The Untypical Prisoner: Commodifying Labour in Dorchester Penitentiary, 1880-1900

BY

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The often-ignored structures of prisons reveal many darker aspects of human society. Hidden behind cement walls, treacherous fencing and guarded by weapons and the wielding of power, the state of prisons is reflective of the lowest and least admirable qualities of a society. How societies treat their criminal populations is indicative of the state of the systemic racism, sexism and ableism present in our communities. As we view the experiences of prisoners to understand not only the state of the penal system, but the larger issues in society, we must give extra attention to the treatment of the most vulnerable criminals. Present within these prisons we may find women, housed in male prisons, who were often forced to commit crime due to their economic disadvantages and forced reliance on men. In other instances, children are housed among adult populations and punished for crimes often committed as acts of survival or as reactions to the grinding poverty they experienced. The abuse extends as vulnerable people with disabilities and mental illnesses are improperly housed. Despite requiring alternate systems of care that offered medical care, therapy or simply improved conditions, people with disabilities and mental illnesses were often locked in institutions like prisons in order to control their presence in society.

In Dorchester Penitentiary's first twenty years of operation, 1880-1900, each of these groups housed within its walls, as well as in other larger penitentiaries and jails in Canada. The penitentiary, located in eastern New Brunswick's village of Dorchester, opened in 1880 as a solution to the overcrowding in maritime prisons and jails. Quickly the penitentiary itself faced issues of overcrowding and improper care. The prison system's underlying motivations to create profit and manipulate its prisoners for labour are thinly

veiled as they fail to supply the basic needs of prisoners, or appropriate rehabilitatory environments. These issues inordinately affected the most vulnerable populations in the prison. By viewing the experiences of such people, it becomes clear that late-nineteenth-century Canada relied on the exploitation of bodies to operate a broken, economically driven prison system that did more to traumatize its prisoners than to rehabilitate them.

Original research on Dorchester Penitentiary that goes further than relying on the Inspectors of Prison's reports is limited. What information is available is mentioned alongside the broad context of the wider Canadian prison system or simply in relation to work done on Kingston Penitentiary. It is because of this that many secondary sources discussing conditions in the larger prison system are necessary. Working from a broader context allows us to understand the potential experiences of those in Dorchester especially in cases of the racialization of prisoners, the experiences of women convicts in Canada, crime and delinquency in the Maritimes, and the evolution of treatment and care for those with disabilities and mental illness. The work of Ted McCoy provides insight into the experiences of women at Kingston Penitentiary. Historian Anthony Platt offers insight into the developments of reform movements and their effect on children. Scholars such as Geoffrey Reaume and Janet Miron offer in-depth histories of asylums and prison in Canada. The lack of scholarly investigation into the history of Dorchester creates a void in knowledge of the history of prisons, crime and incarceration in Atlantic Canada. Often disregarded by society, the existence of convict stories and experiences are threatened by marginalization. This is only amplified for convicts further marginalized within the carceral system. The history of women, children, people of colour and people with disabilities is ignored, and in the case of Dorchester Penitentiary, their existence is forgotten. An

expansive analysis of John B. Forster's diary, sessional papers and other materials provide insight into the unique situations faced by convicts who are already marginalized from society due to their legal status, and for those who were further marginalized by race, gender, ability, age and health. By studying a wealth of sources one may piece together the briefly mentioned, often ignored experiences of marginalized prisoners and recognize the roots of oppression in state run systems, and with that information perhaps correct their modern-day presence.

The conditions in Dorchester Penitentiary and other Canadian prisons, though often ignored by free society, and geographically removed, were influenced by the outside world. The influence of reformers in the mid-to-late-nineteenth century continuously undeniably altered the penal experiences of women, children, mentally ill and disabled people who had once gone largely ignored. As reformers began to enter prisons and loudly denounced the poor conditions, penitentiaries like Dorchester began to provide alternate forms of housing for criminalized people. Asylums, reformatories and industrial schools were also presented as preferable alternatives that sought to provide moral therapy-based care. These alternatives, although promoted and inspired by reformers, often presented new instances of abuse as they failed to address systemic issues that caused convicts to offend. Systemic issues were frequently ignored in reformers' discussions of prison conditions. Instead they relied on criticisms of cruelty and abuse which were not necessarily connected to previous custodial forms of incarceration, but are rather the outcome of unregulated power over vulnerable populations. Criticisms remain disappointingly liberal as they still promote ideas of inherent criminality, moral failings and work as therapy. These ideas regarding

criminal justice can be traced to Protestant ideas common in England, Canada and the United States.

The state of prisons in the late-nineteenth century was dynamic and rapidly changing as reformers encouraged alternative forms of care and housing. Dorchester Penitentiary, though geographically isolated, was not untouched by these expansive changes in Canada's prison system. Opened in a time of great change, Dorchester Penitentiary aimed to offer new and advanced policies, but quickly failed in providing effective care as these reform policies failed to address the root of the poor conditions in prisons—the lack of social welfare, the lack of prisoner's rights within prisons, the lack of regulation of staff, and ultimately, the mischaracterization of convicts as entirely dangerous, evil and biological predisposed to commit crime. Instead reformers offered new systems that improved some qualities of prisoners' lives, but ultimately focused on the development of a productive citizen. The continued favouring of productive prisoners who were seen as possible benefits to business maintained a system of incarceration that did not value the lives of those deemed unable to contribute, such as women, children, mentally ill and disabled people.

Chapter One: Labour in the Prison

The concept of a prison is built upon a reliance and expectation of prisoner labour. Whether this labour is paid, unpaid, forced or given with as much consent as given to the largely un-autonomous prisoner, the prison system aims to elicit as much productive labour from the prisoner in order to profit economically. This differs from the goal of rehabilitation and reform that penal officials often state is their intention in the nineteenth century criminal justice discourse. In reality, the prison system and its officials focus upon the profitability of the prison and to a more horrifying extent—the profitability of prisoners. In choosing to focus on a singular prison like Dorchester Penitentiary to demonstrate the effects of this contradiction in aims, we are able to understand the experiences of individuals incarcerated in a place where the focus is not their well-being, nor their potential success outside of penitentiary walls, but the extents to which their bodies may be pushed in order to perform profitable labour.

Dorchester Penitentiary is prison in which we see the delicate balance between rehabilitative and exploitative sway towards the latter. By viewing the experience of a prisoner through the intersection of identity and labour, we are able in understand the ways in which the incarcerated population of Dorchester Penitentiary became vulnerable as their inability to contributed valued work denotes them as unsuited to the prison—a prison which focused on production, not rehabilitation. In further chapters, explorations of these marginalized individuals' experiences will speak to ways in which an intersectional analysis uncovers specific failures of Dorchester Penitentiary. Before an examining the individual experiences in the prison, insights

into the construction and first few years of operation of the Dorchester Penitentiary are required in order to learn about its history. Also necessary is an understanding of concurrent ideologies regarding prison systems in Canada. By combining this research with questions regarding the use of prisoner labour in penitentiaries and, we are able to gain new insights into the prison system and the experiences of prisoners in the late-twentieth century.

It is within reports from the Penitentiary staff to the government of Canada, the Inspector of Prison's reports, and writings on the conditions of nineteenth century prisons, that we are able to piece together answers to the questions regarding the motivation behind building the Maritimes' new prison. These sources also supply a larger understanding of the place of prison labour within the Dorchester Penitentiary and wider collection of prisons in Canada at this time. The primary documents from which much of the information used in this paper originates are a series of annual sessional papers compiled by the federal government in order to investigate the conditions of all existing penitentiaries in Canada. Dorchester Penitentiary is often mentioned, both by the staff in their reports on Dorchester, but also by other staff penitentiaries who supply both goods and prisoners to Dorchester Penitentiary. Within the sessional papers reports from the Dorchester Penitentiary's Warden, Catholic Priest, Protestant Chaplain, the Surgeon, the Schoolmaster and the Matron in charge of female prisoners. In these reports we also find detailed expense reports that allow us to see the strong connections between profit, prisoner labour and food production at Dorchester. The sessional reports also provide us with insight into the primary hopes and desires for Dorchester Penitentiary's development, as we see mention of Dorchester Penitentiary a few years before its

establishment as other prison wardens write in their reports a sense of relief and sometimes excitement at the development of a new prison.

Dorchester Penitentiary's construction was built because there was a great need for further prisoner housing in the Maritimes. From archival sources we can piece together beginning conversations between both MPs of the time, as well as prison and penitentiary workers who are aware of the issue of overcrowding and poor living conditions in the already existent Halifax Penitentiary in Nova Scotia and Saint John Penitentiary in New Brunswick. Also mentioned is the dire need for penitentiaries able to hold prisoners with sentences that required long-term housing. The construction of Dorchester Penitentiary was largely supported in order to solve the issue a lack of space suitable for long-term imprisonment, both in the Maritimes and further West when needed.[1] Dorchester was to be the site of many hopeful problems to correct issues within the prison system. During the period of Dorchester Penitentiary's establishment, the attitudes towards the design of prisons and penal methods were shifting. Penitentiary established before Dorchester Penitentiary such as the Kingston Penitentiary had operated under the Auburn System.[2] In fact, its first Deputy Warden, Colonel William Powers, had previously been Deputy Warden at the New York State prison at Auburn, where the Auburn System had flourished in Auburn Prison by Powers himself.[3] The Auburn System prohibited social interactions between convicts during the day, along with night-time solitary confinement and strictly enforced silence at all times. It was

[1] Luc Gosselin, *Prisons in Canada,* (Montreal: Black Rose Books, 1988), 66.
[2] Peter Oliver*, 'Terror to Evil-Doers': Prisons and Punishments in Nineteenth-Century Ontario,* (University of Toronto Press, 1998), 112.
[3] Ibid.

accompanied by physically gruelling hard labour and the now-iconic image of striped prison uniforms that sought to discourage individuality or sense of self. The Auburn System was also the first penal method to suggest that prisons seek profit from prisoner labour.[4] Powers' suggestion for this profit minded goal was widely excepted despite it prioritizing the productivity of prisoners over their comfort or reform. Despite the reliance on hard labour as a method of control and profit production in prisons, the Auburn system also employs solitary confinement which would be "balanced against the cost of removing laborers from the workshops".[5] Carefully balanced in the Auburn system are two desires, one for the continued production of goods by prisoners, and therefore the continued exploitation of prisoner's bodies, while also the attempt to maintain control through the isolation and punishment of bodies. Thus, prisons operating under the Auburn system attempted to erode a prisoner's physical and mental state while still maintaining incentives for the physical demands of profitable labour.[6] In Dorchester the physical and mental health of prisoners was sacrificed in order to continue the desired levels of production. Dorchester Penitentiary's surgeon, Dr Robert Mitchell, often remarks in his reports regarding the dishonesty of prisoners who requested medical care, but in Mitchell's judgement did so to escape work duty.[7] Mitchell's rates of acceptance of men seeking medical care was low. In 1887 he would receive 3,098 applications for treatment and only accepted 455 of these, meaning in that year Dr Mitchell treated only .15 percent

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[4] Oliver, *'Terror to Evil-Doers',* 113.
[5] Larry, Goldsmith, "'To profit by his skill and to traffic on his crime': Prison Labor in Early 19th-Century Massachusetts," *Labour History* 40(4) (1999): 444.
[6] Ibid.
[7] Ted McCoy, *Hard Times: Reforming the Penitentiary in Nineteenth-century Canada, (*Calgary: Athabasca University Press, 2012): 101.

of the cases that came to him that year. Workers within the prison used this option of medical care as a tool of resistance against forced labour, but also Dr Mitchell used his suspicion of dishonesty among prisoners to deny them medical care.[8] This suggests that the relationship between authorities and prisoners were strained due to the stressed focus put upon the productivity of prisoners. Officials not in charge of the conduct of prisoners, but rather their health still allowed themselves to dispense care according to their interpretations of prisoners' behaviours, and assumptions that they would naturally shirk responsibilities. These beliefs that prisoners would feign illness allowed penitentiaries operating under the Auburn system to withhold care for the sake of avoiding economic disruptions.

The reliance on convict labour as a rehabilitory practice, but also a tool of profit, is reaffirmed in Canada as seen in the words of Inspector James Moylan, the official Inspector of Penitentiaries, who stated that:

> "The object to be obtained by the employment of prisoners at labour is threefold: Firstly, to create a deterrent effect on the convict himself, and on the criminal class; secondly, to produce a reformatory effect on the prisoner; and thirdly, to recoup as far as possible, the cost of his maintenance."[9]

The above shows penitentiary officials' focus on the economic benefits of prison labour and cost-avoiding practices. This emerging institutionalized reliance on prisoner labour would eventually create issues and tension between prisons and free tradespeople in Canada.[10] But, for prisoner's themselves, the use of prisoner labour would signal a shift away from concern for the well-being of convicts, and instead a focus on providing the

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[8] McCoy, *Hard Times,* 101.
[9] Ibid., 99.
[10] Peter Oliver, *'Terror to Evil-Doers': Prisons and Punishments in Nineteenth-Century Ontario,* (University of Toronto Press, 1998), 112.

bare minimum while still being able to foster enough physical strength to complete hard labour.

The nineteenth century saw a great increase in the construction of penitentiaries in Canada as the dominion formed and organized government expansion of infrastructure. This avalanche of carceral construction was accompanied by a number of comments highlighting the hopeful changes that might take place in the recently commissioned Dorchester Penitentiary. The changes to prison structure were not as radical in their altering of prisoner's experiences or in reaching humane standards, especially with our collective cultural conscious forming an image of often horrific and inhumane conditions often associated with the Victorian-era gaol. In his book, *Prisons In Canada,* Luc Gosselin summarises the issues with previous acts of prison reform, stating about the prison:

> "[The prison] may be imperfect (every report issued in the last 150 years makes this abundantly clear), but it is necessary. When problems arise within the institution, they are translated into administrative terms: budgets, population, organization. The fundamentals of the system are unquestioned."[11]

With this quote in mind we can understand that challenges against the traditional prison system are not often at this period fundamental or revolutionary, but are often rare, small, arbitrary changes that do not often consider the root causes of concerns within the prison system. The changes that did take place sought to improve small factors, and in the case of Dorchester are easily recognized as performative or failing-to-flourish when subsequent sessional papers describe conditions or motives that contradict earlier lofty goals. Those changes implemented by reformers are also not always beneficial to prisoners. Reformer's ideas are reflected by the prejudices and philosophy of its creators, not operating as

[11] Gosselin, Luc, *Prisons in Canada*, 18.

untouched, wholly ethical or nobly motivated. In fact, in early prison reform the Philadelphia Society for Alleviating the Miseries in Prison, a Quaker reformist group, supported prison conditions and actions critiqued in a later period. One representative spoke in 1788, stating that "solitary confinement to hard labor and a total abstinence from spirituous liquors will prove the means of reforming these unhappy creatures," and that "all prisons should be workhouses."[12] This support for punishment, confinement and hard labour reminds us of the transitory aspects of reform beliefs. One decade's hope for a solution to the question of prisons and prisoner's welfare may be the evidence of cruelty and an outdated system in another. An understanding of the evolution in reform ideas also allows for insight the attitudes regarding prisons and convict welfare, as well as the root causes of issues with our prison system modernly as once progressive ideas become archaic. Reform ideas reflect the attitudes of society, and as societies change and develop different understandings of human rights, reform ideas are revealed to be problematic and exploitative.

The opening of the Dorchester Penitentiary reveals a dire need to transfer convicts between institutions as many of the maritime jails and penitentiaries were faced with issues of overcrowding. Halifax and Saint John's complaints regarding overcrowding are seen in earlier sessional reports and were quickly addressed upon the opening of Dorchester Penitentiary. At the Dorchester Penitentiary's formal opening on July 14, 1880, 64 male convicts with long-term sentences arrived from Saint John, New Brunswick, and

[12] William G. Staples, "In the Interest of the State: Production Politics in the Nineteenth Century Prison," *Sociological Perspectives* 33(3) (1990): 381.

were then were followed two days later by 61 convicts from Halifax Penitentiary.[13] It is mentioned in an earlier report by the warden of the Halifax Penitentiary that he was relieved to be rid of the 61 convicts, the majority of whom were of bad character.[14] These prisoners of suggested bad character would be leaving the custody of the frustrated Halifax warden, but they would also be leaving behind living conditions described by the Halifax warden's as insufficient.

