 1,312 feet of new water table as well as 1,783 feet of old water table was raised and relaid. We also built 360 feet of boundary fencing.

At the north east end of the fence we built a brick cement lined reservoir and sink and laid 75 feet of box drain leading from there into the main sewer into which the contents of the convicts night buckets were emptied each morning. Formerly a large pit was used at this place for this purpose which omitted a very disagreeable odor, so as to cause complaints by Officers as well as visitors. We had all this cleaned out and filled with gravel and above named reservoir etc. built. The sink has been in use since last winter and has proved to be a decided sanitary improvement over the old cess pool. A decided improvement is also felt throughout the prison since the new closets and urinals were placed in the basement. The prison has been kalsomined and painted throughout which has added greatly to the appearance of the building and the cell wing. The interior of the cells also has been improved by having bed-clothing made up the same as in barrack room instead of having them hung up on pegs as was

formerly the custom here.

The Storekeepers and Stewards Departments have been moved from the Main Hall to the basement to two rooms formerly used by the Deputy Warden, to give them more room to store goods and greater facilities for transacting the business of these departments.

The prison building is being pointed with Portland cement. This was much needed as the mortar used in the building was of inferior quality and was nearly all washed out between the joints. In consequence of several leaks, we were obliged to cover the roof, a new roof will soon be required.

There is a very large quantity of wood still in the Penitentiary ravine, enough to last for the next six or seven years. In addition, of which there are forty acres not yet cleared. The cost of heating should be kept very low for years to come. My successor, Mr. Moresby, took over duties on the 1st of August last, I have had opportunity since then of observing the general management of the Penitentiary. I have no hesitation in saying that under Mr. Moresby, the steady progress in discipline and economy which has characterized this Institution for the past year will be maintained.

I have the honour to be Sir,

George L. Foster
Acting Warden

REPORT BY DOUGLAS STEWART, INSPECTOR OF PENITENTIARIES

TO

THE HONOURABLE SIR CHARLES HIBBERT TUPPER, MINISTER OF JUSTICE, B.C.

The reserve is located within the limits of the City of New Westminster, although, affording an excellent site, is topographically unsuited to the utilization of convict labour. The lot is narrow and is cut by deep ravines, which constitutes a menace to security. The soil is inferior but is fairly well adaptable to the production of vegetables. The Administration Building is large enough to meet the requirements of a much larger prison, while the cell wing is confined to a small section of the rear. The Chapel, School, Hospital and cell accommodation are alike deficient and a thorough re-examination of the interior plan should be considered as soon as feasible.

The unreasonable expense and inconvenience of transferring female prisoners to Kingston makes it necessary to establish a properly assigned ward for females at this Institution. The cost involved in the transfer of a dozen convicts would go far towards the arrangements and equipment of a suitable ward. The shops and stables are located to close proximity to each other and there is a serious danger of their ending in smoke.

The Warden's house which is a wooden structure is in a fair state of repair. The Officer's quarters are comfortable and their surroundings have been greatly improved. As at Dorchester, the lack of available stone quarries is a serious drawback to this Institution. Warden Moresby proposes to try an experiment in brick making and if the material be found suitable it would to some extent afford a substitute for stone.

The difficulties which occurred at this Institution appear to have originated in the internal jealousies and intrigues and promoted by outside parties whose ignorance of prison management was only equaled by the desire to create a public

scandal. Careful examination and re-examination of the evidence and facts, I am convinced that to the Officer's who incurred the greatest amount of public censure is due the credit of keeping the Institution intact. That he committed errors in judgement and failed to overcome the difficulties of the situation is apparent but that he was personally dishonest or willfully neglectful of his duties has not been shown. The results of the investigation have been the super-annuation of Warden McBride and the dismissal of the Accountant. The former was replaced by Mr. William Moresby and Mr. J. W. Harvey has been appointed to succeed Mr. Keary, as Accountant of the prison. Accountant Foster during his incumbency as Acting Warden succeeded in restoring public confidence in the Institution though labouring under great difficulties and the tact and judgement evinced by Warden Moresby, give reasonable assurance of future success.