During the construction of Dorchester, there was a great amount of attention paid to how the architectural style would impact the psychological condition of the inmates. When reviewing the construction of Dorchester, much attention was given to the structure of the prisoners' living spaces, as well as very deliberate choices in architecture style. There is mention of constructing of an imposing and prominent building, suggesting that both when prisoners arrive and others see the prison, they are welcomed by a psychologically threatening sight.[15] It is this building that will be seen first by the arriving prisoners as a reminder of their inability to escape and their inevitable confinement behind bars. Inside the prison, convicts would find themselves assigned to cells sized four foot six inches wide and nine feet long.[16] This size would have been moderately larger than the model supported by the aforementioned man responsible for Kingston Penitentiary's 1833 design who was American warden from Auburn Prison and the key figure in the creation and implantation of the Auburn System, William Powers. Powers would eventually go on to

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[13] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 7, fourth session of the fourth Parliament, session 1882*. Ottawa: MacLean, Roger, 1882: 12.
[14] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 9, third session of the fourth Parliament, session 1880-81*. Ottawa: MacLean, Roger, 1881: 65-93.
[15] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 9, third session of the fourth Parliament, session 1880-81.* Ottawa: MacLean, Roger, 1881: 65-21.
[16] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 9, third session of the fourth Parliament, session 1880-81*. Ottawa: MacLean, Roger, 1881: 65-21.

serve as Kingston Penitentiary's first deputy warden. William Power's design dictated that prisoner's cells should be only two and a half feet wide by nine feet, and it would remain the standard for most of the nineteenth century.[17] At Dorchester, the design was more resistant to the traditional size, allowing its prisoners an extra two feet of width. This reminds us of the small changes made during the development of Dorchester that, though seemingly insignificant to us, signal the changing attitudes and penal methods of the Canadian prison system. Also present in the prison were segregated quarters for female convicts. In modern knowledge of Dorchester, it seems most are unaware that the penitentiary ever housed women, yet demographics submitted in the sessional papers prove otherwise. Construction reports recall the building of temporary cells for five female convicts, as well as a workroom. In fact, early construction of Dorchester Penitentiary states explicitly the expectation of female convicts becoming a substantial number of the prison population.[18] In reality, there was a fluctuation in the numbers of female prisoners at Dorchester. Due to the low numbers and inability to house women properly at Dorchester, there was constant discussion about closing the women's wing and transferring the existing female prisoners to Kingston's Women's Penitentiary.

The sessional papers also mention of the conditions and fertility of the land upon which Dorchester Penitentiary is built. The first appearance of the Dorchester Penitentiary can be found in the sessional papers for the year 1879. It is in 1879 that Dorchester Penitentiary is listed as an expense from the Department of Public Works for the fiscal year ending on June 30 1878, costing the department a total of $64,000 in that

[17] Oliver, Peter, 'Terror to Evil-Doers', 113.
[18] Canada. Parliament, *Sessional papers of the Dominion of Canada : volume 9, third session of the fourth Parliament, session 1880-81,* 65-21.

year.[19] Originally the government purchased six hundred acres of land for the site of Dorchester for $21,610.[20] The intention was to use this land as agricultural space that would be worked by the prisoners. In fact, at the time of opening only one hundred and fifty acres of the original six hundred had been cleared, and most of it had been recognized as too inappropriate for agricultural use as the land was mainly marshlands. Instead focus was put upon the potential to harvest the large quantity of lumber on the land. The acres that was cleared had been done by prisoners as well. There is no information to show how these prisoners were housed nor where they arrived from.[21] One can speculate that previous convicts housed in the Dorchester Jail as the possible supply of prisoner labour but, in explicit records from sessional papers, we are simply told that an unnamed prisoner's labour was used in order to prepare the land for cultivation. This reminds the reader of the lack of identity ascribed to prisoners, especially prisoners performing hard labour. These unnamed prisoners were fundamental in the foundations of Dorchester but are quickly forgotten in historical record except as prisoners performing forced labour. Such prisoners were also responsible for digging trenches leading from their water supply costing the department a total of $64,000 in that year.[22] The origins or ethics go unquestioned as carceral labour is conceived as a renewable and constant resource—a convenient and free method of sustaining the prison industry that also creates profits. Such prisoners were also

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[19] Canada. Parliament. Sessional papers of the Dominion of Canada : volume 7, first session of the fourth Parliament, session *1879.* Ottawa: MacLean, Roger, 1879: 8-7.
[20] Canada. Parliament. Sessional papers of the Dominion of Canada : volume 9, third session of the fourth Parliament, session*,* 1880-81, 65-21.
[21] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 9, third session of the fourth Parliament, session,* 1880-81, 65-21.
[22] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 7, first session of the fourth Parliament, session 1879.* Ottawa: MacLean, Roger, 1879: 8-7.

responsible for building a portion of pipes and trenches leading from their water supply.[23] Prisoner labour is a common resource used by prisons in this period, but despite the reform hopes attached to Dorchester Penitentiary, the sessional papers speak to how the use of prisoner labour is largely in the forefront of the Warden's mind. He suggests that eventually the prisoners should be used in order to extract stone from a potential quarry found on the land. It is with labour that the prison could both keep prisoners busy and potentially profit from the resources found on their massive property of six hundred acres.[24] There is also a suggestion that work suitable to prisoners and also profitable for prison could be broom-making.[25] These small points regarding the cultivation and extraction of resources reminds us that Dorchester Penitentiary was not simply a venture by the government to house and rehabilitate prisoners, utilizing new forms of penal methods and providing better conditions for prisoners with long-term sentences, but was also understood to be a potential profit producing institution.

Earlier in the 19th century, the establishment of Kingston Penitentiary brought forward many questions and concerns regarding convict labour. Contract labour supplied prisons with work for the majority of Canadian prisons in the nineteenth-century. The system of contract labour also aided manufacturers in sourcing a quick and cheap labour and fulfilled the ideological goals of the prison system that prisoners should be forced to work hard labour from sunset to sundown.[26] This source of mass,

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[23] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 9, third session of the fourth Parliament, session,* 1880-81, 65-21.
[24] Ibid.
[25] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 9, third session of the fourth Parliament, session,* 1880-81, 65-21.
[26] Oliver, Peter, *'Terror to Evil-Doers',* 243.

renewable, unpaid labour causes issues for free tradespeople who find themselves unable to compete. This issue become especially apparent when tradespeople in Kingston's surrounding communities begin to protest the damage brought forth by this inexpensive source of labourers.[27] Shoemakers also bring forward another concern; the reputation of their profession was threatened when convicts were commonly and publicly associated with their same set of skills. These shoemakers also worried that the abundance of released convicts trained as shoemakers would damage their profession's air of dignity, as well as the demand from families to apprentice sons in the same respected trade.[28] This issue is reflected in the American context, as well. By the middle of the nineteenth century the United States had answered the requests of tradesmen when they guaranteed through policy that convict labour would no longer be allowed in the open market, where it would compete unfairly with freed tradesmen labour.[29] In Canada, historian and sociologist Ted McCoy discusses this issue reflected in a Canadian context, eventually leading to a collective opposition formed in the 1870s by the Canadian Labour Union and Canadian Trades and Labour Congress.[30] This also sought to smooth over relationships between penitentiaries and their surrounding communities who were threatened by the economic disadvantages presented contract labour.[31] This demonstrates that the reliance on prisoner labour was not seen by the public as reprehensible, but rather a threat to their livelihoods.

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[27] Ibid., 245.
[28] Ibid., 249.
[29] Gosselin, Luc, *Prisons in Canada,* 66.
[30] McCoy, *Hard Times,* 98.
[31] Oliver, Peter, *'Terror to Evil-Doers',* 256.

Others involved in the prison system voiced their opposition to the use of convict labour for different reasons than tradesmen, such as Methodist chaplain for Kingston Penitentiary, Hannibal Mulkins. In an 1867 letter to the warden, Mulkins protested the implementation of contract labour within the prison due to its tendency to detract from education, leaving many prisoners exiting prison still unable to read, write or perform simple arithmetic.[32] This growing sentiment against both the competition of prison labour and concerns like Mulkins, the government of John A McDonald would announce that prisons were no longer allowed to hold labour contracts. By 1883, three years after the establishment of Dorchester, contract labour agreements with prisons would die out. Any labour completed by prisoners would be for the production of goods for other institutions, creating a network of prisons dependent on other prisons.[33] Despite these changes in laws and designs of prisons, we can see Dorchester continuing the expansion of their land in order to expand their farm which was powered by convict labour.[34] In 1882, Messr. T. McManus and Sons of Memramcook had been awarded a contract to build a new cell wing, and shortly after the prison purchased further marshlands between their property and the Memramcook River in order to farm more cultivable land.[35] The first sessional paper containing a report from the warden of Dorchester Penitentiary contains a small acknowledgement that the farm produced very little, nor was it possible to complete many productive tasks due to the lack of manure and an overestimation of the fertility of the

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[32] Ibid., 301.

[33] Oliver, Peter, 'Terror to Evil-Doers', 216.

[34] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 5, fourth session of the fourth Parliament*, session 1882. Ottawa: MacLean, Roger, 1882: 7-24.

[35] Canada. Parliament. Sessional papers of the Dominion of Canada : volume 11, first session of the fifth Parliament, session 1883, 29-30.

existing soil.[36] With these constant references to the farm as well as its productivity, we can see that although contract labour had no longer been accepted, prisons continued to feel pressure to be a profitable institution in which goods were still produced, though not through contract labour. This reminds us again that the roots of prisons in Canada are deeply entwined with capitalistic systems of labour exploitation who remain hyper-focused on the profitability of prisoners.

In a later sessional paper, dated 1887, a full seven years after the opening of Dorchester Penitentiary, we are given more insight into the changing state of labour and agriculture at Dorchester. It is reported as a good and productive year by the Warden. He cites only two deaths, one man of diarrhea after it ravaged through the prison in the late summer, and another man of some type of cancer.[37] Other than these deaths, as well as the tragic death of the Deputy Warden and his wife after an accidental fire in their on-site living space, the Warden seems satisfied with the operations of the prison, and in particular the productivity of labour. He specifically mentions satisfaction with the operational farm at Dorchester, contrasting his report from the first year of the farm's operation in which crops failed. He mentions that the individual costs of prisoners will no doubt increase in the next report in the Sessional Papers because of the farm's need for new, young broodmares as the ones first acquired in Dorchester's first year are too old. They will also require a new harness. Later, he reports tallies of the total harvest from the farm. In these totals we see the total collection of 40 tons of English hay, 20 tons of

[36] Canada. Parliament. Sessional papers of the Dominion of Canada : volume 7, fourth session of the fourth Parliament, session 1882, 12-62.
[37] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 11, third session of the sixth Parliament, session 1889.* Ottawa : B. Chamberlin, 1889: xxii.

broadleaf, 255 bushels of potatoes, 105 and three quarter bushels of turnips, 193 bushels of carrots, 1 bushel of beans, 1810lbs of pork, spruce boards, hardwood lumber, shingles and fence posts.[38] Also mentioned is the success in raising pigs, twelve of which were sold to the local community, as well as a pair of oxen and a large amount of firewood.[39] This harvest is recorded to have been gathered by a total of seven convicts working on the farm for forty cents each day, with the occasional help of two convicts employed in the stables, and possibly others in order to complete such a large harvest.[40] From the information gathered in sessional papers we can see that the farm had begun to form into an operational, profitable venture for the prison, reminding us again that the prison system has been highly focused on the potential capital gained from the labour of imprisoned convicts. It is worth noting that the long-term sentences served by Dorchester's inmates would have also eased the burden of re-training prisoners due to the repeated releases of those with short sentences. Thanks to recidivism rates and long-term sentences, Dorchester Penitentiary was able to maintain a regular, consistent work force that was able to maintain the productive and profitable farm. This is not to suggest that the use of convict labour for profit is ethically sound; but rather that the deliberate design of Dorchester having accomplished many goals to create a profitable institution.

Those that deviated from the expectations of prison often found themselves penalized as they presented a disruption in the order and productivity of the prison. In

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[38] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 7, fourth session of the fourth Parliament, session 1882.* Ottawa : Maclean, Roger 1882: 12-77.

[39] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 11, first session of the fifth Parliament, session 1883,* 29-119.

[40] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 7, fourth session of the fourth Parliament, session 1882,* 12-76.

sessional papers reporting the use of punishments at Dorchester Penitentiary, the two most common punishments for prisoners are the placement of a prisoner in a dark cell and the withholding of food, only to be supplied minimal amounts of bread and water.[41] We see these punishment methods' origins in the aforementioned penal method, the Auburn System. It is the Auburn System that suggests prisoner be punished for their convict crimes as well as poor behaviour while imprisonment through the use of isolation in order to deny them a sense of self, or through the use of violent corporal punishment such as flogging.[42] At Dorchester, flogging is listed as having been used only once in the same year in which the withholding of food occurred forty-two times.[43] Though still operating from under the design of the Auburn System, Dorchester does not report itself as fully subscribed to the violent punishment methods utilized by prisons such as the Kingston Penitentiary. The lack of sources describing the use of corporeal punishment should not suggest that Dorchester Penitentiary was less abusive, less violent or favoured corporeal punishment less than other prisons at time, as abuse and harsh punishments against prisoners can go unreported or unmentioned. But it does serve as a reminder that there is, at least on paper, a shift away from the punishment methods associated to the Auburn System. No longer are prisons describing violent punishments without an awareness that they are discouraged and cruel. Although, the deprivation of food, a violent and harmful act, still occurred commonly in Dorchester. Society's understandings

[41] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 7, fourth session of the fourth Parliament, session 1882,* 12-75.
[42] Oliver, 'Terror to Evil-Doers', 112.
[43] Ibid.

of what constitutes as violent treatments or punishment is dependent on interpretation, and subject to change.

In the Warden's report of 1889, a full nine years after the establishment of the Dorchester Penitentiary, we are reminded of the connection between production and prison labour once more. After nine years of operation, the prison has begun to require both repairs and further construction in order to accommodate the rise in prisoners and the need for onsite staff housing renovations and beautification. The Warden reminds the parliament that all the labour to repair the farm will be conducted by convicts. In fact, prisoners working the farm are often asked to assist in tasks off the farm. Construction was needed in the living quarters of various prison staff. It includes repairs to the roof of the prison, house porches, the roofing of the Steward's house, the coal tarring of three barn roofs, the repainting and wallpapering of the Warden's home, a new hot water tank needing installation as well as a new furnace in the dry house.[44] All these tasks would have been completed by prisoners. The original, establishing construction of Dorchester Penitentiary was also completed by prisoner labour. In early sessional reports we see reports from the Warden at Kingston Penitentiary reporting profits made from the production of iron work and cell door locks for the new Maritime Penitentiary being constructed in Dorchester, New Brunswick.[45] The warden reports happily that the total labour cost amounted to $803, while profiting a total of $7,243.[46] Kingston Penitentiary

[44] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 11, third session of the sixth Parliament*, session 1889, Ottawa : Maclean, Roger xxii.
[45] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 8, first session of the fourth Parliament*, session 1882. Ottawa : Maclean, Roger 1879: 27-25.
[46] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 8, first session of the fourth Parliament*, session 1882. Ottawa : Maclean, Roger 1879: 27-19.

is also credited with the continued supply of flour from their flour mills. Saint John Penitentiary is listed as supplying furniture through convict labour, as well as supplying the purchase of hogs, horses and wagons.[47] This network of prisoner labour supported the prison system independently, allowing for prisons to become more self-sufficient and further removed from communities. It is through the labour of prisoners that the system of prisons can withstand financial demands and continue imprisoning convicts, reminding us of the prevalence of exploitation at the core of the prison system. Researching the early motivations behind the deliberate planning of the Dorchester Penitentiary illuminates wider changes in the Canadian penal system and can aid us in forming a greater understanding of the possible exploitation of prisoners through use of their labour. Occurrences in prisons such as work assignments and the regulation and witholding of food may seem unimportant to those searching for answers regarding the experiences of prisoners in 20th century Canadian prisons, but by investigating these everyday aspects of prison life we are able to further understand the ways in which the prison system relied on the exploitation of prisoners to sustain a profitable institution focused greatly on potential capital and less so on the well-being and most importantly, the rehabilitation of convict.