REPORT OF W.A. DeWOLF-SMITH, PENITENTIARY PHYSICIAN, 1 July 1895

One death occurred during the year. This was a convict who was ill when he came to this prison, suffering from Brights Disease and the effects of sun-stroke, which happened to him in the West Indies. He was in the Hospital for the greater part of a year and died of Brights Disease, 1 July 1894. I beg to call your attention to the unsuitability and inconvenience of the place used as a hospital. I have called attention to the deficiency of the place in several of my reports.

End of Report

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January 14th, 1896

The Columbian

Warden Moresby says he is now prepared to lay the sidewalk in front of the Penitentiary property, but, before doing so he must have written assurance that the City of New Westminster will keep the sidewalk in repair and be responsible for any accidents which may happen from any defect thereof.

REPORT OF WARDEN MORESBY, B.C. PENITENTIARY - 1 July 1896

I have the honour to submit herewith my first Annual Report for this Penitentiary for the year ending 30 June 1896.

Number of Convicts 30 June 1895:	98
Received during the year:	33
TOTAL:	<u>131</u>
Discharged by Expiration of Sentence:	28
By Pardon:	2
TOTAL:	<u>30</u>
REMAINING AT MIDNIGHT 30 June 1896:	101

Showing an increase in population of 3 during the year. There has been one recommitted.

I am sorry to say that we have lost one of the most able and efficient Officer's of our staff by death, Mr. D. C. McGilvery who died of bronchitis, March 3, 1896.

I am pleased to state no deaths have occurred among the convicts or any escapes. Discipline has been good, school progressing satisfactorily with an attendance of 2.07. The convicts seem to appreciate the efforts made to improve them, especially the Indians and the Chinamen who are very quick at learning. The work carried out during the year has been more in the shape of repairs and improvements. The Warden's residence and all Officer's quarters painted and repaired, which had not been done since they were built which is about eight or ten years ago and are in very bad shape. Alterations have been made to the wash house by putting in new skylights, steam heating apparatus for baths, etc. We are now able to do all the shaving, bathing and washing of clothes in the same building which saves a good deal of time and the convicts while there are more under the eye of the Officer than before.

The repainting of the main building mentioned in the last report has been finished and is considered a good substantial piece of work. The new wagon road has now been made up the ravine to the back part of the Penitentiary reserve, which will enable us to haul the wood and stone much more easily and a shorter distance than before.

The progress that we expected to have made in brick making has not advanced as satisfactorily as I would wish. We hope by Spring to be in a position to commence making brick. Prospecting for clay and sand has been carried on and an unlimited supply has been found on our grounds, the quality of which has been declared first class by experts.

Repairs have been made to the old water system by repairing the dam and pipe which with a few more improvements such as building a large tank or reservoir in addition to the one we are now building. We are saving all the water from the wash house and other buildings, I have no doubt this will give us sufficient water for all purposes excepting for cooking and drinking and will make quite a reduction in our expenditure.

A good deal of repairing has been done inside the main building such as lathing, plastering, painting and a new cement floor in the Kitchen. The boundary fence has been repaired in many places by putting in new posts. The unsightly hole in front of the building has been filled level with the field, also a greater part of cribbing along the railway track in front of the reserve.

In conclusion I would say that the conduct of the Officers of this Institution has been highly satisfactory.

Per capita statement 1895 - 1896 for the B. C. Penitentiary:

Per Capita cost on net expenditure: \$402.53

Deduct for revenue: \$ 8.93

Net per capita cost per annum:	\$393.60
Net cost per diem:	\$ 1.08

W. Moresby
Warden

Number of Convicts remaining 30 June 1896:	101
Received during the year 1896-97:	36
	<hr/>
TOTAL	137
Discharged during the year:	37
Remaining at midnight 30 June 1897:	97

Report of the Surgeon, W. A. DeWolf-Smith, July 1, 1897:

I am glad to report that as a general thing the health of the staff and the convicts has been good. No serious illness and no deaths occurred among the convicts during the year no among the staff. With the exception of the illness and death of Warden Moresby which occurred toward the end of 1896 and which deprived the service of a most efficient Officer. The privilege extended to the officers of purchasing drugs and medicine from the hospital has largely been taken advantage of. Revenue from sale of drugs and medicine as being \$40.10.