[47] Canada. Parliament. *Sessional papers of the Dominion of Canada : volume 9, third session of the fourth Parliament*, session 1880-81, 65-15.

Chapter Two: Women in the Prison

The women confined within Dorchester were few in number, but their experiences spoke of the often unexamined criminalized woman who struggled in the Canadian penal system while outside of prison confinement, free women led carceral reform movements that focused on less on the established penance and punishment methods and more on moral and religious reform. Despite these desires to reform, incarcerated women suffered from a dire need for expansion in penal infrastructure and more radically, an expansive change in social supports offered to poor, working-class women. By viewing the conditions in Dorchester alongside the conditions in larger prisons such as Kingston Penitentiary, or newer prisons focused on reform such as the Mercer Reformatory, it is seen that the treatment of one of the prison system's most vulnerable population reveals intersecting failures of the penal system in the nineteenth-century.

The women in Dorchester Penitentiary have been present since the opening of the prison, though their numbers remain low during the first twenty years of operation. In its opening year it housed only four women and in the few two decades of operation, never housed more than ten female prisoners at a time.[48] Dorchester Penitentiary offered housing for female and male prisoners that relieved the overcrowding of county jails and larger prisons such as the St John Penitentiary and the Halifax Penitentiary. The women housed within Dorchester in its first year were moved from the Halifax Penitentiary, three of them serving short sentences for larceny, and the one other serving a longer sentence for

[48] Canada. Parliament, *Sessional Papers,* 4th Parl, 4th Sess, Vol 7 (1882), Identifier 9_08052_15_7. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_mora8052_15_7

murder.[49] While the women's wing of the penitentiary was operational, various types of women would be housed, creating trends in the female population. At times the population is entirely white, entirely older than fifty, usually widowed or single, but at other times the population flips and we see a number of young Black Nova Scotian women housed in the prison for crimes such as larceny. At times the population is more valued as they are young and a source of labour, other times they are described as a burden on the prison and damaging to the prison's overall productivity because of the elderly convicts' inability to work, need for care and lack of potential reform.[50] The population varies, showing there is no typical women prisoner in Dorchester, despite there often being language describing larger more western Canadian penitentiaries housing the 'typical' female prisoner. She is often characterized as young, white, guilty of minor crimes such as theft or prostitution, and if they were employed while free, they were most recorded as servants. Dorchester's population records reject this idea and instead shows that the women convicts should be regarded as individuals with unique histories and identities. This notion of a 'typical' prisoner is present in historiography, potentially failing to understand the intersectional analysis required when investigating the experiences of a group of people. The multitude of identities found in Dorchester create specific and unique circumstances and experiences for prisoners.

How the women are discussed in the sessional papers and reports from the Matron shows a lack of individuality afforded to these women prisoners, despite their few numbers

[49] Canada. Parliament, *Sessional Papers,* 4th Parl, 4th Sess, Vol 7 (1882), Identifier 9_08052_15_7. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_15_7

[50] Canada. Parliament, *Sessional Papers,* 5th Parl, 3rd Sess, Vol 8 (1885), Identifier 9_08052_18_8, 15-46. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_18_8

and one on one contact with the Matron. In their reports the various Matrons working at Dorchester report on very little each year, especially in comparison to their male colleagues working as surgeons, wardens, schoolmasters and chaplains. In 1882, Matron Chipman's report is only a few lines long.

> "Nothing of importance has transpired during the year excepting the arrival of three convict women; making a total of five now undergoing imprisonment. These women are employed in prison housework, making their own clothing, and mending for the male prisoners. Their conduct has, I am glad to say, been quite satisfactory."[51]

Her succinct commentary on the condition of the female prisoners though lacking in personal information about the rehabilitation of female convicts does give us insight into the experiences of women in the prison. From the sessional papers reports from the schoolmaster we are able to find out that women prisoners, unlike male prisoners, were not taught how to read. This connects to the larger theme of illiteracy and its link to nineteenth century ideas of criminality. Historian Harvey J. Graff writes on the connections between assumed criminality and illiteracy in this period, touching on literacy's use as a tool to instruct moral reform.[52] This aspect of moral reform was lacking in Dorchester's women's wing, though the schoolmaster is very focused on maintaining improved literacy rates for male prisoners. Such places as Ontario's progressive and new Mercer Reformatory, which is described in more detail later in this chapter, where moral reform was one of the main focuses, did teach convict women how to read with the hopes that literacy would curb criminality. The belief that illiteracy was not only connected to

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[51] Canada. Parliament, *Sessional Papers,* 5th Parl, 1st Sess, Vol 11 (1883), Identifier 9_08052_16_11, 29-108. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_18_8

[52] Harvey J Graff, "'Pauperism, Misery, and Vice'; Illiteracy and Criminality in the Nineteenth Century." *Journal of Social History*11, no. 2 (1977): 246.

criminality but caused criminal behaviour was a widely held belief in Canada and beyond.[53] These ideas connect to the innate classist designs of the penal system, in which poor people, many illiterate, are forced to turn to crime in order to survive and a link is found not between the social disadvantages and oppressions forcing them into crime but causation is found in characteristics of poverty such as illiteracy.

Women find themselves occupying a unique space as both criminals and women. Their deviancy from the social expectations of women at this time creates a unique space in which criminalized women occupy as both social transgressors and gender transgressors. Criminal women are seen as more morally corrupt than their male counterparts as they not only violate social boundaries by committing crime, but they are also transgressing social boundaries by acting outside of the accepted behaviours for women.[54] The conceptualization of convict women as not only unlawful criminals but also sub-women creates an environment in which women are subjected to punishments, like those seen in Kingston Penitentiary, that would have been delivered without the reservation of physical brutality women are assumed to have usually be afforded. These punishments include "bread and water rations, flogging with cat-of-nine-tails or raw hide, irons, closure in a box or dark cell, solitary confinement and hair cutting".[55] Notably these punishments have also existed at Dorchester, though are not often given to women due to their relatively calm and peaceful behaviour. There are possible hypotheses as to the relatively quiet nature of women in Dorchester, perhaps the low numbers created less conflict, maybe the Matron

[53] Graff, "'Pauperism, Misery, and Vice'", 246.
[54] Kathleen Kendall, "Beyond Grace: Criminal Lunatic Women", *Canadian Woman Studies,* vol 19, no 1-2 (1999): 111.
[55] Ibid.

did not report punishments to the Warden, or perhaps the Warden did not record punishments of women. Nonetheless, the reported good behaviour found in each Matron's report to the Inspector speaks to a relative stillness within the women's population. Though they may have not been punished for transgressions, this does not suggest their experiences were without hardship. For women in the most prison in Canada at the period, when not being punished for transgressions they were still forced to live in silence and perform hard labour, their evenings were spent locked in solitary confinement. [56]

Women's time spent in Dorchester was also an opportunity for the prison to secure a source unpaid labour in the form of domestic work. Already not valued in the same ways as masculinized physical labour in the setting of the free market, prison labour performed by women is seen as natural and easily extractable without compensation not only because of their legal status, but also because of their gender. We also know from these reports that women are not afforded the personal cells that male prisoners were. Instead they are housed communally, despite the Matron's annual requests that this be remedied, and the women given separate cells from each other.[57] The presence of women at Dorchester was sporadic. For the first six years of operation, 1880-1886, women are housed at the prison and conversation routinely discuss the possibility of closing the women's wing. That conversation comes to fruition in 1886 when the women's prison is closed. All of the women are sent to Kingston Penitentiary's women's wing, except four who are pardoned of their minor crimes with shorter sentences.[58] It is the usefulness and easily exploitable

[56] Kendall, "Beyond Grace: Criminal Lunatic Women", 111.
[57] Canada. Parliament, *Sessional Papers,* 5th Parl, 2nd Sess, Vol 9 (1884), Identifier 9_08052_17_9, 16-23. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_17_9
[58] Canada. Parliament, *Sessional Papers,* 5th Parl, 4th Sess, Vol 11 (1886), Identifier 9_08052_19_11, 15-45. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_19_11

labour of women convicts that eventually encourages the reopening of the women's wing, as it produces profitable labour for the prison. This reminds us that a prisoner's ability to produce to create profit is what motivates most of the actions of the Penitentiary authorities. There is a sparse discussion on what would benefit and aid in rehabilitation for these women, and instead a focus on what benefits the prison and the pockets of those invested in the prison.

The experiences of the women sent from Dorchester to Kingston is a unique one within the penal system. Sent far west, these women would have been cut off from their familiar communities, and then further isolated by their imprisonment. At Kingston Penitentiary they would find conditions were not an improvement from the makeshift women's wing of Dorchester. Just as in the case of Dorchester, the Kingston Penitentiary's women wing was overcrowded only a few years after it was constructed. Eventually women would be forced to sleep in corridors and work rooms.[59] This was not an isolated incident in Kingston's history as reports in 1854 revealed that the women's quarters were overrun with various insect infestations due to the rotting conditions of the wooden cells.[60] Temporary locations were found for women suffering from mental illnesses in Kingston, though no permanent wing was open for them, illustrating that the experiences of women convicts deemed 'lunatics' were mistreated further because of their unique positions as both women, criminals and mentally ill.[61] Back in Dorchester we see that women, regardless of mental state, are also lacking in appropriate housing. Female prisoners are forced to live in subpar conditions where the original design for the penitentiary did not

[59] McCoy, *Hard Times,* 87.
[60] Ibid., 116.
[61] Kendall, "Beyond Grace: Criminal Lunatic Women", 111.

take into account the presence of women. In Kingston the construction of a women's wing for mentally ill prisoners would only begin after the Brown Commission of 1848-1849. The Brown Commission uncovered the unlawful acts of Warden Smith who was found guilty of "cruel, indiscriminate and ineffective punishment; the flogging of women; failing to remove bugs from women's cells; appropriating prison property for personal use; serving deficient food to prisons; barbarity towards children."[62] Warden Smith was also found guilty of subjecting women convicts deemed mentally insane to hard labour, despite regulations preventing such.[63] A similar inquiry would take place in Dorchester that in 1899 would find the Warden John B. Forster had misused labour from convicts for his own profit—a commission which would lead to his removal as Warden, not unlike the Brown Commission which saw the resignation of Warden Smith. Though Smith's tactics were more brutal and violent, Warden Forster's actions show us the ease with which the Warden misused convict's labour for his twenty-year term as warden at Dorchester. The changed created due to these investigations' findings are undeniable. Brown's Commission would fundamentality change the structure of Kingston Penitentiary. From this inquiry not only are quarters built for mentally ill women, but also more suitable wings for all convict women.[64] This does not end the issue of women being shuffled from institution to institution, as the housing maybe more suitable, but the resources and powers in these institutions are still unable to handle or understand the needs of criminal women.[65] In

[62] Kendall, "Beyond Grace: Criminal Lunatic Women", 111.
[63] Ibid.
[64] Kendall, "Beyond Grace: Criminal Lunatic Women", 112.
[65] Kendall, "Beyond Grace: Criminal Lunatic Women", 114.

Dorchester, the investigation calls for the removal of the Warden who had served with praise for the previous ten years.

Women were forced to produce goods and profit for many prisons across Canada, as it is a pivotal factor of the operation of prisons. They would also be subject to the same labour demands in Kingston Penitentiary as in Dorchester. According to historian Ted McCoy, women in Dorchester Penitentiary performed 52 days of work in the women's ward, 656 for the men's ward and 730 days for washing and housework. This is in comparison to Kingston's 1898 statistics for productivity in which it is recorded that women produced 60,000 pieces of clothing and linens, including shirts, towels, handkerchiefs, pillowcases, sheets, socks and mittens.[66] Their labour was not often valued by the descriptions of profits listed in the sessional papers. Instead the traditional masculine labour such as agricultural labour and carpentry work is recorded as bringing in profits for the prison. Despite this, we still find evidence in the sessional papers that by 1890, four years after its closing, the Warden is already requesting the reopening of the women's wing. [67] The Warden discusses the benefit of women's labour as it saves the penitentiary money by supplying textile and cleaning work performed by convict women. This request goes unanswered for a few years, with the only women convicts appearing for a short time in the penitentiary when they are being transferred to Kingston Penitentiary. It is seven years after the request of the Warden to reopen the wing and eleven years after initial closing of women's wing, in 1897, that they rehire a Matron and officially reopen the

[66] McCoy, *Hard Times,* 119.
[67] Canada. Parliament, *Sessional Papers,* 7th Parl, 6th Sess, Vol 11 (1896), Identifier 9_08052_29_11, 18-13. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_29_11

women's wing.[68] The addition of women's labour in the economy of the prison is integral as it creates a self-sustaining system in which other prisons are forced to care for other prisoners, and in turn those prisoners create a net profit for the individual prison and the prison system entirely.

While the conditions in Dorchester for women remain a place of imprisonment without rehabilitation and forced labour, free women were making efforts to improve conditions for society's poorest imprisoned women. Elizabeth Fry, English prison reformer, inspired many movements to improve conditions of prisons, especially for women and children. Elizabeth Fry Societies in Canada as well as women led Quaker movements showcase the attempts to reform prisons were not only trying to improve the conditions of prisons, but also were led by women who sought political and social changes alongside a development of philanthropic cultures among middle class, often religious women.[69] These movements often centred around moral reform as gendered ideas dictated that moral upstanding women influenced the moral state of their families and other women. Through their actions, often middle- or upper-class women of good standing, were seen to purify the corrupted masses. Responsible was put upon these ladies to be guiding forces for fallen women—women who required saving from their lives of crime, without a clear understanding of the factors of poverty that lead them to illegal actions.[70] In a speech made by Margaret Fuller, a prominent women's rights advocate and journalist, she discussed the nature of these 'fallen women' in front of a crowd of women convicts, stating that they were

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[68] Canada. Parliament, *Sessional Papers,* 8th Parl, 2nd Sess, Vol 12 (1897), Identifier 9_08052_31_12, 18-20. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_31_12

[69] McCoy, *Hard Times,* 85.

[70] McCoy, *Hard Times,* 86.

"born of unfortunate marriages, inheriting dangerous inclinations, neglected in childhood, with bad habits and bad associates, as certainly must be the case with some of you" before adding that "terrible will be the struggle when you leave this shelter".[71] Fuller's speech at the very most understands the position of hardship faced by these women upon release from prison, as well as an understanding of some of the aspects of poverty they struggled through. Not only does it lack understanding of the conditions and causes of poverty, it suggests the fault is biological. By linking poverty, a largely immovable obstacle at the time, and criminality, Fuller creates a eugenic type suggestion that poor people are inherently corrupt, inherently immoral and most prominently, natural criminals. What Fuller's statement, and thought around criminality in women also lacks, is the differentiating between personal blame and circumstantial struggle. Her language suggests that the blame should be focused on the individual, whether that be the women themselves for associating with "bad associates" and gaining "bad habits", or it should be placed up their parents who produced them through "unfortunate marriages". Not included in Fuller's criticism is an understanding of the humanity of the poor, the restricting pressures of poverty, the inequalities in wealth in society, the lack of access to education, women's reliance on men to survive economically, nor the myriad of other potential causes of criminality in women.

The cultivation of an identity for criminalized women as corrupted women brought into a life of crime, not by the constraints of poverty, but by an internal corruption of their morals through reveals a shift from earlier, pre mid-eighteenth century notions of criminality in women. This change from the idea of 'Dark Lady', which casts criminal women as "dangerous, strong, erotic, evil", to idea of a "obedient, domestic, chaste and

[71] McCoy, *Hard Times,* 86.

somewhat childlike" criminal known as a 'Fair Lady" begins with the actions of these women prison reformers in Elizabeth Fry and other Quaker societies.[72] The Dark Lady idea, which dates before the efforts of prison reformers encourages a belief that the criminality of women is inherent, and unlike their male counterparts cannot be saved. As earlier mentioned, they are not only transgressing from the accepted lawful and unacceptable unlawful, they are transgressing the very nature of womanhood. This notion of the Dark Lady can especially be seen lingering in the words of Mary Carpenter, a social reformer active in the mid and late nineteenth century who stated that "female convicts are, as a class, even more morally degraded than men".[73] Not only are they women, not only are they criminals—they are women criminals. Historian and sociologist, Ted McCoy reminds us that this shift from the Dark Lady to the Fair Lady should not be seen as wholly good thing, but instead the change from conceptualizing women convicts no longer as inherently evil but now inherently childlike is another method of taking away women's autonomy and individuality. Women are once again not seen through their individual circumstances, but instead a judgement is cast upon them not unlike the common idea of women as a whore, in this case the Dark Lady, or as the virgin, or the Fair Lady. One is a threat, unreformable and unsalvageable as she corrupts both men and other women, while the other is controllable, passive, and corruptible. Turning to modern feminist carceral theories gives us an alternative that would not be discussed until many years after the experiences of women at Dorchester. Modern strategies support the "transformation the structure of societal power

[72] Kelly Hannah-Moffat, *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada, (*Toronto: University of Toronto Press, 2001), 13.
[73] Ibid.

relations that allow for women to make choices and regain control of their lives".[74] The return of a criminalized women's sense of autonomy negates the idea of Dark and Fair Lady, instead allows for individuality and specific rehabilitation that acknowledges the specific and systemic reasons for women entering the carceral system.

The idea that women were responsible for moral reform and rehabilitation also meant that free women were placed in positions of power over criminal women. Their ability to instill morals in their fellow women was seen as valuable, and their presence in prisons increased immensely as prisons were willing to listen to the moral reformers from Elizabeth Fry Societies and other groups. That is not to say women were not present in prisons before the reformist movements, but rather they were originally less trained and entrusted with less official responsibilities.[75] It is during these reformist movements in the second half of the nineteenth century that we see women who are "carefully selected and trained…exhibit[ing] the characteristics of a middle-class homemaker and to inspire the prisoners to become respectable, in spite of her own role outside the home".[76] The inclusion of women into positions of power as Matrons was also an opportunity for prisons to employ labour cheaper than male guards. In Prison Association of New York records, a criteria list for matrons appears, revealing the motivations behind prisons inclusion of women employees. The ideal matron is "preferably a virtuous woman who is willing to be paid low wages"[77] and she should:

> "be distinguished for modesty and demeanour, and the exercise of domestic virtues, and that they possess an intimate knowledge of household employment , which will enable them to teach the ignorant and neglected female prisoner how to economize

[74] Hannah-Moffat and Shaw, *Taking Risks,* 32.
[75] Ibid*,* 52.
[76] Ibid.
[77] Hannah-Moffat and Shaw, *Taking Risks,* 53.

> her means, so as to guard her from the temptations caused by waste and extravagance"[78]

Strongly represented here is the duty of matrons to guide female prisoners in their moral journey, instructing them not only how to behave as proper women, but also how to become suitable domestic wives. This reminds us of the limited options for women at this time, and how strongly the disdain for criminal women who resist the role of domestic wife may be. Therefore, the presence of Matrons is thought to be a guide through rehabilitation. This inclusion of women as female guards, officers, or matrons also underlines the change from criminal women as the doomed Dark Lady to the Fair Lady who can be led to salvation through the female guidance of another woman. This brings into question the efficacy of the present of Matrons as the sole moral reformers for women. Despite the desire for women to be easily reformed at the introduction of Matrons, when women's recidivism rates remain unaltered due to the lack of attention paid to social issues such as partner abuse, poverty and lack of education or economic opportunities, these reoffending criminal women are reconceptualized as examples of the 'Dark Lady' and deemed unreformable.[79] Also noteworthy in the criteria desired for matrons is the request that they should be "willing to be paid low wages".[80] The women who agree to act as Matrons or equivalent positions are participating in an exploitative system that relies on the unpaid labour of imprisoned women, but also relies on the devalued labour of free women. This is seen in many of the experiences of Matrons, including Ellen McLean who in 1877 was employed by Manitoba Penitentiary where despite working long, grueling hours in which

[78] Hannah-Moffat and Shaw, *Taking Risks,*53.
[79] Ibid.
[80] Ibid.

she was in charge of four female prisoners deemed insane and was performing domestic duties from six o'clock in the morning to ten o'clock at night. Despite the massive workload assigned to her, Ellen McLean was still paid less than any male employed by the Manitoba Penitentiary.[81] In some cases the lines between prisoner and matron blurred as skilled female prisoners were recruited into power positions. In 1905, also at the Manitoba Penitentiary, despite her prison sentence for larceny, trained nurse Adelaide Elgin was fulfilling duties as a nurse due to the lack of employment of free women in these essential positions.[82] This also highlights that care for mentally ill women prisoners was often improvised, just as the care for most women in the prison system. Whether women are being shuffled from institution to institution, or women are left to care for each other in underpaid, undervalued or dismissed positions.[83] The carceral system's structure is then built around the inclusion of women in the workplace, the continued imprisonment of women, and the ongoing devaluing of women's labour, both underpaid and unpaid.

In order to understand the experience of women in prisons it is crucial to incorporate the voices of the imprisoned women themselves. Due to the lack of surviving sources detailing the experiences of women in Dorchester, we instead must look broadly at the experiences of women in prisons in a modern context to understand the ways in which women were victimized by the penal system in Canada's history and ongoing present. Though not all information can be applied to the past because of myriad of reasons, the certain aspects of the human experience of imprisonment and isolation can still be understood and compared to the past. In Elizabeth Comack's book *Coming Back To Jail:*

[81] McCoy, *Hard Times,* 212.
[82] Ibid.
[83] Ibid.

Women, Trauma and Criminalization, we are given an insight into the connections between trauma and incarceration for women in Canada. Interviews with incarcerated women reveal the ways in which the carceral system perpetuates trauma and creates instances of re-traumatization. The isolation of women in prisons removes women from their familial relationships, especially their own children. The separation from their family adds to the destabilization of their communities and becomes a central aspect of why they cycle in and out of the prison system.[84] This is hugely applicable to the women of Dorchester Penitentiary who are not only separated from their families due to their imprisonment, they are also physically isolated as many are transferred from geographically distant areas such as Halifax or Saint John, and are eventually upon the closure of the women's wing, sent even further to Kingston, Ontario. It is even mentioned by the Inspector of Prisons in 1895 when discussing the possible, not even agreed upon, transfer of women convicts to Kingston. He states:

> "it is a cruel additional punishment to transport the unfortunate women beyond reach of their friends, while undergoing their sentence; secondly; because of the useful and profitable work at which they can be employed; thirdly because there are suitable quarters to receive them in ; fourthly because it seems only right that the cost of their support should be expended where they belong to, the public interest not suffering thereby."[85]

These four reasons underline the risk that isolation brings, but also the other motivations in keeping women prisoners such as the availability of unpaid labour that would allow for economic returns for the prison. Interestingly, this quote suggests that women in Dorchester are being provided with suitable housing, although in 1899 we see a long-

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[84] Eliazbaeth Comack, *Coming Back to Jail: Women, Trauma and Criminalization*, (2018), 179.
[85] Canada. Parliament, *Sessional Papers,* 7th Parl, 5th Sess, Vol 10 (1895), Identifier 9_08052_28_10, 18-xv. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_28_10

awaited request for convict women to be given individual cells with proper ventilation is finally answered.[86]

In a modern context, Comack also mentions that women may recommit offenses in order to escape an outside world with a lack of supports or potential dangers. In her book she asks the question, what does prison offer women? In a modern context it offers "temporary reprieve from the threats on their lives on the outsides".[87] Comack uses this to discuss the potential for addiction detox while incarcerated, but in our discussion of Dorchester women it is more logically applied to the idea of escaping violence. The women imprisoned in Dorchester may have found themselves becoming repeat offenders because of similar circumstances described by Comack. Removal from environments where women are attached to potential physically abusive men can be seen as a last resort option for salvation. This must be considered with the further trauma of imprisonment, the separation from desired familial and community ties and the social ostracization that comes with a criminal status. But for those women housed in Dorchester, their prison sentence may have been on opportunity to escape domestic violence, or their reliance on crime an attempt to escape domestic violence.

Comack's book also reveals the conditions endured by women in Canada's prisons today are not unlike the conditions endured by women in Dorchester. She describes a modern precedent in Canada for the overcrowding and underfunding of women's prisons. In some prisons, inmates are forced to sleep on mattresses placed on the floors of cells to increase capacity, while also being locked in their cells for twenty hours a day only allowed

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[86] Canada. Parliament, *Sessional Papers,* 6th Parl, 3rd Sess, Vol 14 (18989, Identifier 9_08052_22_14, 18-70. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_22_14

[87] Comack, *Coming Back to Jail: Women, Trauma and Criminalization,* 179.

to leave on a short rotating schedule.[88] This, unsurprisingly, creates issues among the women when personalities, moods, desires and schedules begin to clash.[89] There is still, despite regulations and scientific evidence against the long-term isolation of prisoners, a continuing reliance on isolation to control inmates deemed unruly. In Canada regulations state that women can be held in segregation cells for up to two weeks, while women who have been imprisoned state that segregation is often used as a tool to sequester women who are experiencing withdrawal.[90] These modern examples show us that the conditions in prisons, especially in women's prisons, still mirror some of the issues found in the twentieth century context. But by viewing the conditions in prisons like Dorchester, Kingston and the Mercer Reformatory we are able to see similar issues that abuse prisoners, as the fundamental system of incarceration presents opportunity for exploitation and misuse of power.

Despite these fundamental issues, penal reformers in the nineteenth century envisioned a new type of women's prison that focused on moral reform and the cultivation of young, virtuous women brought forth from the depths of criminality. This desire for a less formal prison setting as seen in Dorchester and Kingston Penitentiary was attempted with the creation of the Mercer Reformatory located in Toronto.[91] Opened in 1872, the Reformatory was the first women only prison in Canada. It fostered an informal relationship between prisoners and staff, even going so far as to change the titles endowed with power dynamics such as prisoners and staff, to the more equal and therapeutic

[88] Comack, *Coming Back to Jail: Women, Trauma and Criminalization,* 184.
[89] Ibid.
[90] Ibid, 186.
[91] Hannah-Moffat and Shaw, *Taking Risks,* 57.

residents and attendants.[92] This is pushed even further by the head matron of the Mercer Reformatory, Mrs O"Reilly, who referred to herself as Mother and the prisoners or residents as her daughters.[93] The Mercer Reformatory also desired a specific type of prisoner who was determined to be deserving of these therapeutic reform practices. In regulations it stated detailed criteria on the ideal Mercer Girl.

> "young first offender who had not yet been corrupted by the evils of incarcerations and seduced by a criminal lifestyle—a woman who epitomised the naivete and deference of an immature child, and who conformed with ideals of middle-class reformers such as the Women's Christian Temperance Union...preference for young, single, white females who were Protestant, Canadian-born, literate, and temperate and who had some experience in domestic and personal service."[94]

The ideal Mercer prisoner was a young, malleable girl who would be easily saved by the generous and virtuous Matron, or as Mrs. O'Reilly states in unsubtle ways, saved by a mother figure. Through hard labour, moral and religious training these 'girls' could be saved from their unfortunate positions—transformed from their 'Fair Lady' status to an ideal, morally upstanding woman.

Sociologist Kelly Hannah-Moffat describes this patronizing, infantilizing and at times unsettling relationship between prisoners and staff as a structure that forces women to "become unwilling participants in this close-knit community that is still controlled by surveillance, legal sentences and enforced punishment".[95] It stresses the attempts of prison reformers to bring moral reform into prisons was not a simple process, devoid of complication and reformer's and prison official's own sets of exploitative motivations. Modern viewers of carceral history must resist the urge to assume that prison reform

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[92] Hannah-Moffat and Shaw, *Taking Risks*, 57.
[93] Ibid.
[94] Ibid., 61.
[95] Ibd., 57.

matches a linear improvement in prisons. Though there may be large strides to address issues, such as the poor conditions seen in the Brown Commission, that does not mean the new systems are without fault or even properly address and resolve existing issues. In the case of Mercer Reformatory, this close-knit community was not without issues also found in less experimental prisons. Prisoners housed at the Mercer Reformatory were not the childlike, Fair-Lady stereotypes that make easily reformable subjects. Instead they displayed resistance to the reform practices of their "Mother", "attendants" and in more familiar and realistic terms, guards. Prisoners resisted through "certain acts of violence such as fighting, throwing dishes, stealing weapons, tearing their clothing, breaking furniture, assaulting staff members and threatening".[96] Those deemed too unruly for the ideal atmosphere of Mercer Reformatory were transferred to Kingston's female unit.[97] Despite this, those that remained in Mercer and were seen as acceptable subjects were exposed to gender specific programs that instructed various practical skills such as cooking, cleaning, mending and other domestic tasks. It also supported the cleansing abilities of hard labour, speaking once again to the prevalent idea in Canadian prisons that productive labour is seen as a purifying tool and also an opportunity for the prison to create an alternate income through the use unpaid labour.

After an investigation that revealed the supposedly therapeutic practices were in fact similarly cruel to those found in traditional prisons, the Reformatory would be formally discouraged from "corporal punishments, segregation on a diet of bread and water beyond six consecutive meals and segregation beyond six nights" as these

[96] Hannah-Moffat and Shaw, *Taking Risks*, 62.
[97] Ibid., 64.

punishments were thought to be too harsh for women.[98] This is in reaction to incidents in which one women prisoner was punished by being confined in a dungeon where the Surgeon forced her to eat discarded scraps of bread.[99]

Kingston's reaction to penal reform was largely connected to the effects of the Brown Commission of 1848-1849. Though largely Kingston Penitentiary was slow to react to penal reform and the raising of expectation in care for prisoners that emerged in the 1890s and onwards in Canada. This is especially apparent when we view the treatment of women, children and mentally ill prisoners.[100] In Kingston Penitentiary the treatment of these groups can shed light on the carceral systems failings as a whole, showing the oppression and exploitation experienced by all prisoners, not only men. When the Brown Commission was organized after the brutal flogging of an eleven-year-old boy, it revealed unhospitable conditions in the Kingston Penitentiary.[101] Further actions for reform often ignored the female population located at Kingston as they "little to advertise the success of the penitentiary model and were treated as disciplinary outcasts".[102] This speaks to the inability of the Canadian prison system to adequately provide care and spaces for female prisoners who were not seen as needing care, rehabilitation or appropriate funding because of their strange and odd status as both women and criminals. Instead women found themselves subject to the harsh conditions of Kingston Penitentiary where, even after the changes spurred by the Brown commission, they could be kept in the Prison of

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[98] Hannah-Moffat and Shaw, *Taking Risks,* 63.
[99] Ibid.
[100] Roger Neufeld, "Cabals, Quarrels, Strikes, and Impudence: Kingston Penitentiary, 1890-1914", *Social History*, vol 31 no. 61 (1998), 97.
[101] Neufeld, "Cabals, Quarrels, Strikes, and Impudence: Kingston Penitentiary, 1890-1914", 101.
[102] Neufeld, "Cabals, Quarrels, Strikes, and Impudence: Kingston Penitentiary, 1890-1914", 110.

Isolation where they were confined to solitary cells for twenty-four hours a day, including their work periods.[103] In records detailing the efficacy of the Prison of Isolation, the inspector of prisons, Inspector Moylan notes to Warden Lavell that "this solitary prison has had an excellent effect in maintaining discipline".[104] Not only is solitary confinement now regarded as a brutal and inhumane method of discipline, it also allowed for women prisoners to be more vulnerable to abuse by guards.[105] It is in the 1880s that criticism from the Inspector of prisons arises as it is believed that Kingston Penitentiary is unable to keep up with the times and is failing to improve the conditions so many prison reformers have criticized.[106] It is important to recognize that the idea that a prison is failing to 'keep up with the times' has real life effects on the wellbeing of human beings kept in prisons such as Dorchester Penitentiary. The conditions of prison are not a tool of punishment, but instead prisoners should be provided with the care and resources that assist in the rehabilitation of convicts.