Your obedient servant

W. A. DeWolf-Smith
Surgeon



BRITISH COLUMBIA PENITENTIARY.

NIGHT DUTY CERTIFICATE REPORT.

February 28th 1897

Sir, -

I certify that I thoroughly inspected and searched the Prison after it was locked up and handed over to my charge and found 88 locked up in Wing, 9 in Basement, 1 in Hospital, and 5 out. total 103.

I.. 6.0. p.m.

- II. 6.40 - Hospital Overseer visited the Wing to attend to N^o 25.
- III. 7.25 - I locked N^o 70 up.
- IV. 8.15 - I locked up N^{os} 55 & 56.
- V. 8.50 - I rang signal for the Convicts to retire.
- VI. 9.0 - I turned off the Cell lights.
- VII. 11.15 - The Deputy Warden visited the Wing.
- VIII. 5.0 AM. I unlocked N^{os} 48, 64, 70 & 99 for duty in Kitchen.
- IX. 6.0 - I unlocked N^{os} 55 & 56 for duty at Wardens & Deputy's Quarters.
- X. 6.15 - I gave up charge to Guard Stewart leaving 95 locked up & 8 on

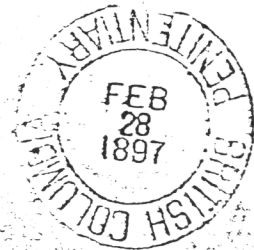
Temperature.

Upper tier	N.	6 p.m.	64°	9 p.m.	66°	12 p.m.	66°	3 a.m.	66°	6 a.m.	66°
	S.		64°		66°		66°		66°		66°
Lower	N.		62°		64°		64°		64°		65°
	S.		62°		64°		64°		64°		65°
Basement.			66°		67°		66°		65°		61°

I am, Sir,

Your obedient servant,

To *J. C. Whyte* Esq. Warden. *Benjamin* Guard on night duty.



BRITISH COLUMBIA PENITENTIARY.

J. J. Coutts

2nd
3rd
4th
5th
6th
7th

Guards Muldoon & Burr reported for duty at 5⁵⁵ P.M.
J. J. McKenzie passed out at front gate at 6⁰⁵ P.M.
I locked the front gate & visited all out-buildings &
& tested all locks at 6⁰⁵ P.M. & found all correct
excepting electric box at North end of Prison which
is out of repair

I admitted H. O. Carroll at 6²⁰ & passed him out
at 6²⁵ P.M. again at 6⁵⁰ P.M.

I brought Nos 27 & 56 from the Warden's residence &
handed them over to the Dept Night Guard at 8¹⁵ P.M.

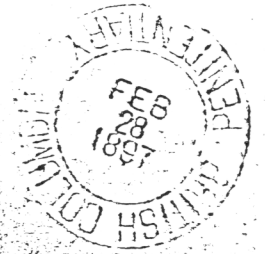
I handed over the gate keys to the Dept Night Guard at 10

I patrolled my beat at: 6⁰⁵ 7⁰⁰ 8¹⁵ & 9⁴⁰ P.M.
I was within call of Night Guard except while patrolling & at the
Warden's residence
Nothing unusual occurred except as above reported.

I am, Sir,
Your obedient servant,

Jinlay Stewart
Patrol Guard.

J. C. Kuyte }
Warden. }
E. J.



BRITISH COLUMBIA PENITENTIARY.

" Basement	9
" Hospital	1
At Warden's Quarters	2
" Warden's Quarters	2
In Convict Kitchen	1
Total	103

3rd at 1st p.m. I admitted Hospital Overseer Carroll who went into the King at 4th p.m.
 3rd " 6th " The Warden and Accountant passed out of the Prison
 4th " 6th " Hospital Overseer Carroll passed out of the Prison
 5th " 7th " Convict No. 70 was locked in his cell
 6th " 8th " Convicts Nos 27 and 59 were locked in Hospital and Nos 56 and 55 in their cell
 7th " 10th " I received the keys of front gate from patrol Ensign Stewart
 8th " 11th " The Deputy Warden visited the King
 9th " 11th " I patrolled outside and found all correct, Weather Cloudy and mild
 10th " 1st p.m. I patrolled outside and found all correct, Weather raining
 11th " 2nd " I patrolled outside and found all correct. Weather raining
 12th " 3rd " Convicts Nos 71, 48, 99 and 64 were unlocked for duty in Convict Kitchen
 13th " 5th " I unlocked front gate and patrolled outside and found all correct
 14th " 6th " Convicts Nos 27, 59, 56 and 55 were unlocked for duty
 15th " 7th " Stewart Robertson reported for duty
 16th " 8th " Messenger Dyvis reported for duty and took charge of Main Hall
 17th " 9th " There is 95 convicts locked up and 8 out = 103