For many of the convicts housed in prisons in the nineteenth century the conditions would dictate the conditions of the rest of their life. One such prisoner was Angele Poulin, who in 1874 was convicted along with her lover, Olivier Gallien, of the murder of her husband, Xavier Poulin.[107] Olivier Gallien was sentenced to death and hanged. Angele is also to be executed but her punishment is delayed as during the trial it is discovered she

[103] Neufeld, "Cabals, Quarrels, Strikes, and Impudence: Kingston Penitentiary, 1890-1914", 111.
[104] Ibid., 112.
[105] Ibid., 116.
[106] Ibid., 123.
[107] Capital case, Angele Poulin, [New Brunswick] - Sentence of death to be commuted into imprisonment for life in [Saint] John Penitentiary - S.S. no. 1275, Orders-in-Council, RG2, Privy Council Office, 1874-1548, 12409. http://central.bac-lac.gc.ca/.redirect?app=ordincou&id=12409&lang=eng.

was pregnant.[108] Her sentence was eventually commuted, and she was sentenced to life in prison. Census records fail to account the rest of Angele's life, nor much of the beginning. Instead we are left only with the assessment of her character recorded in her trial. It is in this trial that the judge spoke of her having acted out of "lusts and passions" and having "grossly violated… [her] marriage vow".[109] This recalls notions of the Dark and Fair Lady, Angele being portrayed as unsalvageable and sexualized Dark Lady. For Angele the conditions of Dorchester would be the conditions for the rest of her life, reminding us as both viewers of the prison system and historians that the conditions we discuss are reflective of the quality of life for real people such as Angele. By viewing her specific story, and the experiences of other convicts mentioned, we are able to escape the narrative of the 'typical prisoner' and the broad understandings the experience of being confined in nineteenth century prisons. Instead we are able to uncover the specific stories marked by interlocking oppressions and the intricacies of identity.

The stories of the women of Dorchester Penitentiary are incomplete. For many we have their names, their crimes, their age and place of origin. The lack written sources that capture the voices of these women means forces us to rely on the hints of information found in Sessional Papers, comparisons to other prisons, and the reports and findings of inspectors and investigators. It is through these methods of deduction that one can uncover Dorchester's inability to house and care for female convicts, coupled with their eager desire

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[108] Capital case, Angele Poulin, [New Brunswick] - Sentence of death to be commuted into imprisonment for life in [Saint] John Penitentiary - S.S. no. 1275, Orders-in-Council, RG2, Privy Council Office, 1874-1548, 12409. http://central.bac-lac.gc.ca/.redirect?app=ordincou&id=12409&lang=eng.

[109] Capital case, Angele Poulin, [New Brunswick] - Sentence of death to be commuted into imprisonment for life in [Saint] John Penitentiary - S.S. no. 1275, Orders-in-Council, RG2, Privy Council Office, 1874-1548, 12409. http://central.bac-lac.gc.ca/.redirect?app=ordincou&id=12409&lang=eng.

to exploit these women for their labour in order to create a profit. While women's needs are unmet in any institution, whether that be the large and overpopulated Kingston Penitentiary, the progressive but still abusive Mercer Reformatory, or the makeshift women's wing of Dorchester Penitentiary, we see an unwillingness to alter the circumstances of these women, leading to authorities praising women for their labour, while simultaneously not paying them, nor preparing appropriate accommodations for them. These experiences fit outside of those that are associated with a male, white prisoner. By focusing on the women's experience we are able to understand the intricate ways in which Dorchester failed to provide for its few women convicts, but also how the wider prison system in Canada forced women into prisons that not only lacked proper care and reform practices, but also misunderstood the needs, struggles and systemic reasons that caused women to resort to crime.

Chapter Three: Children in the Prison

To those unfamiliar with the historical discourse around nineteenth century prisons in England, America and Canada images inspired by Dickensian images of young street waifs and cunning child pickpockets may come to mind. To call these ideas Dickensian may lose sight of the actual conditions experienced by children in poverty and eventually and often in the penal system. Though credit must be given to Charles Dickens' writings about his experiences in English jails and his influence on reform and the education of the public regarding the inhumane conditions experienced by children within English jails. Instead we must rely on supplementary information to confirm the accounts of Dickens and recognize that his contemporarily influence brought exposure to the issue of child incarceration. In connection to Dorchester, Dickens' writings confirm to us that the presence of children in jails, whether they be North American or English, was not uncommon and was allowed with few impediments. Through viewing the experiences of two sets of children sentenced and housed within Dorchester together we may also see how the treatment of incarcerated children lies upon vectors of class, race and reform assumptions about criminality and the ability to reform specific types of children.

In 1890 Dorchester Penitentiary received a set of brothers who had been sentenced and incarcerated together for the shared two-year sentence for larceny. They were Walker and Edward Cook, aged twelve and ten years old.[110] The brothers were recorded as having been from St Andrews, New Brunswick, were both Presbyterians, Canadian born and

[110] It should be noted that there are inconsistencies in the reported named of these brothers. Walker Cook is sometimes referred to as Walter Cook, though censuses confirm both he and his father are recorded as Walker Cook multiple times. The Cook surname is sometimes misreported as Coock and Cock. Later in life Walker's name is listed as James Walker Cook, which is also his father's name.

white.[111] The boys presence in the prison as some of the youngest prisoners ever housed within Dorchester Penitentiary's walls did not go unnoticed. These boys' fates were mentioned in the June 28th, 1889 issue of the the Acadian and King's Co. Times. Containing little detail, the newspaper reports that "Two young lads, Walter Cook, aged 12, and Edward Cook, aged 9, have been sentenced at St Andrews to two years each in Dorchester Penitentiary for burglary."[112] Their sentencing is announced in the paper, but as evidenced by the lack of reaction in following editions it seems that public concern for the boys. That is not to suggest it was carried out without challenges or concern but rather that presence of such young children in penitentiaries is received with little protest and perhaps seen as an acceptable act of justice. When they do arrive to complete their sentence at Dorchester immediately the Protestant Chaplain expresses his concern for the well-being of these boys as they are housed among the male population and exposed to potential corruption. He expresses concern for all boy convicts, whom he classifies as sixteen and under.[113] In his report to the Inspector of Prisons and by extension the members of the House of Commons, Chaplain J Roy Campbell urges these higher up powers to reconsider the boys' housing.

> But what is more unsatisfactory and unpromising for the country is the once more increasing ratio of boy-convicts. On my side of the chapel I have 9 boys, as follows : 3 of 16 years ; 1 of 15 years ; 3 of 14 years ; 1 of 12 years, and 1 of 10 years. This is simply appalling. Two comparative infants—brothers—of the tender years of 12 and 10, sent to a penitentiary! We have provincial philantropists who have been agitating for years for the establishment of a reformatory for boys : but the public has not substantially sustained them, so at least, as to have the thing done. I admit that these little ones are probably in less danger of further contamination in this

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[111] Canada. Parliament, *Sessional Papers,* 6th Parl, 4th Sess, Vol 9 (1890), Identifier 9_08052_23_9, 10-xxi. Accessed April 2020. http://online.canadiana.ca/view/oocihm.9_08052_23_9/44?r=0&s=3

[112] The Acadian and King's Co. Times, vol VIII, no. 45 (June 28, 1889), Identifier N_00092_18890628, image 4. Accessed April 2020. http://www.canadiana.ca/view/oocihm.N_00092_18890628/4?r=0&s=5

[113] Canada. Parliament, *Sessional Papers,* 6th Parl, 4th Sess, Vol 9 (1890), Identifier 9_08052_23_9, 10-163. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_23_9/232?r=0&s=3

> institution than they would be in most of the country gaols ; and I also admit there is a very special eye kept on them by all the officials : but notwithstanding all this, it does seem to us to be a serious blot on the face of lower provincial society that this state of affairs is allowed to continue.

The Protestant Chaplain's concern shows an awareness that the penitentiary was not an appropriate home for children, as well as an understanding that the Atlantic provinces were suffering from a critical lack of institutions to care for impoverished children or child convicts. Concessions are made within the prison to house these two boys. They are sent to the local parish school in Dorchester where they attend daily classes that give then both an opportunity to gain an education, but also socialization with children and specifically non-criminalized children. The penitentiary goes so far as to even provide these boys with grey cloth suits as their school uniform, so they did not attend the parish school in their prison uniforms.[114] There are multiple other accounts of prison officials offering special treatment or voicing concern to their superiors regarding the Cook boys. The Protestant Chaplain expands on efforts to isolate the boys from older convicts as he discusses his own, trade instructors and keepers attempts to supervise the boys as well as ensure they are educated separately.[115] The Surgeon at Dorchester Penitentiary also commented on the presence of child convicts, specifically worried for the fate of their rehabilitation when exposed to adult male convicts. He states that the children held within Dorchester Penitentiary were inappropriately housed and he "can conceive nothing more likely to complete their moral ruin than to send children of such tender years to associate with a prison which includes

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[114] Canada. Public Safety Canada. *Federal Corrections, vol. 6, no. 2*. "History of New Brunswick's Federal Penitentiary". [Ottawa], June 1967. https://www.publicsafety.gc.ca/lbrr/archives/fc%206-2-1967-eng.pdf

[115] Canada. Parliament, *Sessional Papers,* 6th Parl, 3rd Sess, Vol 11 (1889), Identifier 9_08052_22_11, 12-71. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_22_11/121?r=0&s=2

among its inmates' murderers, thieves and burglars."[116] In this discussion of children's exposure to moral ruin, we are given evidence of prison's staff genuine and tender concern for these boys despite their criminal status and despite a lack of internal criticism of prison conditions and policies in contemporary to that period. The Warden once again expresses concern regarding the housing of boys in Dorchester Penitentiary in 1890.

> Seventeen boys under twenty-one were received during the year, two of these---brother—aged ten and twelve years respectively. It does seem cruel to send children so young to a penitentiary, especially children brought up in the country, as these were, and I do think it impossible for boys of that age to be so hardened as to necessitate the sending of them to an institution of this kind.[117]

The brothers in question are Walker and Edward Cook, who once again stand out among their fellow boy convicts as they are some of youngest prisoners ever received. The Warden's point the boys' crimes do not negate their vulnerability as children shows us that though traditional conceptions of a child convict may not have been as generous, the Warden's words in 1890 hint towards a growing concern for criminalized children. This is one of the last times we see penitentiary officials express concern for the population of boys as a home for boys is opened in 1893 in Saint John. The Industrial Boys Home, in the words of the Warden, will "eliminate the boy element for the future from this penitentiary".[118]

Despite the fact the Industrial Boys Home opened in 1893 and was presented as a solution to the issue of children being housed among adult male convicts, we still see the

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[116] Canada. Parliament, *Sessional Papers,* 6th Parl, 4th Sess, Vol 9 (1890), Identifier 9_08052_23_9, 10-165. Accessed April 2020. http://online.canadiana.ca/view/oocihm.9_08052_23_9/44?r=0&s=3
[117] Canada. Parliament, *Sessional Papers,* 6th Parl, 4th Sess, Vol 9 (1890), Identifier 9_08052_23_9, 10-161. Accessed April 2020. http://online.canadiana.ca/view/oocihm.9_08052_23_9/44?r=0&s=3
[118] Canada. Parliament, *Sessional Papers,* 7h Parl, 4th Sess, Vol 11 (1894), Identifier 9_08052_27_11, 15-22. Accessed April 2020. http://online.canadiana.ca/view/oocihm.9_08052_23_9/44?r=0&s=318-xv

arrival of children convicts to Dorchester Penitentiary. The concern once voiced for Walker and Edward Cook is lacking for another set of boys who are sentenced in 1893, notably after the construction of a boy's industrial home located in Saint John, New Brunswick. Joseph Pictou and Andrew Charles arrive in the prison to serve their five-year sentence for obstructing a railway. They are eleven and ten years old, Roman Catholics and are sentenced from Yarmouth County in Nova Scotia. Few concerns are raised for these boys in comparison to Walker and Edward Cook, especially when considering that Andrew and Joseph's sentence is three years longer than the Cook's. In fact, the only mention of Andrew Charles and Joseph Pictou's presence in Dorchester regarding their joint sentence is found in the Surgeon's report who states that admissions to the infirmary ended that year with the reception of "2 diminutive Micmac Indians, aged respectively 10 and 11 years."[119] The racial identities of Andrew and Joseph shed light on a possible answer to an obvious question—how did two sets of boys sentenced within three years of each other receive such drastically differing treatments? Joseph and Andrew's identities as Mi'kmaq children placed them in a precarious position as both vulnerable, criminalized and racialized. During this period residential schools acted a prison like structures that sought to regulate, assimilate and control Indigenous children. The only residential school in Atlantic Canada, the Shubenacadie Indian Residential School, had yet to open at the time of Joseph and Andrew's imprisonment. The treatment of Joseph and Andrew is an example of the ways in which prisons extended colonial aims as they enforced colonialist law, regulated Indigenous communities already destabilised by settler colonialism and removed

[119] Canada. Parliament, *Sessional Papers,* 7th Parl, 3rd Sess, Vol 10 (1893), Identifier 9_08052_26_10, 18-69. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_26_10/112?r=0&s=3

Indigenous people from their communities in an attempt to establish control and regulate them. As Edward and Walker Cook received educations and were watched closely by concerned prison officials, Joseph and Andrew are rarely mentioned. Apart from an entry confirming Andrew Charles' readmittance to Dorchester Penitentiary in 1899, a year after his original sentence was completed there is little or no information regarding exemptions and concession made for these young boys.[120] After his reimprisonment in Dorchester Penitentiary, the now seventeen year old Andrew Charles is listed as having committed the crime of "breaking, entering and stealing" despite his profession as a shoemaker. He is sentenced to a surprising six-year sentence, while Joseph Pictou becomes untraceable in census or prison records. Walker and Edward Cook prove difficult to track on the census as well, but this is due to their eventual status as naturalized American citizens.

In viewing the differences in how these children are treated, their ultimate fate as released children convicts is integral to our understanding of how the slight differences in their circumstances have dictated the course of their lives. The disruption to Joseph, Andrew, Walker and Edward's childhoods would have long lasting effects on their ability to integrate into free society. The Cook brothers are the only children that are traceable into adulthood using the census records. Edward Cook appears sporadically in records following his time in Dorchester Penitentiary. By 1891, at the age of thirteen, he has left Dorchester Penitentiary is living once more with his family, now on Grand Manan Island.[121]

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[120] Canada. Parliament, *Sessional Papers,* 8th Parl, 4th Sess, Vol 13 (1899), Identifier 9_08052_33_13, 18-94. Accessed April 202. http://www.canadiana.ca/view/oocihm.9_08052_33_13/657?r=0&s=1

[121] 1891 Census of Canada, New Brunswick, Charlotte, Grand Manan, digital item, s.v. "Edwin Cook," *Ancestry.ca.* https://www.ancestry.ca/interactive/1274/30953_148100-00453?pid=662383&backurl=https://www.ancestry.ca/family-tree/person/tree/77820219/person/48402475595/gallery&usePUB=true&_phsrc=jtJ139&usePUBJs=true

He then appears again in a marriage certificate in 1926, revealing he is divorced but is marrying twenty-four year old Ethel Bryant.[122] Eventually the couple lived in Worcester, Massachusetts where Edward's first child Constance was born in 1928. Edward's older brother Walker follows a similar route, eventually marrying Gertrude Oliver in 1901 in Lubec, Maine. Walker and Gertrude experience stillborn pregnancies in 1913 and 1918 until their children Violet and Hartford are born in 1905 and 1913 respectively. Further records that reveal Walker enlisting in the army in September of 1918, giving us the first and only insight into his physical appearance as it states the now forty-year-old is of medium build and height, with brown hair and blue eyes.[123] In an ironic change from Walker's beginnings as a ten year old committed to Dorchester Penitentiary, Walker's enlistment papers contain a small checkbox for the terms 'slacker' and 'delinquent'. [124] Though these terms refer to one's involvement in the war effort, each box remains unchecked leaving us with a reminder that despite his beginnings, Walker Cook escaped the potential downward spiral that his early incarceration might have caused. This is unlike Andrew Charles who is readmitted to the prison only a year after his initial release, reminding of the lack of supports in place for incarcerated children at this period, as well as the specific mistreatment of racialized children in system that regard them as less than.