I report the Box out of repair at East end of building

I am, Sir,

Your obedient servant,

J. C. Whyte Esq.

Warden.

E. J. Muldoon

Supt. Guard on night duty.

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April 29th, 1897

The Columbian

LAST NIGHTS OPENING

The opening of New Westminster Council No.1, R.T. of T., held last night was an enjoyable affair there being a good attendance of members and their friends. One of the most pleasant features of the evening was an exhibition of physical drill by eight guards of the B.C. Penitentiary, in full uniform. This item was heartily applauded, and witnessed with special attention.

Wardens report for the year ending 30th. June 1897

Sir: I am pleased to say there has been no death or escape during the year. I am very sorry to report that one of our convicts has been pronounced insane and still remains in the institution and it is unnecessary for me to draw your attention to the unwise manner of keeping insane convicts in the same wing as sane and until other means are adopted by the addition of separate wings for this class of criminal the discipline will be very hard to maintain. I would also respectfully draw your attention to the immediate necessity of adding additional prison accommodation, our population is steadily increasing and with the rush of immigration to our mining centre's we are certain to have a large increase in the coming year and the question arises, how can we carry out the regulations as to separate cells for each.

We have been using the hospital for the purpose of housing the surplus and in event of a convict being ordered to the hospital we would be in a rather difficult situation.

I have since my appointment, and with the able assistance of the Deputy Warden and other officers of the institution tried to the best of my ability to carry out the improvements inaugurated by the late Warden Moresby.

I am pleased to say on assuming duty on the 23rd. December I found everything going on in first class condition and continued to carry out the contemplated improvements and works as started by the late warden and have much pleasure in being able to say that for a very slight expenditure I bought a horse power brick machine and necessarys and with the assistance of guards and working convicts are turning out first class bricks at the rate of 3000 per day which can be increased if necessary without any additional outlay, by this we have added to the institution another industry without the necessity of employing any more officers and making more work for the convicts.

I see by Warden Irvin's report of 1895-96 at Manitoba Penitentiary that they have more land than the number of convicts that can work, while we have the opposite and I respectfully suggest that some of our convicts be transferred to Stony Mountain as we have a limited quantity of land and not sufficient accommodation for our present population.

On taking charge of this institution shortly after the death of the late Warden Moresby, I realized that hard work and continuous study and supervision was necessary to fill the place left vacant by one of the best officers and highly respected men in British Columbia.

If the government decides to carry out the suggestion in your annual report in reference to prison manufacture of articles required by government, I trust that on account of our location on transcontinental route the repairing and making of mail bags be allotted to this Penitentiary. I also trust that Wardens Conventions will become one of the established institutions of the Penitentiary Service and as you say help eradicate the localism that is certain to creep into Penitentiaries when the officials only means of keeping pace with the times is newspaper reports and meger information gleaned from the Blue Books of the different Penitentiaries in other country's.

I have also to thank you for your valued advise and continued assistance in carrying out any of the improvements that I have had the honour to suggest.

I cannot close this report without again thanking all the officers for their valuable assistance in maintaining the discipline and economy of the institution.

I have the honour to br Sir; your obedient servant

J.C. Whyte Warden

Included in the above report is a report from the Protestant Chaplin, Thomas Scouler and the R.C. Chaplin J.M. Fayard O.M.I.

REPORT OF THE WARDENS' CONFERENCE, FIRST WEEK JANUARY 1898

The suggestion contained in my last Annual Report, that an Annual Convention of Penitentiary Warden's and other Officials interested in the treatment of criminals would be of advantage has already materialized. The inaugural meeting was held in Ottawa during the first week in January 1898. The consensus of opinion among those who participated is that it marks an important milestone in the history of Canadian Penitentiary reform. Officers of diversified training, temperament and experience were able to bring to the consideration of the various questions an amount of practical knowledge and practical suggestions of the greatest possible value. The convention had the advantage of the presence of the Commissioner of Dominion Police whose successful administrative experience and knowledge of criminal behaviour enabled him to materially assist in matters in which these were involved. The greater portion of the time in this inaugural meeting was devoted to the discussion of and suggested revision of the rules governing the internal administration of the Penitentiaries but as to the more general questions considered the following suggestions were made:

Classification of Convicts:

That provision should be made for the classification of convicts and the separation of those as seem amenable to reform from the incorrigible and habitable offenders. The feasibility of the suggestion is strengthened by the success which has attended in the recently adopted star system in the English prisons. The adoption of the system would involve the structural arrangement of some of the prisons.

Restrictions of Convict Privileges:

The extent of these visits by alleged friends and relatives and also to the mass of correspondence to and from convicts has become a serious menace to discipline and in the larger prisons the necessary supervision absorbs too

large a portion of the time of Officers who have more important duties to preform. In nearly all cases letters and visits are many times more frequent than they would be if the men were free. While the general tenor of the conversation and correspondence is not by any means elevating or reformative in it's character, it is recommended that these privileges be restricted within more reasonable limits.

Exclusion of Sightseers:

The admission of those who from mere idle curiosity desire to see the interior workings of a prison is a source of much official embarrassment and inconvenience and in some cases is undoubtly dangerous. Strangers of respectable appearance are admitted in large numbers and despite the most vigilant supervision, it is too frequently discovered, subsequently, that contraband articles have been dropped in placed to which convicts have access. As an illustration it may be mentioned that an ex-convict by means of an intermediary, supplied a newly arrived convict with a sketch plan of the prison in which certain points of possible escape were indicated.

The convention recommended that aside from as are by statue entitled to admission, NO VISITORS may be admitted except by special leave of the Department and that in no case should any male visitor have access to the female ward or female visitor have access to the male ward of the prison.

Increased Facilities for Labour:

The restrictions which by statue and public policy have been placed upon prison labour make it impossible to provide sufficiency of employment for the convicts. The convention recommended that the prison be furnished with more ample facilities for agriculture and also heartly endorse the suggestion contained in my last Annual Report as to the necessity for securing the active co-operation of other Departments of the service with regards to articles which can be furnished by the prison but which are now purchased by the Government from outside contractors.

Intermediate Sentences:

The legalization of intermediate sentences for the Habitual criminals was strongly recommended.

Identification of Criminals:

The convention urged the establishment of a Bureau of Crime Records under the control of the Commissioner of the Dominion Police, an assurance was given that the prison authorities would afford all possible facilities for the operation of the Bertillon system as an attachment to the Bureau.

Increased Inspections:

Complaints are made of the infrequent visits of the Inspector and the Accountant of Penitentiaries. The convention was aware of the reason which made it necessary for the Inspector to be in Ottawa for the greater part of the year and also as to the special duties which have prevented the Accountant of Penitentiaries from performing his ordinary official duties, but the attention of the Department was called to the urgent necessity of more thorough and frequent inspection.

General System of Control:

Previous to 1875, the management of Penitentiaries was vested in a Board of Directors. At that date the Board was abolished and the direct control was vested in the Minister of Justice. The change has been the subject of a considerable amount of adverse criticism and although it involves a question of public policy, yet a view of comments which recent investigations have evoked, it seems appropriate that the general system should be considered in connection with any defects in the details of administration which may have occurred. The train of opinion among those most clearly identified with the prisons have been the adverse to the direct departmental control and the case from that point of view was forceably set up by Mr. Tache and Miall in their report in connection with the management of the Penitentiary, dated 23 December 1879. In closing

the Commissioner states "In dealing with the difficulties which have given rise to the present inquiry, we doubt not the idea must have been suggested to your mind as it certainly has most forceably impressed on ours that prison management is not a fit subject for departmental control and we feel bound to refer before closing this report the radical change inaugerated by the legislation now in force in relation thereto."