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[122] New Burnswick, Canada, Marriages, 1789-1950, digital item, s.v. Edward Earnest Cook," *Ancestry.ca* https://www.ancestry.ca/interactive/61511/FS_005420597_00341?pid=209590&backurl=https://www.ancestry.ca/family-tree/person/tree/77820219/person/48402475595/gallery&usePUB=true&_phsrc=jtJ140&usePUBJs=true

[123] United States World War I Registration Cards, 1917-1918, Maine, Washington County, A-I, digital item, s.v. "James Walker". https://www.familysearch.org/ark:/61903/3:1:33SQ-GBP2-SF9?i=1499&cc=1968530&personaUrl=%2Fark%3A%2F61903%2F1%3A1%3AKZFB-PM2

[124] Maine State Archive Collections, 1718-1957, Maine, World War I Draft and Registration Index, 1917-1919, digital item, s.v. "James Walker Cook>" https://www.familysearch.org/ark:/61903/3:1:33SQ-G58D-Q8F1?i=211&cc=1807269&personaUrl=%2Fark%3A%2F61903%2F1%3A1%3AQ2HM-LDL6

The presence of children in prisons is not unique to Dorchester Penitentiary. In fact, as extensive penal reforms take effect and alter the lives of women convicts, as well as those who are mentally ill or disabled, the nineteenth century also sees a focus on child convicts. The rise of the social reformers known as 'child savers' focuses on the conditions experienced by the many children within the juvenile system. The child savers movement was largely based in Protestant and Catholic philanthropic societies which publicly condemned the incarceration of children in adult prisons or unregulated reformatories.[125] These groups aimed to remove children like those found in Dorchester Penitentiary and place them instead in industrial and training schools.[126] Integral to the belief system of child savers, social Darwinism provided answers to questions regarding poverty, criminality and family disruptions that did not include a critique of class structure. Social Darwinism focused instead on the innate moral weakness of the working class, mirroring ideas similar beliefs regarding the innate mental weakness of the working class that assisted in the development of mental illnesses and disabilities.[127] Scholar Anthony Platt contributes the rise of these positivist conceptions of criminology to the rising anti-urban sentiments of the time, in conjunction with rural, Protestant ethics that promoted ideas of purity through work and similar anti-urban ideas that promoted pastoral living. These ideas began to spread to America justice systems in combination with criminologist Cesare Lombroso's theory of the existence of criminal class. Lombroso's criminal class was characterized as a "morally inferior human species, characterized by physical traits

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[125] Paula Maurutto, *Governing Charities Church and State in Torontos Catholic Archdiocese*, *1850s-1950s (*Montreal: McGill-Queens University Press, 2003), 103.
[126] Ibid., 103.
[127] Anthony M. Platt, *The Child Savers; The Invention of Delinquency*, (Chicago: University of Chicago Press, 1969), 22.

reminiscent of apes, lower primate and savage tribes".[128] The dehumanization evident in these ideas suggests that not only in criminality an inhumane trait belonging to a class of different beings, but also that it is biological and inheritable. This concept of inheritable criminality becomes a driving force in child saver's motivations to prevent and intercept possible criminal traits and criminal circumstances that may have affected children. Some criminologists of the period see the inheritance of criminality inevitable, whereas others like the child savers see opportunity for salvation. Kentucky Industrial School of Reform's superintendent Peter Caldwell wrote in 1895 that the idea of heredity is " unjustifiably made a bugaboo to discourage efforts at rescue. We know that physical heredity tendencies can be neutralized and often nullified by proper counteracting precautions".[129] These efforts to rescue children largely centred around rural schools and programs that fulfilled Calvinist methods of work as a reform tool while also encouraging distance from the morally poisonous urban streets.[130] These programs and ideas were welcomed by prison organizations and boys' homes as seen in the case of one member of the Massachusetts Board of Charities who raised rural programs, stating that without rural exposure "children require a perverted taste for city life and crowded street; but if introduced when young to country life, care of animals and plants, and rural pleasures, they are likely… to be healthier in mind and body for such associations."[131]

The movement to improve the juvenile justice system was also another example of a social reform movement deemed suitable for middle- and upper-class women to

[128] Platt, *The Child Savers,* 23.
[129] Platt, *The Child Savers,* 24.
[130] Ibid.*,* 25.
[131] Ibid.*,* 25.

participate in. In an era when care for children was still deemed a woman's role as she was seen as a natural caretaker, child savers were more often women than men.[132] This reputable task aimed to socialize children appropriately was performed by upper and middle class women who were involved in penal reform and child welfare. These women focused on preventing the potential childhood exposure to adult pleasures such as pornography, cigarettes, movies, alcohol and anything else deemed to corrupt their innocence.[133] Many of these ideas were closely aligned with prohibition and temperance beliefs, movements also led by women. Both of these movements were led by women who involved themselves in the public sphere and the writing of political policies. One woman prominent already in the English penal reform movement, Mary Carpenter, visited the United States in 1873, visiting a selection of boys' industrial and reform schools. After viewing the Massachusetts Reform School in Westborough Carpenter said she found an "entire want of family spirit." She continued onto the New York reformatory where she found more conditions shocking to reformers.

> Natural life in the reformatory. All the arrangements of artificial…instead of the cultivation of land, which would prepare the youth to seek a sphere far from the dangers of large cities, the boys and young men were being taught trades which will confine them to the great centers of an overcrowded population.

Continuing on in Philadelphia Carpenter saw that "hundreds of youth were congregated under lock and key" whereas in Connecticut Reform School there was an "admirable system of agricultural training".[134] Mary Carpenter's words showcase women's involvement with penal reforms as well as their focus on the conditions of prisons

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[132] Platt, *The Child Savers,* 25.
[133] Ibid., 25.
[134] Ibid., 32.

experienced by children. It also displays child savers preference for rehabilitory practices that prized rural, work oriented therapies. This advocacy for children's rights would signal some of the early feminist movements that sought to shed light on the poor conditions experienced by children.

Modern readers often presume linear progress when discussing the evolution of systems once thought of has problematic. With the rise and prominence of women reformers like Mary Carpenter, one may assume a natural improvement of convict children's care. Instead, we must turn towards discussions of the true motives and effects of the systems and programs introduced in reform efforts. These new systems failed to address issues found in their predecessors, and instead they relied on potentially false or further damaging ideas. Anthony Platt's investigation into the child savers movement provides insight into how reform movements despite assumptions of positive linear progress, may create new oppressive systems when the original systems are uprooted without an extensive understanding of the ways in which it is oppressive. Platt's argument focuses on reformatory schools which he states were " unilateral, coercive and an invasion of human dignity".[135] While child savers did instill political changes that altered the system in place to house criminalized youth, they failed to alter the welfare options needed to provide children security and safety, instead only establishing intimidating and invasive tactics that demonized the working class. In Canada the child savers movement enacted change to the landscape of juvenile reform. In Toronto the Catholic Archdiocese operated two industrial schools, the St John's Industrial School for Boys which opened in 1895 and the St Mary's Industrial School for Girls in 1900. In the same period when the Warden of

[135] Platt, *The Child Savers,* 33.

Dorchester was urging for an industrial boy's school to be opened in order to accommodate the Cook Brothers, similar institutions being introduced in Toronto. St Mary's and Saint John's schools are notably run by religious groups, as many rehabilitory institutions of this period are. Many of the leading figures in the child savers movement in Canada we religious leaders. Clergy members in prison often pay special attention to the conditions experienced by children, as seen in Dorchester Penitentiary when the Protestant Chaplain expresses his concern for the Cook brothers. In particular clergy members remain vigilant about the dangers of housing young, vulnerable children with adult male criminals.[136] Father MacDonnell, a Catholic Chaplain in Kingston Penitentiary who in 1855—forty years before the opening of Toronto's industrial schools—argued for the establishment of a juvenile institution that would be a "remedial, industrial and penitential. The end to be aimed at ought to be, a reform [of the delinquent], by discipline approaching as near as possible, that followed in a Christian and well-regulated family".[137] This recommendation mirrors the words of Mary Carpenter and other reformers who feel reformatories should aim to model family dynamics. Whether these reformers' hopes for replicated family structures were effective is difficult to state when the circumstances of each industrial school were unique, as were each boy's experiences. By attempting to recreate family structures juvenile reform practices shifted from a punishment focus, now striving to counteract convicted children's original family's perceived immorality and neglect, industrial schools attempted to instill proper family atmospheres where characteristics like industry, discipline, and sobriety

[136] Maurutto, *Governing Charities Church and State in Toronto's Catholic Archdiocese*, *1850s-1950s,* 105.
[137] Ibid.

flourished.[138] The valuing of these character traits can be seen in the treatment of women, the mentally ill and the disabled. All of these identities are assumed to lack qualities like sobriety, industry, discipline and ultimately, but less blatantly, an ability to assimilate into society. This connects to the larger belief, held by many of those involved in the justice and prison system, that criminality is an inheritable biological trait that can be passed onto further generations. Soon this idea translates in eugenic beliefs that dictate the poor are inherently more criminal, conniving and cruel. These ideas based in illegitimate science are especially apparent when discussing the ways in which working class children kept in institutions like prisons and industrial schools are horrendously mistreated and dehumanized.

While this new institution may have boasted lofty, reformist inspired goals that centre around the replication of family bonds and a rejection of previous cruelty seen in prisons, rarely do these school achieve their goal in reproducing family dynamics as cases of abusive ty were common. St Mary's Industrial School quickly becomes overcrowded and young girls and women are sent to alternate institutions, such as the Good Shepherd Female Refuge for Fallen Women, an asylum for adult female prisoners and prostitutes.[139] As institutions were faced with overcrowding, poor staff training and underfunding, reputations as places of suffering increased. Another Ontario industrial school, the Victoria Industrial School opened in 1887 and by 1900 had gained a reputation. Historian Paul Bennett writes that in its later years being "sent to Mimico", the area in which the Victoria Industrial School had been built, was synonymous with "confinement in a decrepit,

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[138] Paul W. Bennett, "Turning 'Bad Boys' into 'Good Citizens': The Reforming Impulse of Toronto's Industrial School Movement, 1883 to the 1920s," *Ontario History* 78 (1986), 210.
[139] Maurutto, *Governing Charities Church and State in Toronto's Catholic Archdiocese*, *1850s-1950s*, 105.

regimented custodial institution with a mixed lot composed of hardened juvenile offenders, the mentally-deficient and the physically-handicapped."[140] Bennett's 1988 article focuses on oral histories, citing the director of Toronto's Big Brother organization, which would come to replace many aspects of Industrial Schools, who described the Victoria Industrial School as a cruel place where boys were "half fed" and operated as a "barbarous and antiquated system".[141] Bennett goes on to describes these school as nothing more than holding cells in which children "graduated to the central Prison and the Kingston Penitentiary then to gain employment and upright citizenship".[142] From these descriptions of industrial schools in Canada we may begin to understand that though they were proposed as a successful and kinder alternative to housing criminalized children in adult prisons, industrial schools soon developed similar issues and acted as training for impoverished and working class children as they were prepared for a life in institutions, struggling to avoid poverty encouraged crimes. British oral historian, Stephen Humphries argued that these social crimes committed by children who lived in the midst of relentless poverty created a false need for industrial schools that in reality acted as a form of class control, used to teach discipline and obedience in poor children.[143]

The Canadian penal system, as with many government structures, was based on the English model. A lack of scholarly investigation into the experiences of criminalized children pre-confederation and the organized reform movement that sought to alleviate the harshness of conditions for children leaves us with only English sources from which

[140] Bennett, "Turning 'Bad Boys' into 'Good Citizens'", 74.
[141] Bennett, "Turning 'Bad Boys' into 'Good Citizens'", 74.
[142] Maurutto, *Governing Charities Church and State in Toronto's Catholic Archdiocese*, *1850s-1950s*, 106.
[143] Bennett, "Turning 'Bad Boys' into 'Good Citizens'", 73.

hesitant comparisons can be made. In English prisons children were often housed temporarily and sentenced to transportation to an English colony.[144] At times children were sentenced to death for their crimes, such as in the case of thirteen year old John Bell who was hanged in Norwich for murder in the year 1831, signaling one of the last child executions in England though the death penalty for children would not abolished until 1908.[145] Despite this, executions became less common by the early nineteenth century as transportation became the most common sentence until the 1850s when reformatory schools began to open as privately run institutions financed by government grants.[146] Writings by Charles Dickens illuminate the conditions of these prisons as his visits describe conditions within British prisons, and specifically, the conditions experienced by children not unlike the ones he would write in Oliver Twist. In 1835 Dickens visits his first prison, the Newgate Gaol, and writes of the youth he meets there.

> In a tolerably sized room in which there were some writing materials and some copy books was the schoolmaster with a couple of his pupils; the remainder having been fetched from an adjoining apartment, the whole were draw up in line for our inspection. There were fourteen of them in all, some with shoes some without, some in pinafores with jackets, others in jackets without pinafores and one in scarce anything at all. The whole number had been committed for trial on charges of pocket-picking; and fourteen such terrible little faces were never beheld. There was not a redeeming feature among them – not a glance of honesty – not a wink of expressive anything but the gallows and the hulks. As to anything like shame or contrition, that was entirely out of the question. They were evidently all gratified at being thought worth the trouble of looking at, but we never looked upon a more despicable sight because we never saw fourteen such hopeless creatures of neglect before.[147]

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[144] David J. Bentley, *English Criminal Justice in the Nineteenth Century*, (London: Hambledon Press, 1998), 16.
[145] Bentley, *English Criminal Justice in the Nineteenth Century,* 15.
[146] Bennett, "Turning 'Bad Boys' into 'Good Citizens'", 16.
[147] Jeannie Duckworth, *Fagin's Children: Criminal Children in Victorian England*, (London: Hambledon and London, 2002), 58.

Dickens' observations allow us insight not only into the poor conditions of child prisons as he describes their lack of clothing and saddened faces, but also provide us with an example of an upper-class person presuming the character of poor, criminalized children. Dickens writing demonstrates concern and sympathy for these children but as he describes them as without honesty. In the same year as Dickens' visit to the Newgate Gaol, Kingston Penitentiary in Canada opened. Children as young as eight years old were imprisoned with adult convict populations and participated in prison life without recognition of their age. This included corporal punishment such as whipping.[148] This would be altered after the Brown Commission of 1848-1849 which revealed the near fatal flogging of an eleven-year-old, but reveals to us the conditions of prison in Canada we not unlike those in England which deprived children of the necessary welfare options and support necessary to shield them from the aspects of poverty that force people, and especially vulnerable children, to commit crimes.

The experiences of children in prison in nineteenth century varied as massive changes to the structure of the juvenile system occurred partly due to reformist actions and the internal criticism of prison staff. As prisons began to transfer children to industrial schools hopes for improved conditions were soon let down as industrial schools replicated many of the abusive structures of prisons, only succeeding in keep young boys and girls away from adult offenders. The systems that incarcerated children, whether they be jails, penitentiaries or industrial schools, failed to address the issues forcing children to resort to crime. Issues like poverty, family issues, substance abuse, and ultimately a lack of social

[148] Roger Neufeld, "Cabals, Quarrels, Strikes, and Impudence: Kingston Penitentiary, 1890-1914", *Social History*, vol 31 no. 61 (1998), 101.

supports fostered situations that lead to the desperate acts of survival. Within this broken system that led children to commit crimes and often recommit as adults, certain children received different treatment as their identities formed how they were treated by prison officials who had the power to alter rules and regulations to give special treatment to certain children. In the case of Joseph Pictou and Andrew Charles we see two boys not given the extra benefits and protections of staff despite their similarity in age to the Cook Brothers whose condition many staff members worried about, wrote about and eventually made exceptions to protect them. Within an already broken system, Joseph and Andrew experienced further oppression and reminders that that they were not equal to the white Brothers who entered the prison a few years before them. It is in the ignored stories of people Joseph Pictou and Andrew Charles that remind us of the ways in which the prison system discriminated against prisoners based on their race, even in the cases of the most vulnerable, children.

Chapter Four: Disability and Mental Illness in the Prison

The structure of a prison relies on an awareness of the needs of a prisoner--bathrooms to serve large numbers, cells to house increasing numbers of incarnated people, and kitchens to feed hungry prison labourers. This assumes the needs of prisoners are uniform. As discussed in earlier chapters, the needs of a prisoner, like the needs of a human, are anything but homogenous. Women require different spaces then men, children require different care than adults, and in the case of Dorchester Penitentiary, prisoners with disabilities and mental illnesses have vastly different needs than the design, staff, and order of the penitentiary provided for. Through viewing the experiences of convicts with disabilities and mental illnesses we are able to understand the unique failings of the penitentiary while also revealing the experiences of people who are marginalized not only due to their legal status as convicts, but because of their abilities and illnesses, and inability to perform the labour required from abled bodied healthy prisoners. The desire for nineteenth century Canadian prisons to pay back the cost of imprisoning a convict through convict labour, balanced with the severe lack of institutions able to house those who were disabled or mentally ill, especially those convicted of crimes, creates situations in which vulnerable prisoners are kept in inappropriate settings and exposed to abuse due to their difference.