The study of the subject of prison management if persued free from influence of preconceived ideas must lead to an unbiased mind to the conviction that such an Institution should be governed by an organization or body of men free from political or other extraneous influences. Such organized bodies exist in every civilized country whether under the name of Inspectors, Superintendents, Directors or Commissioners and are generally constituted into Boards, whose relations the executive offices of each establishment are somewhat emulated to the relations existing between parliament and cabinet and our constitutional form of government. The duties are consultive, deliberative and in a measure legislative. They decide on what general principles the prison shall be governed and their decrees when approved by the Minister of State are carried into effect by the local Executive. Such was the condition of the question in Canada before the passing of the Act in 1875, in which we are bound to call and enforce the deviation from the usual course pursued in almost every country aiming at the reform of its criminal population.

The governing of penal Institutions in christian countries has become a distinctive science. A science too demanding for its attainment, a continuity of practice and experience acting upon diversity of minds. A combination of mental and moral qualities seldom centralized in one person and of which some important elements are almost sure to be lacking in the department whose main duties are of an entirely different character is essential to the judicious control of a mixed criminal population, especially if the object aimed at be reformery as well as punitive.

The avowed object with us is to reform the convict, educate them to honest occupations, as well, to see that they are adequately punished without being crushed. The general system of control goes on to give other arguments why a Board of Control should be authorized.

All these principles concreated by the grand test of time approved and endorsed by the entire civilized and christianized world have been set aside by the Penitentiary Act of 1875.

By its provision all the benefits from the diversity of thought breadth of mental and moral culture are swept away as useless. One single Inspector is provided, for who is, expected, it may be assumed to combine in his person all the breadth and diversity of a Board. Both breadth and diversity being neutralized however, by the provisions that he shall be an Officer of the Department of Justice. If they have any force they are intended to apply to the principle and the spirit of bureaucracy, not to any special department or individual, a built in successful administrative experience of the Commissioner is entitled, their views to the greatest possible respect.

It is necessary to remember however, that they do not speak from knowledge gained in the practical institutional but from the standpoint of general theoretical principles. The objection turns against direct department control of the Penitentiary in line with equal force in the case of the other branches of the Public Service. The Minister of Justice is held responsible to Parliament for every item of expenditure in connection with the prisons and his responsibility could not reasonably be continued if this control should be limited by the intermediary authority of the Group of Directors. I respectfully submit the opinion that the weakness does not lie in the system but in the manner in which it has been administered. The system vested the control of all Penitentiaries in the Minister of Justice but as a matter of fact succeeding Ministers have been harassed to such an extent by the persistent interference of local political organizations that the control of the

patronage including the selection of officials has been virtually deligated to local and irresponsible organizations whose chief aim has to be the potency of the Institution as a political factor in the constituency in which it is situated.

It is quite apparent that so long as this departmental control continues locally the whitewash brush of departmental officials and the tar brush of Special Commissioners will be alike ineffectual in removing the stains which are occasionally exhibited to public gaze. What is required, and such action as will relieve the prisons from the grasp and tennicles of the local political octopodidae. The burden of maintaining the Institution is imposed on the whole of Canada and it is but reasonable that the privileges of which attached to the patronages should be equally extensive.

I am Sir, your obedient servant,

Inspector of Penitentiaries
Douglas Steward

31 January 1898

The Columbian

February 28th.1898

Stony Mountain,Manitoba

James Fitzsimmons Dead;

Word was received,yesterday,of the death of James Fitzsimmons,which occurred there in the hospital Saturday night,the late Mr.Fitzsimmons, it will be remembered,was for many years the Deputy Warden of the British Columbia Penitentiary at this city.

In fact,from the time of its inception in 1878,having been transferred here from the great Kingston penal institution,Mr.Fitzsimmons was removed from here in 1895 to Stony Mountain (Manitoba) Penitentiary, exchanging with Mr.D.D.Bourke,now Deputy Warden here.

The deceased was a native of Ireland,and came to Canada in his sixteenth or seventeenth year,shortly afterwards being put on the staff of the Kingston Penitentiary,under Warden McDonell.

It will thus be seen the late Mr.Fitzsimmons,who was in his fifty ninth year at death,had spent the better part of his life in the Canadian Prison Service.

The only known surviving relative of the deceased is a nephew,at Kingston,by the name of Waters.

large influx of population in surrounding districts, as this is now a permanent increase our prisoners will continue to increase. At present we are crowded again and are waiting for orders to transfer another 15 to Stony Mountain. I consider the time is at hand when increased accommodation should be provided for the criminals that are arriving here.

I found that the Warden's Convention held in Ottawa was of great use to me personally and I got an insight into the workings of other Institutions in Canada and the United States that is of inestimable benefit to me in the administration of this Institution from both moral and an economic point of view.

My thanks are due to all the Officers of this Institution for the able and courteous manner in which they have performed their respective duties, especially the Blacksmith Instructor, Coutts, who spent most of his time in engineering work; to guard Doyle, who had charge of the brickyard; guard Johnston, who erected the water tank; in fact these two latter men should be appointed trade instructors as most of their time has been spent in tradesmens' work. Blacksmith Instructor Coutts should be appointed engineer for the same reason.

Your obedient servant

J. C. Whyte
Warden

Schoolmaster Report: W. J. Carroll

26 convicts admitted to school during the year. The daily average attendance was 26.86

From the report of the Inspector of Penitentiaries 1898

The suggestions contained in my last Annual report that an annual convention of Penitentiary Wardens and other officials interested in the treatment of criminals would be of advantage and that has already materialized. The inaugural meeting was held in Ottawa during the first week of January 1898 and the consensus of opinion among those who participated is that it marks an important epoch in the history of Canadian Penitentiary Reform.

The titles discussed were, classification of convicts, restriction of convicts privileges, the exclusion of sightseers, increased facilities for labour, indeterminate sentences, identification of criminals and increased inspection.

Excerpts from that report on the convention are as follows.

Restrictions of Convicts Privileges.

The extent of these privileges as regards visits by alleged friends and relatives and also to the mass of correspondence to and from convicts has become a serious menace to discipline and in the larger prisons the necessary supervision absorbs too large a portion of the time of officers who have more important duties to perform. In nearly all cases letters and visits are many times more frequent than they would be if the men were free. While the general tenor of the conversation and correspondence is not by any means elevating or reforming in its character, it is recommended that these privileges be restricted within more reasonable limits

Exclusion of Sightseers

The admission of those who from mere idle curiosity desire to see the interior workings of a prison is a source of much official embarrassment and inconvenience and in some cases is undoubtedly dangerous. Strangers of respectable appearance are admitted in large numbers and despite the most vigilant supervision, it is too frequently discovered, subsequently, that contraband articles have been dropped in places to which convicts have access. As an illustration it may be mentioned that an ex-convict, by means of an intermediary, supplied a newly arrived convict with a sketch plan of the prison in which certain points of possible escape were indicated.

The convention recommended that aside from such as are by statute entitled to admission, no visitor be admitted except by special leave of the department, and that in no case should any male visitor have access to the female ward or female visitor have access to the male ward of the prison.

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October 28th, 1898

The Columbian

WARDEN WHYTE RETURNS

Warden Whyte, of the B.C. Penitentiary, returned today, from an official trip to Kingston and Ottawa.

While at the capitol, Mr. Whyte interviewed the Government relative to increasing the accommodation for prisoners in the British Columbia Penitentiary, and he was assured that something will be done in this direction as soon as possible.

Beyond the fact that the building will be enlarged, nothing has yet been definitely settled. Plans however, are now being prepared, and an amount will be placed in the estimates to be presented to Parliament next session, sufficient to permit the work being commenced in the spring, and probably extended over two years.

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April 19th, 1899

The Columbian

INSPECTED THE PENITENTIARY

Yesterday, Huang Yu Wet the Chinese Reformer, spent two hours in going over the British Columbia Penitentiary, under the escort of Mayor Ovens and Mr. Alex Henderson, N.P.P. Warden Whyte showed every courtesy to the distinguished visitor, whose quick, intelligent plans, noted everything of importance connected with the big prison. Whether it was the cells, workshops, fields, or stock, he paid close attention to the details while his secretary was kept busy noting the answers of the Warden to the numerous questions with which he was plied. The prison discipline, number of guards, etc., and particularly, the signal system by which the office is kept in constant touch with the guards, were also inquired into. Nor was the kitchen and the prisoner's fare overlooked, and when the liberal rations were enumerated, the greatest surprise was manifested, as such a method of treating prisoners in China was unheard of.