Within Dorchester Penitentiary there are a few prisoners who are described using language of the era as 'idiotic', 'semi-idiotic', or 'lunatics'. This outdated and offensive terminology will be replaced with the term disabled, which includes both physical disabilities and cognitive disabilities, and mentally ill. It will only reappear when directly

quoting the words of prison officials contemporary to the period. It should also be noted that the union of these terms is not meant to suggest interchangeability or a lumping together of two unique experiences, but rather reflects the lack of attempts to distinguish between mental illness and disability when in the context of nineteenth century prisons. Lastly, in discussions of the past's definitions of disabled and mentally ill it is important to recognize the categorization of mental illnesses and the categorization of disabilities has historically blurred, and therefore modern discussions must take into account that what is modernly considered a mental illness and what is considered a disability do not necessarily mirror the past's definitions.

The exact number of prisoners with disabilities or mental illnesses housed in Dorchester Penitentiary is unknown, as there is no official record to list the specific conditions or even record denoting occurrences. Instead, we are able to gain some more precise information from passing mentions of mentally ill and disabled prisoners in sessional papers, as well as brief mentions in the Warden John B Forster's diary. In one of the first mentions of disability in the prison, the Protestant Chaplain J Roy Campbell discusses disability in reflection to the issue of young boys' presence in the prison. In modern disability studies much attention has been paid to the infantilization of disabled people, as their abilities are compared against normative milestones indicating adulthood.[149] Both groups, children and people with disabilities and mental illnesses, are lumped together as disruptions in a statement made by Chaplain Campbell. Largely, from

[149]Kirsty Liddiard and Jenny Slater, "'Like, Pissing Yourself Is Not a Particularly Attractive Quality, Let's Be Honest': Learning to Contain through Youth, Adulthood, Disability and Sexuality," *Sexualities* 21, no. 3 (2017): 319-333, https://doi.org/10.1177/1363460716688674)

this quote we are able to see that recognition that both children, mentally ill and disabled prisoners are seen as a disruption to the order and aim of the Penitentiary.

> Besides the boy-convict element, there are several others, that threaten the meaning and intention of a Penitentiary; -- that for example, which is proper to a blind asylum ; and which belongs to an asylum for lunatics and partial imbecils. I am satisfied that the attention of the authorities must, before long, be arrested in this connection.[150]

In this quote we see the Chaplain is aware that these prisoners are inappropriately housed in Dorchester, as he recommends placements in an asylum that caters to the needs of this specific population. Just as he laments the presence of the young boys in the Penitentiary and urges that higher authorities rectify the situation; he expresses the same concern to disabled and mentally ill patients. The construction of prison did not allow for proper care, nor did the penitentiary provide adequate space to house mentally ill or disabled prisoners they deemed disruptive to the larger population of inmates. Chaplain Campbell's recommendation that authorities must rectify this situation, though right in intention, is nearly impossible due to the lack of institutions in the Maritimes that would cater to the needs of mentally ill or disabled. This issue affected Atlantic Canada, but as Canada expanded and settler populations began occupying more areas, other provinces also lacked the necessary medical infrastructure needed to care for large numbers of mentally ill and disabled people. Prisoners who were mentally ill or disabled were not kept in infirmaries as no prison in British Columbia, Manitoba or New Brunswick constructed between 1875 to 1880 had a proper infirmary. Instead those prisoners suffering from any illnesses, not

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[150] Canada. Parliament, *Sessional Papers,* 6th Parl, 4th Sess, Vol 9 (1890, Identifier 9_08052_23_9, 10-163. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_23_9/233?r=0&s=3

just those with mental illnesses or disabilities, were housed in solitary punishment cells.[151] In Manitoba and British Columbia there is also no institutions to house the mentally ill until the 1880s.[152] As for people who were deemed both criminal and mentally ill, no institution in this period would be able to provide for adequate care for these overlapping categories.[153] Instead penitentiaries reacted to these specific cases by deeming them as 'dangerous insane', and regulating them to solitary confinement.[154] Language used around the descriptions of mentally ill and disabled prisoners described them as "criminal lunatics"[155] and "moral monsters".[156] No institution, asylum or penitentiary, was willing to take these prisoners, nor able to accommodate their needs. This in turn created a shuffle between institutions as they transferred prisoners. This mirrored the experiences of women and child in the prison who also find themselves passed between institutions as the system ignored their needs. The lack of specialized care and institutions able to house those seemingly forgotten by the system is especially apparent in cases of those who are both mentally ill or disabled and criminalized. As their identities created intricate situations in which penitentiaries were unequipped to house them, the penal system and its officials revealed their motives by expressing their dissatisfaction with prisoners not exploitable through usual methods. Historian Ted McCoy describes the space in which mentally ill and disabled convicts occupy. He states that "the specter of these prisoners' incurability together with their inability to be productive subjected them to both moral

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[151] Ted McCoy, "The Unproductive Prisoner: Labor and Medicine in Canadian Penitentiaries 1867-1900," *Labour: Studies in Working Class History of the Americas* 6(4) (2009): 100.
[152] McCoy, "The Unproductive Prisoner", 104.
[153] Ibid.
[154] Ibid.,
[155] Ibid., 105.
[156] Ibid., 104.

condemnation and marginalization".[157] This summary of the intersecting oppression experienced by these prisoners reminds us of the penitentiary that values a prisoner only for their profitability and condemns them for their lack of perceived potential is also a space where the needs and abilities of all are assumed to be the same, creating this homogenous, depersonalized, dehumanized definition of a human that relies on the discounting the personhood of those with disabilities and mental illnesses.

At the same time many institutions seemed unable or unwilling to provide for their disabled and mentally ill patients, Dorchester Penitentiary appeared equally disgruntled with their own disabled and mentally ill prisoners. Dorchester Penitentiary and other penitentiary and prisons officials described the presence of mentally ill and disabled prisoners as a burden on staff and ultimately a damage to the overall productivity of the Penitentiary. In focusing only on the challenges that mentally ill and disabled prisoners presented to the penitentiary's productivity, the knowledge is reaffirmed that the goal of the penal system in the nineteenth century was not rehabilitation or care, but rather economic gain. This is reflected in other provinces of Canada such as Quebec, where proprietary asylums, or privatized asylums, were accused of seeking to gain the most profit from their patients rather than concern themselves with providing proper care.[158] Historian James Moran investigates this balancing act as he quotes the Board of Inspectors describing Quebec asylums' conditions as proof that "it is plainly the interest of the proprietors or contractors to spend as little as possible on the food and maintenance of the

[157] Ibid., 112.
[158] Joseph Melling and Bill Forsythe, *The Politics of Madness: The State, Insanity, and Society in England, 1845-1914* (London and New York: Routledge, 2006), 79.

patients, and to get as large as a return as possible from them in the shape of labour".[159] This sentiment reoccurs constantly, creating an tendency for penitentiaries and asylums to seek to provide the minimum conditions in return for the most profit and physical capacity for labour in a complicated balancing act as the prison wields biopower over its incarcerated bodies. Issues with this systemic exploitation of labour and shirking of medical care arise when penitentiaries and asylums are faced with mentally ill and disabled prisoners who are unable to work. Inspector of insane asylums for Ontario, John W. Langmuir stated in 1879 that "to implant and cultivate in that class of patients a taste for work…is of infinitely greater importance, than any other portion of Asylum work and supervision".[160] This adds another dimension to the treatment of mentally ill and disabled prisoners as they entered the penitentiary with not only the intention of reforming them of their criminal habits, but also transforming them in eager, productive workers. The focus on creating good workers within the penitentiary extends further, as we see this desire for personal productivity benefit uphold regulation in society, as described by Michel Foucault.[161] It is further impounded by the Anglo-American ideas of work as a method of therapy and the focus in the latter half of the nineteenth century that fostered a mentality that mental institutions needed to pay for the maintenance of prisoners themselves.[162] All of these factors therefore encouraged reform practices that relied on the use of labour as a

[159] James Moran, David Wright, and Mat Savelli, "The Lunatic Fringe: Families, Madness, and Institutional Confinement in Victorian Ontario," in *Mapping the Margins: The Family and Social Discipline in Canada, 1700-1975*, Nancy Christie and Michael Gauvreau eds. (Montreal and Kingston: McGill-Queen's University Press, 2004), 41

[160] Geoffrey Reaume, "Patients at Work: Insane Asylum Inmates' Labour in Ontario, 1841-1900," in Mental Health and Canadian Society Historical Perspectives James Moran and David Wright eds. (Montreal and Kingston: McGill-Queen's University Press, 2006), 69.

[161] Michel Foucault, Discipline and Punish: the Birth of the Prison, (New York, Pantheon Books, 1977).

[162] Reaume, "Patients At Work", 69.

regulating principle. Geoffrey Reaume writes about the use of work as therapy in the nineteenth century Quebec, summarising the use of steady work as a the most relied upon tool because work was supposed to "lead towards regular, steady, and above all, rational habit and away from mad thoughts." Conceptions of work as therapeutic and purifying were not uncommon. Sociologist and historian Andrew Scull mentions the use of steady work as therapy, denoting it as the "leading principle of moral treatment".[163] When the main method of therapy and rehabilitation in prisons is labour, those who are unable to perform labour are casted as unproductive, unreformable and eventually, a burden on the system. Marginalized now by their inability to exploited as slave-like labourers, disabled and mentally ill prisoners occupy a space where they are viewed not only as deviant, unnatural and criminal, but also as burden upon the penal system. Ellen Dwyer, a historian of criminal justice stated of the Willard Asylum that "economic considerations tended to override therapeutic ones…clearly employing the largest number of patients for maximum profits was Willard's primary objective."[164] As the nineteenth century progress the reliance on prisoner labour increased in Canada, as we see an intensification of patient labour profits in Ontario in the period 1880 to 1900.[165] Each yearly reports contains lowering costs for keeping each prisoner, along with successful reports from officials who delight at the lower cost and the increased productivity of prisoners.[166] For mentally ill and disabled prisoners in the late nineteenth century, their time in prison was increasingly shaped by their inability to work, their experiences with improper and abusive penitentiary care and

[163] Andrew Scull, *The Most Solitary of Afflictions: Madness and Society in Britain 1700-1900*, (New Haven, Yale University Press, 1993): 150.
[164] Reaume, "Patients at Work", 90.
[165] Reaume, "Patients at Work", 80.
[166] Ibid., 84.

ultimately, a process of dehumanization as their needs were ignored in favour of possible economic returns.

As prisons like Dorchester Penitentiary received prisoners with needs not suited to the structure of prison, they began relying on improvised solutions that sought to regulate and control prisoners rather than provide them with a rehabilitory environment. In many cases prisoners with mental illnesses and disabilities were deemed unruly and disorderly and kept in confinement in order to prevent them from disrupting the other prisoners. This is seen in Dorchester Penitentiary when Warden John B. Forster discussed keeping a mentally ill patient in confinement indefinitely as his persistent yelling and disruptions are angering other prisoners.[167] These methods of isolation can be criticized not only for their inhumanity but for their effect on the prisoner in question's health. This is exemplified in Britain where an "introduction of separate confinement and subsequent changes to penal policy in the 1860s and 1870s contributed to the incidence of mental disorder among prisoners".[168] The intense damage confinement had on prisoners is evidenced by prison Inspector Herbert Voules' report that a twelve year old boy had committed suicide after being confined for three weeks, despite only having five weeks left of his prison sentence.[169] The damaging effects confinement has on mentally well and abled bodied prisoners is enormous, and is only magnified in cases of mentally ill and disabled prisoners. Not only are mentally ill and disabled prisoners subjected to unsuitable care, they are further traumatized by confinement and isolation.

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[167] John B Forster, *Dorchester Penitentiary Warden's Diary*. Microfilm. Fredericton: Provincial Archives, M935.
[168] Catherine Cox and Hilary Marland, "'Unfit for reform or punishment': mental disorder and discipline in Liverpool Borough Prison in the late nineteenth century," *Social History* vol 44, 2 (2019): 174.
[169] Cox and Marland, "'Unfit for Reform or Punishment'", 185.

Confirmed by alienists and advocates for mentally ill and disabled people at the time, contemporary experts urged for these vulnerable prisoners to be moved as they insisted workhouses, prisons and jails were inappropriate places for them, regardless of criminal guilt.[170] Prison officials and even prison doctors were criticized by these groups for their poor understanding of mental illness and the appropriate treatment necessary to treat their prisoners.[171] Meanwhile prison officials' decisions regarding the care of prisoners with specific needs were swayed often by the economic reasons rather than humanitarian ones. As earlier mentioned, historian Ellen Dwyer described prison motivations as economic rather than therapeutic, a belief that is confirmed by Warden Forster's handling of four prisoners he describes as 'semi-idiotic' who are sent to Dorchester in 1890. Forster discusses the arrival of these prisoners.

> In the course of the year four semi-idiotic prisoners were sent to this penitentiary. An asylum would be the proper place for such poor creatures. It is however, more economic, for those interest in their support, to have them maintained at the expense of the Dominion.[172]

This quote from the Warden confronts us with a question—what does the care, or in the Warden's words 'maintenance', of disabled and mentally ill patients look like in a prison? The Warden's lack of attention paid to the care of these prisoners is supplemented by the informative but brief report written by the penitentiary surgeon. Four years earlier in 1886, Dr Robert Mitchell describes his treatment for prisoners received by him who have mental illness and disabilities.

> The mental condition of a number admitted this year is such that, although they cannot be pronounced actually insane, are of such defective mental organization as

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[170] [170] Cox and Marland, "'Unfit for Reform or Punishment'",178.

[171] Ibid., 178.

[172] Canada. Parliament, *Sessional Papers,* 6th Parli, 4th Sess, Vol 9 (1890, Identifier 9_08052_23_9, 10-xxiv. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_23_9/233?r=0&s=3

> to render them, in my opinion, not wholly responsible for the violence and excitement they often exhibit. Of this class we have several, some of whom give away to occasional fits of violent passion and wild excitement, without the slightest reason, over which they have not the least control. These give considerable trouble, and require occasional restraint and separation.[173]

This confirms diary entries from Warden Forster that detail confining and separate patients who are prone to these described outbursts. The maintenance offered to prisoners with disabilities and mental illnesses is not treatment as much as oppressive regulation and isolation in order to avoid disruptions. The lack of care provided to disabled and mentally ill prisoners therefore creates a system in which mentally ill and disabled people, who require systemic changes to social, political and medical structures in order to foster their independence and appropriate care, fall into criminal situations which in return forces them into prisons unequipped to care for them, prolonging their alienation from society while upholding abusive and cruel situations. In some cases, this sequence of events can be intercepted. Disabled and mentally ill prisoners who are removed from the prison and instead sent to asylum supposedly are provided more appropriate care, although those claims are asserted by prison and asylum officials and not the marginalized prisoners themselves. When investigating the history of mental illness and disabilities, one must recognize prisons in this period lacked appropriate care and provided abusive treatment tactics that created an institutionalized and organized system of traumatization and harmful. With this foundation of knowledge our next path of inquiry must investigate the conditions and potential changes in care seen in asylums in contrast to the earlier methods of incarceration as social regulation rather than therapeutic intervention. This shift from

[173] Canada. Parliament, *Sessional Papers,* 5th Parl, 4th Sess, Vol 11 (1886, Identifier 9_08052_19_11, 15-58. Accessed April 2020. http://www.canadiana.ca/view/oocihm.9_08052_19_11/123?r=0&s=1

regulating prisons to therapeutic asylums is often referred to within Canada as a movement from "custodial" to "curative care".[174] Prison based custodial care had traditionally focused on basic care in combination with sedatives and isolation whereas asylum's curative care sought to employ concepts of moral therapy.

Upon the emergence of asylums in Canada, penitentiaries like Dorchester were able to transfer prisoners whom medical officers deemed as mentally ill or disabled. When economically beneficial, prisoners with disabilities and mental illnesses kept in Dorchester Penitentiary were transferred to the newly opened asylum at Kingston Penitentiary. The Kingston asylum became a receiving place for mentally ill and disabled prisoners who were unable to be cared for in federal prisons. Historian Ted McCoy describes Kingston as a repository for criminal lunatics from all over the dominion".[175] In an 1881 report by the Minister of Justice regarding penitentiaries in Canada it is reported that some penitentiaries had begun sending their mentally ill patients to Kingston's recently opened asylum.

> An asylum has been provided within the walls of Kingston Penitentiary for criminal lunatics. Every care and attention, which they unhappy conditions requires, is bestowed upon them by the attending Physician, the Warden and the officers who have them in charge. Convicts, who become insane at St Vincent de Paul and Dorchester are removed for treatment, to the criminal lunatic asylum, at Kingston Penitentiary.[176]

This method of removal is similar to the treatment of women in Dorchester as they are too are transferred from Dorchester to Kingston in order to relieve overburdened penitentiaries and hopefully provide better care to prisoners. When investigating the

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[174] McCoy, “The Unproductive Prisoner", 105.
[175] Ibid.
[176] Canada, Department of Justice, *Report of the Minister of Justice As To Penitentiaries In Canada*. (Ottawa 1882), viii. https://www.publicsafety.gc.ca/lbrr/archives/csc-rmjpc-1881-eng.pdf

experiences of women in Kingston Penitentiary during the late nineteenth century supposedly improved conditions are quickly revealed to fail prisoners once more, as Kingston Penitentiary prisons and asylums are quickly overwhelmed with overcrowding and begin to replicate structures of abuse and cruelty. In the case of the asylum at Kingston Penitentiary, often referred to as the Rockwood Asylum, scholar and historian Danielle Terbenche summarises the care provided as imperfect but improving from the oppressive tactics of previous asylums and prisons. She states that "though certain mechanisms of control were used, they were seemingly less oppressive than former practices involving restraint and isolation."[177] What is lacking in the Rockwood Asylum is the consent of its patients who were subject to new and experimental methods of treatment as Rockwood became a place to employ therapeutic theories. Rockwood Asylum's treatments allowed for some relief from some symptoms, including violent outbursts like the ones described by Dr Robert Mitchell.[178] Previous makeshift wings for mentally ill and disabled prisoners at Kingston Penitentiary and even earlier versions of Rockwood Asylum lacked this care. When assuming his position as superintendent of the Rockwood Asylum in 1877, two years after its opening, Dr William Metcalf described his horror at the behaviour of asylum staff who he described as cruel and uninterested in assisting patients. This is further confirmed by the words of Daniel Hack Tuke, an English physician and prisoner reformer who visited Kingston's Rockwood Asylum in the same year.

> The patients are treated with almost as much rigour as convicts, though not dressed in prison garb. In the basement are “dungeons,” to which patients when they are refractory are consigned as a punishment, although the cells above are all sufficiently prison-like. The floors of the cells are of stone, and would be felt to be a

[177] Terbenche, Danielle. "'Curative' and 'Custodial': Benefits of Patient Treatment at the Asylum for the Insane, Kingston, 1878-1906." *The Canadian Historical Review* 86, no. 1 (2005): 51. doi:10.1353/can.2005.0091.
[178] Terbenche, "'Curative' and 'Custodial'", 52.

> punishment by any patient in the asylums of Ontario. Two men in the cells had once been patients in the asylum. One, with whom we conversed at the iron gate of this dungeon, laboured under a distinct delusion of there being a conspiracy against him. It was certainly not very likely to be dispelled by the dismal stone-floor dungeon in which he was immured, without a seat, unless he chose to use the bucket intended for other purposes, which was the only piece of furniture in the room.[179]

Tuke's experiences in Rockwood Asylum show the ways in which inappropriate care retraumatized patients like the one who he encounters near the iron gate whose condition Tuke suggests is only worsened by the abysmal conditions in the asylum's dungeon. Just as the penitentiaries who employed custodial care methods that relied on confinement and sedation furthered the abuse of mentally ill and disabled prisoners, the early stages of Rockwood Asylum also failed to provide care. These issues are addressed by Rockwood Asylum's new superintendent Dr William Metcalf. Quickly he replaced these staff members and implemented a two-year training program for female attendants.[180] This training program is Canada's earliest example of medical training for the care of the mentally ill.[181] Metcalf's tenure as superintendent of Rockwood Asylum exemplifies the positive effects of proper training and education of staff who are charged with the care and understanding of mentally ill and disabled prisoners. Metcalf's implementation of a training program can be described as a reformist policy that shows an early attempt at dismantling aspects of the accepted oppressive system of care traditionally seen in the nineteenth century. Yet, the Rockwood Asylum was far from an idyllic place of healing and support, but rather is an early attempt at incorporating new ideas regarding treatment and care that, for the period,

[179] McCoy, “The Unproductive Prisoner", 104.
[180] Terbenche, "'Curative' and 'Custodial'", 36.
[181] Ibid., 37.

was relatively successful, and in the case of Dorchester Penitentiary fulfilled the need for alternate housing for disabled and mentally ill convicts.

In order to understand the experiences of mentally ill and disabled prisoners in the nineteenth century, it is integral to understand how contemporaries of this period characterized mentally ill and disabled people. Historical perceptions of mental illness and disability are often marked by medical ignorance, religious reasoning and connections to immorality. In the 1860s English prison policy shifted as Cesare Lombroso's theories of criminality and the criminal class flourished. Once focused on rehabilitation and reform, the English system shifted towards disciplinary and deterrent systems that's characterized prisoners as a dangerous group who were incapable of ever reforming or assimilating into society.[182] With these ideas comes a belief that criminality is inherent to a person's biological make up, suggesting that criminality is inheritable and originates within a specific class of people. Dr John Campbell, a physician who began his career in 1852 as a prison doctor, stated after working for the prison system for thirty years that mentally ill prisoners were often "children of debased and drunken parents, generally of the habitual drunken class; so that the inherent hereditary predisposition, as well as the bad example set at home renders the removal from such baneful influences the surest safeguard".[183] Perceptions of the mentally ill and disabled that suggested they had inherited traits caused by the moral failings of families were not medical misunderstandings but a belief that continued the degradation and abuse of prisoners and patients who required empathetic therapeutic care. Similar beliefs regarding the inheritably of criminality and moral failings

[182] Cox and Marland, "'Unfit for Reform or Punishment'", 189.
[183] John Campbell, Thirty Years Expereince of a Medical Officer in English Convict Service (London, 1884), 106. Cited in Cox and Marland, "'Unfit for Reform or Punishment'", *Social History* vol 44, 2 (2019), 190.

are seen in discussions of convict children. In Manitoba and British Columbia inspectors would go so far as to refer to mentally ill and disabled prisoners as "moral monsters".[184] The demonization of mentally ill and disabled prisoners allowed for both the public and prisoners officials to continue their damnation of these perceived hopeless cases, prolonging structures that openly abused and mistreated prisoners and patients. Due to misunderstandings regarding the nature of mental illness and disability, prison structures were slow to change in response to reform movements as many regarded these marginalized prisoners as incurable and morally deficient. Efforts like Dr Metcalf's specialized training program for female attendants are examples of intentional efforts to combat a fostering of these misunderstandings, and instead supplied medical education to those charged with the care of mentally ill and disabled people.

When investigating the structures in place in the 1800s that allowed for the continued abuse of mentally ill and disabled prisoners, it is necessary to discuss the role that individual officials such as guards, keepers, medical officials and wardens played in continuing a system of suffering. Those who ran prisons, whether they be wardens, guards, medical professionals or other officials who had close contact with the day to day operations of the prison tended to shift blame towards magistrates, prosecutors, municipal, and provincial prison authorities.[185] Historian Ted McCoy recognizes that penitentiary officials were aware that prisoners who fell into categories of disability and mental illness did not belong in penitentiaries, but were unable to alter their sentencing or create alternate systems of care.[186] A similar acceptance of circumstances deemed unavoidable is

[184] Cox and Marland, "'Unfit for Reform or Punishment'", 104.
[185] Ibid., 111.
[186] Ibid., 110.

seen when judges, a group prison officials shift blame towards, habitually doll out sentences longer than two years in order to send mentally ill and disabled prisons to federal penitentiaries as municipal and provincial jails and prisons were considered less humane.[187] As participants, whether they may be magistrates or prison officials, view themselves unable to change the system as an individual or as a single penitentiary, this shift in blame allowed them to recognize and criticize the penal system while also ridding themselves of any personal guilt. This balancing of culpability creates a complicated situation for medical professionals in prisons. Emerging as complex participants in the system, medical staff are positioned as both possible authorities on therapeutic reform, but as the writings of historian Peter McRorie Higgins on English medical officials in prisons argues, medical officials were less interested in following prison rules for discipline and more concerned with providing care to their prisoners and avoiding instructions that could damage the prisoner.[188] As medical professionals in prisons wrestled with their dual duty to the penal system and their personal duty as medical professionals, they cannot be casted easily as reluctant and resistant carers, nor as enforcers of penal policy. Instead they must be summarised as professionals attempting to do their best while being bound to a multitude of allegiances.[189] This does not excuse their potential participation in systems that prolonged abuse, but recognizes that the nuanced space occupied by medical officials in prisons who must wrestle with professional duty as both penal power figures and medical authorities. Therefore the question of medical professionals', as well as other positions of power within the prison, responsibility to resist oppressive structures that

[187] Cox and Marland, "'Unfit for Reform or Punishment'",111.
[188] Ibid., 175.
[189] Ibid.,201.

prolonged the suffering and ill-treatment of mentally ill and disabled people is complicated by the knowledge that they must balance their own knowledge of their professional best with the intensely engrained notions that mentally ill and disabled people must be corrected and regulated. As we modern interpreters struggle to balance the knowledge that those upholding this system were not innately evil, but also not entirely blameless in their participation, we must also respect the experiences of history's mentally ill and disabled people who were and continue to often be misunderstood, judged and demonized by those tasked with caring and supporting them. And lastly, we must remember that even those physicians who were leading experts in their fields and urged for new methods of care and reform, were not all examples of upward linear improvement. Even those who provided the recommended care may not have been providing the best medical care if the true aim of medical care is to support and improve the conditions of patients. This notion is epitomised by the startling words of British physician Dr Thomas Laycock, one of the founders of physiological psychology and creator of a psychological classification systems, described the mentally ill and disabled criminals as a group of people so "constituted corporeally that they possess no self-control beyond that of an ordinary brute animal…They are for the most part immoral imbeciles."[190]

By investigating the question of responsibility and blame in regards to the errors in penitentiary and asylum care, we are also given insight into potential resistance that may have been encountered by reformers who were tasked with the delicate duty of critiquing authorities while also maintain positive relationships that fostered change that would

[190] T. Laycock, "Suggestions For Rendering Medico-Mental Science Available To The Better Administration Of-Justice, And The More Effectual Prevention Of Lunacy, Vice, And Crime.," *The Lancet* 92, no. 2352 (1868): pp. 403-405, https://doi.org/10.1016/s0140-6736(02)3944

ultimately benefit disabled and mentally ill patients. This task is undertaken in earlier attempts a reform by American reformer of asylums and Superintendent of Army Nurses, Dorothea Dix. Upon her visit to Quebec and Ontario in 1843, Dix carefully called for the state provision and regulation of care provided to the mentally ill and disabled. Understanding the system in place valued economic reasonings, Dix's arguments combined her humanitarian efforts with economic benefits, providing Quebec and Ontario governments with possible economic incentives. She wrote that "the accumulation of large numbers of hopeless cases in your prison…affords evidence that the longer a proper provision is delayed in your country, the greater are your annual expenses, and these will be find rising year by year, while the application of remedies existing evils is delayed."[191] Understanding the motivations of those who dictated the design of prisons, Dix argued that asylums would be more economic beneficial and ultimately, cut expenses. Dix was not the first to petition for the establishment of state asylums in Canada. Dr John Doratt also employed economic arguments in combination with medical and humanitarian motivations in his 1839 report on the state of care for the insane.[192] Sourcing many of his arguments from the work of English and European medical professionals, Doratt encouraged change in North American colonial understandings of mental illness and disability. After inspecting the prisons and hospitals housing mentally ill and disabled people, Doratt criticized heavily the reliance on confinement and isolation from the natural world.

> It is a fact well ascertained that insane persons held in close confinement, and thereby prevented from receiving the natural and requisite effects of fresh air, and likewise deprived of the means to exercise the body are such deprivations exposed

[191] James Moran, "Manipulating a Monopoly: The State and the 'Farming-Out System' in Quebec," in *Committed to the State Asylum: Insanity and Society in Nineteenth-Century Quebec and Ontario* (Montreal: McGill-Queen's University Press, 2000), 20.
[192] Moran, " Manipulating a Monopoly", 17.

> to the fearful effects of the lower decomposed blood and arrested circulation, from which not infrequently mortification of the lower extremities is the result; and if the cerebral structure of an insane person should be pressed up from any irregularity of venal circulation, the disease of insanity will in all probability be much aggravated.[193]

Doratt's suggestions closely align with the changes put in place by people like Dr Metcalf nearly forty years later. Though Doratt succeeds spreading reformist ideas and inspiring further reformists, his 1839 recommendations are not taken into place as they fail to be as economically beneficial as desired by the state.[194] This demonstrates to us that changes to the penitentiary and asylum systems were in fact possible, but required strong economic reasoning in order to gain traction. Ultimately, systemic change was inspired in part by the constant advocating for improvement through humanitarian activism, and only allowed when economically desirable.

The experiences of disabled and mentally ill persons imprisoned in Dorchester Penitentiary are not unique in the ways they are marked by ignorance, exploitation and dehumanization. Mentally ill and disabled people suffered due to their position as criminalized people with unique needs that were unwelcomed and unanswered by penitentiary officials who desired economically profitable prisoners. Demeaned to a status as burdens on a fiscally minded system, mentally ill and disabled people were housed in penitentiary and later asylums that were unequipped to support them and at times viewed them as incurable, needing only to be cared for at the most basic level, or even less. Officials of penitentiary and asylums, like the Warden who enforced solitary confinement for disabled prisoners, or the Surgeon who recommended restraint to deal with overexcited

[193] Moran, " Manipulating a Monopoly", 18.
[194] Ibid., 26.

prisoners, resorted to improper methods of care that only aggravated the conditions of their charges. As reform movements altered the landscape of prisons and penitentiaries' policies regarding the mentally ill and disabled, change remained slow and difficult to implement as governments maintained steadfast preferences for cost-effective forms of care. These slow to enact changes to broken systems of care remind us of the ultimate aims of the wider prison system—to extract the most labour for the lowest cost. Unable to be made to forcibly perform prison labour, the experiences of mentally ill and disabled people are not only enlightening and integral to understanding the errors in our modern systems, but also reveals the true intentions of Canada's prison system in the nineteenth century.

Conclusion

Prisons in late nineteenth century Canada experienced rapid change as alternate institutions opened to accommodate unique prisoners, reformers made their voices heard as they entered prisons and revealed the inhumane conditions forced upon society's criminals. Despite these changes, the conditions of prisoners did not see rapid improvements. Instead the alternate institution meant to fill gaps in care for women, children, disabled and mentally ill convicts failed to avoid similar issues as overcrowding and abuse reappeared in these supposedly progressive places. Children, women, mentally ill and disabled people still found themselves in institutions that prized work as therapy, moral reform through religious teaching and ideas regarding the connections to poverty and criminality. They ignored issues of unregulated power over vulnerable prisoners and patients. By viewing the ways in which these reforms replicated abusive systems we are able to understand the true motives of prisons in Canada. In Dorchester Penitentiary and other prisons, the issue of profitability reoccurs. Constant focus on the economic benefits of prisons shows the aims of the penal system is not to rehabilitate or provide care to prisoners, but rather exploit the most labour from them while spending the least amount of money on their care. To reveal these motives, we may also turn towards the experiences of people like Angele Poulin, Andrew Charles, Joseph Pictou and the Cook Brothers. In viewing the experiences of ignored groups like women, children, disabled and mentally ill prisoners we see how the penal system vies them as a burden on their system of economic profit. Perceived instead as drains on their economic ventures, these groups experienced unique

oppressions because of their inability to be exploit in traditional ways that benefit fiscal plans.

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