ANNUAL REPORT OF THE B.C. PENITENTIARY, 1 July 1899

Sir:

I have the honour to submit my third Annual Report with the usual returns from the British Columbia Penitentiary for the year ending 30th June 1899.

The vote for the maintenance of the B.C. Penitentiary for the fiscal year ending 30th June 1899 was \$45,700.00. Of this amount \$42,354.55 was expended; leaving a balance unexpended in the hands of the government of \$3,345.45.

There remained in B. C. Penitentiary on 30 June 1899:	109 male convicts
	1 female convict

We received from common jails during the year:	36 males
	1 female

Discharged during the year by expiration of sentence:	39
by remission of sentence :	1
by transfer to Stony Mount:	15
by transfer to Kingston :	2

MAKING A TOTAL DISPOSED DURING THE YEAR:	<u>57</u>
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TOTAL POPULATION LEFT 30 June 1899:	90
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The daily number of convicts in the British Columbia Penitentiary was 92.

The behaviour of the convicts and the discipline of the prison has been satisfactory during the past year.

As I have said in a previous report, additional accomodation is very much required as we can now make all the bricks required, it would very much reduce the expense of the building.

We have lost two Officers this year. One through his health breaking down and one through death. The first guard Muldoon found that his health was suffering from the arduous duties required by his position. Storekeeper,

Jackson was taken from us suddenly, he was off duty only a few days and we lost a faithful servant.

I may say that our water system, shower, baths and grating are working very satisfactorily. We are also clearing all our land so that in time we will have twenty-five or thirty acres fit for cultivation, in addition to the thirty acres now under crop.

Your obedient servant

J. C. Whyte
Wardent

SCHOOLMASTER REPORT - W. J. Carroll:

W. J. Carroll, Schoolmaster reports on education 1898-1899. The number of convict students who can read and write: 66. Cannot read or write: 21. Can read only: 1. Can read and write in Japanese: 2.

End of Report

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SURGEON'S REPORTS.

BRITISH COLUMBIA PENITENTIARY.

New Westminster, B.C., July 1, 1899.

Sir, - I have the honour to submit my annual report as surgeon of this penitentiary for the year ended June 30, 1899.

I regret to have to record the death of one of the officers, Store-keeper Jackson, who died rather suddenly from uraemic poisoning.

We are still greatly in need of suitable hospital accommodation. The place at present used for that purpose is a disgrace to any institution, as has been pointed out in my reports for several years back. I regret to state that I see no effort being made to improve this condition of things.

The disadvantage of obtaining drugs from Montreal continues to be apparent. As stated last year, in order to avoid running short it is necessary to order large quantities of drugs, with the result that in some instances the article is spoilt before it can be used. In many cases, too, the article supplied has been of inferior quality. This also has been pointed out by me several times.

I wish to call your attention to the distinction drawn

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between the surgeon and the other officers in the matter of holidays. Other officers are allowed a matter of ten days holiday every year, but the surgeon never gets a holiday. During the twelve years in which I have been surgeon of this penitentiary, I have never had a holiday—that is, I have never been away without having to provide a substitute at my own expense, which no other officer is called on to do. Even when ill, I have had to pay a man to take my place. I would call your attention to the good which would accrue were surgeons of the different prisons given an opportunity to meet with each other and with the rest of the profession occasionally, for instance at the annual meeting of the Canadian Medical Association.

The Hospital Overseer, Mr. Carroll, continues to perform his duties in a most satisfactory manner.

I have the honour to be, sir,

Your obedient servant,

W. A. DEWOLF SMITH, M.D.,

Surgeon.

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July 13th, 1899

The Columbian

WARDEN WHYTE, OF THE B.C. PENITENTIARY, REPORTS THE LATEST ADDITIONS TO THE DEER HERD AS THRIVING.

These were a couple of fawns which were born to the doe that arrived there, two years ago, in a gunny sack. The late arrivals are the first which have been born in captivity, and the Warden hopes that, now a start has been made, the herd will increase rapidly.

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